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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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 27

[Docket No. FAA–2019–0546; Notice No. 27–048–SC]

Special Conditions: Bell Helicopter Textron Canada Limited, Model Bell 505, Visual Flight Rules Autopilot and Stability Augmentation System (AP/SAS System)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Bell Helicopter Textron Canada Limited (BHTCL) Bell Model 505 helicopter. This helicopter as modified by S–TEC will have a novel or unusual design feature associated with installation of the autopilot and stability augmentation system (AP/SAS system). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: These special conditions are effective February 19, 2020.

FOR FURTHER INFORMATION CONTACT: Andy Shaw, Aerospace Engineer, FAA, Rotorcraft Standards Branch, Policy and Innovation Division, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5384; email *Andy.Shaw@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On January 21, 2019, S–TEC applied for a supplemental type certificate (STC) to install an AP/SAS system on the Bell Model 505 helicopter. The Bell Model 505 helicopter is a 14 CFR part 27 normal category, single turbine engine, conventional helicopter designed for civil operation. This helicopter model is capable of carrying up to four passengers with one pilot and has a maximum gross weight of up to 4,475 pounds (external loading). The major design features include a 2-blade main rotor, an anti-torque tail rotor system, a skid landing gear, and a visual flight rule basic avionics configuration. S–TEC proposes to modify this model helicopter by installing an AP/SAS system.

The AP/SAS system provides attitude stabilization in two or three axes (pitch and roll with optional yaw) as well as higher-level autopilot functions such as altitude hold, heading command and navigation tracking. However, the possible failure conditions for this system, and their effect on the continued safe flight and landing of the helicopter, are more severe than those envisioned by the present rules.

The effect on safety is not adequately covered under 14 CFR 27.1309 for the application of new technology and new application of standard technology. Specifically, the present provisions of § 27.1309(c) do not adequately address the safety requirements for systems whose failures could result in catastrophic or hazardous/severe-major failure conditions, or for complex systems whose failures could result in major failure conditions. The current regulations are inadequate because when § 27.1309(c) was promulgated, it was not envisioned that a normal category rotorcraft would use systems that are complex or whose failure could result in ''catastrophic'' or ''hazardous/severe-major'' effects on the rotorcraft. This is particularly true with the application of new technology, new application of standard technology, or other applications not envisioned by the rule that affect safety. Possible failure modes exhibited by the S–TEC AP/SAS system could result in a catastrophic event.

Type Certification Basis

Under 14 CFR 21.101, S–TEC must show that the Bell Model 505 helicopter, as modified by the installed AP/SAS, continues to meet the applicable regulations incorporated by reference in the Type Certificate Number R00008RD. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in Type Certificate Number R00008RD are as follows:

14 CFR part 27, dated October 2, 1964, amendment 27–1 through 27–47

14 CFR part 36, amendment 36–1 through 36–30

In addition, the certification basis includes certain equivalent level of safety findings that are not relevant to these special conditions.

The Administrator has determined the applicable airworthiness regulations (that is, 14 CFR part 27), as they pertain to this STC, do not contain adequate or appropriate safety standards for the Bell Model 505 helicopter because of a novel or unusual design feature. Therefore, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should S–TEC apply for an STC to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model.

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

Novel or Unusual Design Features

The Bell Model 505 helicopter will incorporate the following novel or unusual design features: AP/SAS. An autopilot (AP) is a system used to control the trajectory of an aircraft without constant input from the pilot. This allows the pilot to focus on other aspects of operations such as weather and systems. A stability augmentation system (SAS) is another type of automatic flight control system; however, instead of maintaining the aircraft on a predetermined attitude or flight path, the SAS will reduce pilot workload by dampening aircraft buffeting regardless of the attitude or flight path.

Discussion

To comply with the provisions of the special conditions, the FAA requires that S–TEC provide the FAA with a systems safety assessment (SSA) for the final AP/SAS installation configuration that will adequately address the safety objectives established by a functional

hazard assessment (FHA). This process will ensure that all failure conditions and their resulting effects are adequately addressed for the installed AP/SAS. The SSA process is part of the overall safety assessment process discussed in FAA Advisory Circular 27–1B, *Certification of Normal Category Rotorcraft,* and Society of Automotive Engineers document Aerospace Recommended Practice (ARP) 4761, *Guidelines and Methods for Conducting the Safety Assessment Process on Civil Airborne Systems and Equipment.*

These special conditions require that the AP/SAS installed on a Bell Model 505 helicopter meet the requirements to adequately address the failure effects identified by the FHA, and subsequently verified by the SSA, within the defined design integrity requirements.

Failure conditions are classified according to the severity of their effects on the rotorcraft. Radio Technical Commission for Aeronautics, Inc. (RTCA) Document DO–178C, *Software Considerations in Airborne Systems and Equipment Certification,* provides software design assurance levels most commonly used for the major, hazardous/severe-major, and catastrophic failure condition categories. The AP/SAS system equipment must be qualified for the expected installation environment. The test procedures prescribed in RTCA Document DO–160G, *Environmental Conditions and Test Procedures for Airborne Equipment,* are recognized by the FAA as acceptable methodologies for finding compliance with the environmental requirements. Equivalent environment test standards may also be acceptable. Environmental qualification provides data to show that the AP/SAS system can perform its intended function under the expected operating condition. Some of the main considerations for environmental concerns are installation locations and the resulting exposure to environmental conditions for the AP/SAS system equipment, including considerations for other equipment that may also be affected environmentally by the AP/SAS equipment installation. The level of environmental qualification must be related to the severity of the considered failure conditions and effects on the rotorcraft.

Discussion of Comments

Notice of proposed special conditions No. 27–048–SC for the Bell Helicopter Textron Canada Limited (BHTCL) Bell Model 505 helicopter was published in the **Federal Register** on November 21, 2019 (84 FR 64233). Comments were received from two commenters.

One commenter requested generally that the FAA broaden the scope of the safety standards to allow for expanded technological improvements. This commenter did not request specific changes to the proposed document.

The FAA disagrees. The proposed special condition is not a rule of general applicability. It affects only the model aircraft for which it is issued. The FAA did not make any changes in response to this comment.

Bell Textron, Inc. stated that autopilot and stability augmentation systems are not ''novel or unusual'' design features because these types of systems are common and have been used in helicopters for many years.

The FAA disagrees. As explained under ''Type Certification Basis,'' the FAA issues special conditions when the conditions in § 21.16 are met. Under that rule, whether a design feature is ''novel or unusual'' is not determined by how long it has existed or how commonly it is used. Rather, a feature is novel or usual if the applicable airworthiness regulations do not contain adequate or appropriate safety standards to address it. For the reasons explained under ''Background,'' current § 27.1309 does not adequately address the safety requirements for the S–TEC AP/SAS. Accordingly, this system is a novel or unusual design feature under § 21.16. The FAA did not make any changes in response to this comment.

Bell Textron, Inc. also requested the FAA clarify the maximum gross weight stated in the notice of proposed special conditions.

The FAA agrees and has made the requested change. These final special conditions state that the maximum gross weight of 4,475 lbs is for external loading.

Bell Textron, Inc. requested that the FAA add language to the references to ARP 4754 and DO–178C stating that these documents are acceptable methodologies for finding compliance with the applicable requirements and equivalent methodologies may be acceptable.

The FAA agrees to clarify. The notice of proposed special condition does not contain any reference to ARP 4754 and does not require that S–TEC comply with RTCA DO–178C. Rather, the reference to RTCA DO–178C for software design assurance levels is informational. S–TEC may use ARP 4754A and DO–178C or any other equivalent methodology that the FAA finds acceptable to show compliance. The FAA did not make any changes in response to this comment.

Lastly, Bell Textron, Inc. requested the FAA clarify whether Policy Statement PS–ASW–27–15 can be applied in this application.

The FAA agrees to clarify. FAA Policy Statement PS–ASE–27–15 may be used by S–TEC in showing compliance with this special condition. The FAA did not make any changes in response to this comment.

Applicability

These special conditions are applicable to the S–TEC AP/SAS installed as an STC approval in Bell Model 505 helicopters, Type Certificate Number R00008RD.

Conclusion

This action affects only certain novel or unusual design features for an S–TEC AP/SAS STC installed on one model helicopter. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features.

List of Subjects in 14 CFR Part 27

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are part of the S–TEC supplemental type certification basis for installation of an autopilot/stabilization augmentation system (AP/SAS) system on Bell Model 505 helicopters.

Instead of the requirements of 14 CFR 27.1309(b) and (c), the following must be met for certification of the AP/SAS system installed on Bell Model 505 helicopters:

a. The equipment and systems must be designed and installed so that any equipment and systems do not adversely affect the safety of the rotorcraft or its occupants.

b. The rotorcraft systems and associated components considered separately and in relation to others systems, must be designed and installed so that:

(1) The occurrence of any catastrophic failure condition is extremely improbable;

(2) The occurrence of any hazardous failure condition is extremely remote; and

(3) The occurrence of any major failure condition is remote.

c. Information concerning an unsafe system operating condition must be provided in a timely manner to the crew to enable them to take appropriate

corrective action. An appropriate alert must be provided if immediate pilot awareness and immediate or subsequent corrective action is required. Systems and controls, including indications and annunciations, must be designed to minimize crew errors which could create additional hazards.

Issued in Fort Worth, Texas, on January 30, 2020.

Stephen Barbini,

Acting Manager, Rotorcraft Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–02741 Filed 2–18–20; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–10749; 34–88040; 39–2530; IC–33792]

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the ''Commission'') is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (''EDGAR'') Filer Manual (''EDGAR Filer Manual'' or ''Filer Manual'') and related rules. The EDGAR system was upgraded on January 27, 2020.

DATES: Effective February 19, 2020. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of February 19, 2020.

FOR FURTHER INFORMATION CONTACT: For questions regarding updates to ATS–N submissions, please contact Tyler Raimo in the Division of Trading and Markets, at (202) 551–6227. For questions concerning eXtensible Business Reporting Language (''XBRL'') validations or taxonomies, please contact the Office of Structured Disclosure in the Division of Economic and Risk Analysis, at (202) 551–5494.

SUPPLEMENTARY INFORMATION: We are adopting an updated EDGAR Filer Manual, Volume I: ''General Information'' (Version 35) and Volume II: ''EDGAR Filing'' (Version 53) (January 2020). The updated Filer Manual is incorporated by reference into the Code of Federal Regulations.

The Filer Manual contains all the technical specifications needed for filers to make submissions through the EDGAR system.[1] Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.[2]

The EDGAR System was updated in Release 20.1 and corresponding amendments to the Filer Manual are being made to reflect the changes described below.

The Commission adopted amendments to regulatory requirements in Regulation ATS under the Exchange Act applicable to alternative trading systems (''ATS'') that trade National Market System (''NMS'') stocks.[3] EDGAR Release 20.1 will update Form ATS–N submission types to provide filers with a textbox to explain when orders in the NMS Stock ATS can be routed from the ATS. See Chapter 8 (Preparing and Transmitting Online Submissions) of the EDGAR Filer Manual, Volume II: ''EDGAR Filing.''

EDGAR Release 20.1 provides additional support for XBRL validation of Document Entity Identifier data in XBRL submissions to improve consistency with existing EDGAR data and data in EDGAR header elements. The EDGAR Filer Manual has been revised to provide additional instructions for tagging Document Entity Identifier data in submissions that contain XBRL. See Chapter 6 (Interactive Data) of the EDGAR Filer Manual, Volume II: ''EDGAR Filing.''

Along with the adoption of the Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of the current revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

The updated EDGAR Filer Manual is available for website viewing and printing; the address for the Filer Manual is *https://www.sec.gov/info/edgar/edmanuals.htm.* You may also obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m.

Because the Filer Manual and the corresponding rule and form amendments relate solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (''APA'').[4] It follows that the requirements of the Regulatory Flexibility Act[5] do not apply.

The effective date for the updated Filer Manual and the related rule and form amendments is February 19, 2020. In accord with the APA,[6] we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the related system upgrades.

Statutory Basis

We are adopting the amendments to Regulation S–T under the authority in Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[7] Sections 3, 12, 13, 14, 15, 15B, 23, and 35A of the Securities Exchange Act of 1934,[8] Section 319 of the Trust Indenture Act of 1939,[9] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[10]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendments

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

PART 232 REGULATION S-T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s(a), 77z-3, 77sss(a), 78c(b), 78*l,* 78m, 78n, 78*o*(d), 78w(a), 78*ll,* 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, 7201 *et seq.;* and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

[1] We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33–6986 (April 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on September 27, 2019. *See* Release No. 33–10709 (Sept. 27, 2019) [84 FR 56938].

[2] *See* Rule 301 of Regulation S–T (17 CFR 232.301).

[3] *See* Regulation of NMS Stock Alternative Trading Systems, Release 34–83663 (July 18, 2018) [83 FR 38768] (requiring, *inter alia,* NMS Stock ATSs to disclose information about their operations and post certain Form ATS–N filings on EDGAR).

[4] 5 U.S.C. 553(b)(A).

[5] 5 U.S.C. 601–612.

[6] 5 U.S.C. 553(d)(3).

[7] 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

[8] 15 U.S.C. 78c, 78*l,* 78m, 78n, 78*o,* 78o–4, 78w, and 78*ll.*

[9] 15 U.S.C. 77sss.

[10] 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets forth the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: ''General Information,'' Version 35 (January 2020). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 53 (January 2020). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available for website viewing and printing; the address for the Filer Manual is *https://www.sec.gov/info/edgar/edmanuals.htm.* You can obtain paper copies of the EDGAR Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

By the Commission.

Dated: January 27, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–02083 Filed 2–18–20; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 140, 141, 211, 213, 225, 226, 227, 243, and 249

[210A2100DD/AAKC001030/A0A501010.999900253G]

RIN 1076–AF49

Civil Penalties Inflation Adjustments; Annual Adjustments

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This rule provides for annual adjustments to the level of civil monetary penalties contained in Bureau of Indian Affairs (Bureau) regulations to account for inflation under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget (OMB) guidance.

DATES: This rule is effective on February 19, 2020.

FOR FURTHER INFORMATION CONTACT: Elizabeth Appel, Director, Office of Regulatory Affairs and Collaborative Action, Office of the Assistant Secretary—Indian Affairs; telephone (202) 273–4680, *elizabeth.appel@bia.gov.*

SUPPLEMENTARY INFORMATION:

I. Background
II. Calculation of Annual Adjustments
III. Procedural Requirements
A. Regulatory Planning and Review (E.O. 12866 and 13563)
B. Reducing Regulation and Controlling Regulatory Costs (E.O. 13771)
C. Regulatory Flexibility Act
D. Small Business Regulatory Enforcement Fairness Act
E. Unfunded Mandates Reform Act
F. Takings (E.O. 12630)
G. Federalism (E.O. 13132)
H. Civil Justice Reform (E.O. 12988)
I. Consultation With Indian Tribes (E.O. 13175)
J. Paperwork Reduction Act
K. National Environmental Policy Act
L. Effects on the Energy Supply (E.O. 13211)
M. Clarity of This Regulation
N. Administrative Procedure Act

I. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Public Law 114–74) (''the Act''). The Act requires Federal agencies to adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment through rulemaking and then make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes.

The Office of Management and Budget (OMB) issued guidance for Federal agencies on calculating the catch-up adjustment. *See* February 24, 2016, Memorandum for the Heads of Executive Departments and Agencies, from Shaun Donovan, Director, Office of Management and Budget, re: *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (M–16–06). Under the guidance, the Department identified applicable civil monetary penalties and calculated the catch-up adjustment. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation, and is assessed or enforceable through a civil action in Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, or fees for services, licenses, permits, or other regulatory review. The calculated catch-up adjustment is based on the percent change between the Consumer Price Index for all Urban Consumers (CPI0–U) for the month of October in the year of the previous adjustment (or in the year of establishment, if no adjustment has been made) and the October 2015 CPI–U.

The Bureau issued an interim final rule providing for calculated catch-up adjustments on June 30, 2016 (81 FR 42478) with an effective date of August 1, 2016, and requesting comments post-promulgation. The Bureau issued a final rule affirming the catch-up adjustments set forth in the interim final rule on December 2, 2016 (81 FR 86953). The Bureau then issued a final rule making the next scheduled annual inflation adjustment for 2017 on January 23, 2017 (82 FR 7649), for 2018 on February 6, 2018 (83 FR 5192), and for 2019 on April 15, 2019 (84 FR 15098).

II. Calculation of 2020 Annual Adjustments

OMB recently issued guidance to assist Federal agencies in implementing the annual adjustments required by the Act, which agencies must complete by January 15, 2020. *See* December 16, 2019, Memorandum for the Heads of Executive Departments and Agencies, from Russell T. Vought, Acting Director, Office of Management and Budget, re: *Implementation of the Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (M–20–05). The guidance states that the cost-of-living adjustment multiplier for 2020, based on the Consumer Price Index (CPI–U) for the month of October 2019, not seasonally adjusted, is 1.01764. (The annual inflation adjustments are based on the percent change between the October CPI–U preceding the date of the adjustment, and the prior year's October CPI–U. For 2020, OMB explains, October 2019 CPI–U (257.346)/October 2018 CPI–U (252.885) = 1.01764.) The guidance instructs agencies to complete the 2020 annual adjustment by multiplying each applicable penalty by

the multiplier, 1.01764, and rounding to the nearest dollar. Further, agencies should apply the multiplier to the most recent penalty amount that includes the initial catch-up adjustment required by the Act.

The annual adjustment applies to all civil monetary penalties with a dollar amount that are subject to the Act. This final rule adjusts the following civil monetary penalties contained in the Bureau's regulations for 2020 by multiplying 1.01764 (*i.e.,* the cost-of-living adjustment multiplier for 2020) by each penalty amount as updated by the adjustment made in 2019:

CFR citation	Description of penalty	Current penalty including catchup adjustment	Annual adjustment (multiplier)	Adjusted penalty for 2019
25 CFR 140.3	Penalty for trading in Indian country without a license	$1,329	1.01764	$1,352
25 CFR 141.50	Penalty for trading on Navajo, Hopi or Zuni reservations without a license.	1,329	1.01764	1,352
25 CFR 211.55	Penalty for violation of leases of Tribal land for mineral development, violation of part 211, or failure to comply with a notice of noncompliance or cessation order.	1,597	1.01764	1,626
25 CFR 213.37	Penalty for failure of lessee to comply with lease of restricted lands of members of the Five Civilized Tribes in Oklahoma for mining, operating regulations at part 213, or orders.	1,329	1.01764	1,352
25 CFR 225.37	Penalty for violation of minerals agreement, regulations at part 225, other applicable laws or regulations, or failure to comply with a notice of noncompliance or cessation order.	1,692	1.01764	1,721
25 CFR 226.42	Penalty for violation of lease of Osage reservation lands for oil and gas mining or regulations at part 226, or noncompliance with the Superintendent's order.	948	1.01764	965
25 CFR 226.43(a)	Penalty per day for failure to obtain permission to start operations	94	1.01764	96
25 CFR 226.43(b)	Penalty per day for failure to file records	94	1.01764	96
25 CFR 226.43(c)	Penalty for each well and tank battery for failure to mark wells and tank batteries.	94	1.01764	96
25 CFR 226.43(d)	Penalty each day after operations are commenced for failure to construct and maintain pits.	94	1.01764	96
25 CFR 226.43(e)	Penalty for failure to comply with requirements regarding valve or other approved controlling device.	189	1.01764	193
25 CFR 226.43(f)	Penalty for failure to notify Superintendent before drilling, redrilling, deepening, plugging, or abandoning any well.	379	1.01764	385
25 CFR 226.43(g)	Penalty per day for failure to properly care for and dispose of deleterious fluids.	948	1.01764	965
25 CFR 226.43(h)	Penalty per day for failure to file plugging and other required reports	94	1.01764	96
25 CFR 227.24	Penalty for failure of lessee of certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining to comply with lease provisions, operating regulations, regulations at part 227, or orders.	1,329	1.01764	1,352
25 CFR 243.8	Penalty for non-Native transferees of live Alaskan reindeer who violates part 243, takes reindeer without a permit, or fails to abide by permit terms..	6,265	1.01764	6,376
25 CFR 249.6(b)	Penalty for fishing in violation of regulations at part 249 (Off-Reservation Treaty Fishing).	1,329	1.01764	1,352

Consistent with the Act, the adjusted penalty levels for 2020 will take effect immediately upon the effective date of the adjustment. The adjusted penalty levels for 2020 will apply to penalties assessed after that date including, if consistent with agency policy, assessments associated with violations that occurred on or after November 2, 2015 (the date of the Act). The Act does not, however, change previously assessed penalties that the Bureau is collecting or has collected. Nor does the Act change an agency's existing statutory authorities to adjust penalties.

III. Procedural Requirements

A. Regulatory Planning and Review (E.O. 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

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

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

C. Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rule makes adjustments for inflation.

D. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of 100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

E. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than 100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

F. Takings (E.O. 12630)

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. A takings implication assessment is not required.

G. Federalism (E.O. 13132)

Under the criteria in section 1 of Executive Order13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

H. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule: (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and (b) meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

I. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian Tribes and that consultation under the Department's Tribal consultation policy is not required.

J. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

K. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion. This rule is excluded from the requirement to prepare a detailed statement because it is a regulation of an administrative nature. (For further information see 43 CFR 46.210(i)). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

L. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

M. Administrative Procedure Act

The Act requires agencies to publish annual inflation adjustments by no later than January 15, of each year, notwithstanding section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553). OMB has interpreted this direction to mean that the usual APA public procedure for rulemaking—which includes public notice of a proposed rule, an opportunity for public comment, and a delay in the effective date of a final rule—is not required when agencies issue regulations to implement the annual adjustments to civil penalties that the Act requires. Accordingly, we are issuing the 2019 annual adjustments as a final rule without prior notice or an opportunity for comment and with an effective date immediately upon publication in the **Federal Register**.

Section 553(b) of the Administrative Procedure Act (APA) provides that, when an agency for good cause finds that ''notice and public procedure . . . are impracticable, unnecessary, or contrary to the public interest,'' the agency may issue a rule without providing notice and an opportunity for prior public comment. Under section 553(b), the Bureau finds that there is good cause to promulgate this rule without first providing for public comment. It would not be possible to meet the deadlines imposed by the Act if we were to first publish a proposed rule, allow the public sufficient time to submit comments, analyze the comments, and publish a final rule. Also, the Bureau is promulgating this final rule to implement the statutory directive in the Act, which requires agencies to publish a final rule and to update the civil penalty amounts by applying a specified formula. The Bureau has no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Accordingly, it would serve no purpose to provide an opportunity for public comment on this rule prior to promulgation. Thus, providing for notice and public comment is impracticable and unnecessary.

Furthermore, the Bureau finds under section 553(d)(3) of the APA that good cause exists to make this final rule effective immediately upon publication in the **Federal Register**. In the Act, Congress expressly required Federal agencies to publish annual inflation adjustments to civil penalties in the **Federal Register** by January 15 of each year, notwithstanding section 553 of the APA. Under the statutory framework and OMB guidance, the new penalty levels take effect immediately upon the effective date of the adjustment. The statutory deadline does not allow time to delay this rule's effective date beyond publication. Moreover, an effective date after January 15 would delay application of the new penalty levels, contrary to Congress's intent.

List of Subjects

25 CFR Part 140

Business and industry, Indians, Penalties.

25 CFR Part 141

Business and industry, Credit, Indians—business and finance, Penalties.

25 CFR Part 211

Geothermal energy, Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

25 CFR Part 213

Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

25 CFR Part 225

Geothermal energy, Indians—lands, Mineral resources, Mines, Oil and gas exploration, Penalties, Reporting and recordkeeping requirements, Surety bonds.

25 CFR Part 226

Indians—lands.

25 CFR Part 227

Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

25 CFR Part 243

Indians, Livestock.

25 CFR Part 249

Fishing, Indians.

For the reasons given in the preamble, the Department of the Interior amends chapter I of title 25 Code of Federal Regulations as follows.

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 140—LICENSED INDIAN TRADERS

■ 1. The authority citation for part 140 continues to read as follows:

Authority: Sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066 as amended; 25 U.S.C. 261, 262; 94 Stat. 544, 18 U.S.C. 437; 25 U.S.C. 2 and 9; 5 U.S.C. 301; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

§ 140.3 [Amended]

■ 2. In § 140.3, remove ''$1,329'' and add in its place ''$1,352''.

PART 141—BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

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

Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

§ 141.50 [Amended]

■ 4. In § 141.50, remove ''$1,329'' and add in its place ''$1,352''.

PART 211—LEASING OF TRIBAL LANDS FOR MINERAL DEVELOPMENT

■ 5. The authority citation for part 211 continues to read as follows:

Authority: Sec. 4, Act of May 11, 1938 (52 Stat. 347); Act of August 1, 1956 (70 Stat. 744); 25 U.S.C. 396a–g; 25 U.S.C. 2 and 9; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

§ 211.55 [Amended]

■ 6. In § 211.55(a), remove ''$1,597'' and add in its place ''$1,626''.

PART 213—LEASING OF RESTRICTED LANDS FOR MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

■ 7. The authority citation for part 213 continues to read as follows:

Authority: Sec. 2, 35 Stat. 312; sec. 18, 41 Stat. 426; sec. 1, 45 Stat. 495; sec. 1, 47 Stat. 777; 25 U.S.C. 356; and Sec. 701, Pub. L. 114–74, 129 Stat. 599. Interpret or apply secs. 3, 11, 35 Stat. 313, 316; sec. 8, 47 Stat. 779, unless otherwise noted.

§ 213.37 [Amended]

■ 8. In § 213.37, remove ''$1,329'' and add in its place ''$1,352''.

PART 225—OIL AND GAS, GEOTHERMAL, AND SOLID MINERALS AGREEMENTS

■ 9. The authority citation for part 225 continues to read as follows:

Authority: 25 U.S.C. 2, 9, and 2101–2108; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

§ 225.37 [Amended]

■ 10. In § 225.37(a), remove ''$1,692'' and add in its place ''$1,721''.

PART 226—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

■ 9. The authority citation for part 226 continues to read as follows:

Authority: Sec. 3, 34 Stat. 543; secs. 1, 2, 45 Stat. 1478; sec. 3, 52 Stat. 1034, 1035; sec. 2(a), 92 Stat. 1660; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

§ 226.42 [Amended]

■ 10. In § 226.42, remove ''$948'' and add in its place ''$965''.

§ 226.43 [Amended]

■ 11. In § 226.43:

■ a. Remove ''$94'' each time it appears and add in each place ''$96'' wherever it appears in this section.

■ b. In paragraph (e), remove ''$189'' and add in its place ''$193''.

■ c. In paragraph (f), remove ''$379'' and add in its place ''$385''.

■ d. In paragraph (g), remove ''$948'' and add in its place ''$965''.

PART 227—LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

■ 12. The authority citation for part 227 continues to read as follows:

Authority: Sec. 1, 39 Stat. 519; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

§ 227.24 [Amended]

■ 13. In § 227.24, remove ''$1,329'' and add in its place ''$1,352''.

PART 243—REINDEER IN ALASKA

■ 14. The authority citation for part 243 continues to read as follows:

Authority: Sec. 12, 50 Stat. 902; 25 U.S.C. 500K; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

§ 243.8 [Amended]

■ 15. In § 243.8(a) introductory text, remove ''$6,265'' and add in its place ''$6,376''.

PART 249—OFF-RESERVATION TREATY FISHING

■ 16. The authority citation for part 249 continues to read as follows:

Authority: 25 U.S.C. 2, and 9; 5 U.S.C. 301; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

§ 249.6 [Amended]

■ 17. In § 249.6(b), remove ''$1,329'' and add in its place ''$1,352''.

Dated: January 23, 2020.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–02615 Filed 2–18–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9885]

RIN 1545–BO56

Base Erosion and Anti-Abuse Tax; Correcting Amendment

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to Treasury Decision 9885, which was published in the **Federal**

Register on Friday, December 6, 2019. Treasury Decision 9885 implementing the base erosion and anti-abuse tax, designed to prevent the reduction of tax liability by certain large corporate taxpayers through certain payments made to foreign related parties and certain tax credits.

DATES: *Effective date.* This correction is effective on February 19, 2020 and is applicable on December 6, 2019.

FOR FURTHER INFORMATION CONTACT: Concerning § 1.59A–9, Azeka J. Abramoff, Sheila Ramaswamy, or Karen Walny at (202) 317–6938; concerning § 1.6038A–2, Brad McCormack or Anand Desai at (202) 317–6939 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9885) that are the subject of this correction are under sections 59A and 6038A of the Internal Revenue Code.

Need for Correction

As published December 6, 2019 (84 FR 66968), the final regulations (TD 9885; FR Doc. 2019–25744) contained errors that may prove misleading and therefore need to be corrected.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.59A–9 is amended by revising the text of paragraphs (b)(1) and (c)(2)(ii) and the first sentence of paragraph (c)(5)(ii) to read as follows:

§ 1.59A–9 Anti-abuse and recharacterization rules.

* * * * *

(b) * * *

(1) * * * If a taxpayer pays or accrues an amount to one or more intermediaries (including an intermediary unrelated to the taxpayer) that would have been a base erosion payment if paid or accrued to a foreign related party, and one or more of the intermediaries makes (directly or indirectly) corresponding payments to or for the benefit of a foreign related party as part of a transaction (or series of transactions), plan or arrangement that has as a principal purpose of avoiding a base erosion payment (or reducing the amount of a base erosion payment), the role of the intermediary or intermediaries is disregarded as a conduit, or the amount paid or accrued to the intermediary is treated as a base erosion payment, as appropriate.

* * * * *

(c) * * *

(2) * * *

(ii) * * * The arrangement between FP, DC, and Corp A is deemed to result in a $95x base erosion payment under paragraph (b)(1) of this section because DC's payment to Corp A would have been a base erosion payment if paid to a foreign related party, and Corp A makes a corresponding payment to FP as part of the series of transactions that has as a principal purpose of avoiding a base erosion payment.

* * * * *

(5) * * *

(ii) * * * The transactions between FP, DC, and Bank are deemed to result in a base erosion payment under paragraph (b)(1) of this section because DC's payment to Bank would have been a base erosion payment if paid to a foreign related party, and Bank makes a corresponding payment to FP as part of the series of transactions that has as a principal purpose of avoiding a base erosion payment.* * *

* * * * *

■ **Par. 3.** Section 1.6038A–2(g) is amended by revising the third sentence to read as follows:

§ 1.6038A–2 Requirement of return.

* * * * *

(g) * * * Paragraph (b)(7)(ix) of this section applies to taxable years beginning on or after June 7, 2021. * * *

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2020–02652 Filed 2–18–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

Financial Crimes Enforcement Network; Inflation Adjustment of Civil Monetary Penalties

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Final rule.

SUMMARY: FinCEN publishes this final rule to reflect inflation adjustments to its civil monetary penalties (''CMPs'') as mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (collectively referred to herein as the ''2015 Act''). This rule adjusts certain CMPs within the jurisdiction of FinCEN to the maximum amount required by the 2015 Act.

DATES: Effective February 19, 2020.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at (800) 767–2825 or email *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In order to improve the effectiveness of CMPs and to maintain their deterrent effect, the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note (''Inflation Adjustment Act''), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74) (''2015 Act''), requires Federal agencies to adjust each CMP provided by law within the jurisdiction of the agency. The 2015 Act requires agencies to adjust the level of CMPs with an initial ''catch-up'' adjustment through an interim final rulemaking and to make subsequent annual adjustments for inflation, without needing to provide notice and the opportunity for public comment otherwise required by 5 U.S.C. 553. The 2015 Act provides that any increase in a CMP shall apply to CMPs that are assessed after the date the increase takes effect, regardless of whether the underlying violation predated such increase.[1]

II. Method of Calculation

The method of calculating CMP adjustments applied in this final rule is required by the 2015 Act. Under the 2015 Act and the Office of Management and Budget (''OMB'') guidance required by the 2015 Act, annual inflation adjustments subsequent to the initial catch-up adjustment are to be based on the percent change between the Consumer Price Index for all Urban Consumers (''CPI–U'') for the October preceding the date of the adjustment and the prior year's October CPI–U. As set forth in OMB Memorandum M–20–05 of December 16, 2019, the adjustment multiplier for 2020 is 1.01764. In order to complete the 2020 annual adjustment, each current CMP is

[1] The increased CMPs, however, apply only with respect to underlying violations occurring after the date of enactment of the 2015 Act, *i.e.,* after November 2, 2015.

multiplied by the 2020 adjustment multiplier. Under the 2015 Act, any increase in CMP must be rounded to the nearest multiple of $1.

Procedural Matters

1. Administrative Procedure Act

Section 701(b) of the 2015 Act requires agencies, beginning in 2017, to make annual adjustments for inflation to CMPs without needing to provide notice and the opportunity for public comment required by 5 U.S.C. 553. Additionally, the methodology used for adjusting CMPs for inflation, effective 2017, is provided by statute, with no discretion provided to agencies regarding the substance of the adjustments for inflation to CMPs. FinCEN is charged only with performing ministerial computations to determine the dollar amount of adjustments for inflation to CMPs. Accordingly, prior public notice and an opportunity for public comment and a delayed effective date are not required for this rule.

2. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

3. Executive Order 12866

This rule is not a significant regulatory action as defined in section 3.f of Executive Order 12866.

4. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new or revised recordkeeping or reporting requirements.

List of Subjects in 31 CFR Part 1010

Authority delegations (Government agencies), Administrative practice and procedure, Banks, banking, Brokers, Currency, Foreign banking, Foreign currencies, Gambling, Investigations, Penalties, Reporting and recordkeeping requirements, Securities, Terrorism.

For the reasons set forth in the preamble, Part 1010 of Chapter X of title 31 of the Code of Federal Regulations is amended as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 continues to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314 and 5316–5332; title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 701. Pub. L. 114–74, 129 Stat. 599.

■ 2. Amend § 1010.821 by revising Table 1 to read as follows:

§ 1010.821 Penalty adjustment and table.

* * * * *

(b) * * *

TABLE 1 OF § 1010.821—PENALTY ADJUSTMENT TABLE

U.S. Code citation	Civil monetary penalty description	Penalties as last amended by statute	Maximum penalty amounts or range of minimum and maximum penalty amounts for penalties assessed on or after February 19, 2020
12 U.S.C. 1829b(j)	Relating to Recordkeeping Violations For Funds Transfers.	$10,000	$21,410
12 U.S.C. 1955	Willful or Grossly Negligent Recordkeeping Violations	10,000	21,410
31 U.S.C. 5318(k)(3)(C)	Failure to Terminate Correspondent Relationship with Foreign Bank.	10,000	14,482
31 U.S.C. 5321(a)(1)	General Civil Penalty Provision for Willful Violations of Bank Secrecy Act Requirements.	25,000 −100,000	58,328 −233,313
31 U.S.C. 5321(a)(5)(B)(i)	Foreign Financial Agency Transaction—Non-Willful Violation of Transaction.	10,000	13,481
31 U.S.C. 5321(a)(5)(C)(i)(I)	Foreign Financial Agency Transaction—Willful Violation of Transaction.	100,000	134,806
31 U.S.C. 5321(a)(6)(A)	Negligent Violation by Financial Institution or Non-Financial Trade or Business.	500	1,166
31 U.S.C. 5321(a)(6)(B)	Pattern of Negligent Activity by Financial Institution or Non-Financial Trade or Business.	50,000	90,743
31 U.S.C. 5321(a)(7)	Violation of Certain Due Diligence Requirements, Prohibition on Correspondent Accounts for Shell Banks, and Special Measures.	1,000,000	1,448,191
31 U.S.C. 5330(e)	Civil Penalty for Failure to Register as Money Transmitting Business.	5,000	8,606

Jamal El-Hindi

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2020–02526 Filed 2–18–20; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0063]

RIN 1625–AA87

Security Zone; Lower Mississippi River, New Orleans LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone. This security zone is necessary to provide security and protection for visiting personnel during the events related to the Lundi Gras celebrations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port New Orleans or a designated representative.

DATES: This rule is effective from 2 p.m. through 7 p.m. on February 24, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0063 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 rulemaking, call or email Lieutenant Commander Corinne Plummer, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2375, email *Corinne.M.Plummer@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port Sector New Orleans
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 it would be impractical. We must establish this security zone by February 24, 2020 in order to provide proper security for these visiting personnel, and we do not have sufficient time to request and respond to 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 immediate action is needed to provide adequate security to protect the public.

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 New Orleans (COTP) has determined that the increased number of personnel anticipated to be visiting the city during the Lundi Gras celebration requires certain security measures to ensure that the persons and property are kept secure during the events. The Coast Guard determined that a temporary security zone is needed for this and related events that will be taking place adjacent to a portion of Lower Mississippi River.

IV. Discussion of the Rule

This rule establishes a security zone from 2 p.m. through 7 p.m. on February 24, 2020. The security zone will cover all navigable waters within 400-yards of the Left Descending Bank of the Lower Mississippi River (LMR) MM 94.4 and MM 95.1, Above Head of Passes, New Orleans, Louisiana. This zone is necessary in order to provide waterside security for the protection of visitors attending the events related to the Lundi Gras celebrations. No vessel or person will be permitted to enter the security zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200.

Persons and vessels permitted to enter this security zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

The COTP or a designated representative will inform the public of the enforcement times and date for this regulated area through Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the security zone. Vessel traffic will be able to safely transit around this security zone which would impact a small designated area of the Mississippi River near New Orleans, LA for five hours, and will not overly impede vessel traffic during the period in effect. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard 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 security 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 establishing a security zone to protect the public in a small designated area of the Mississippi River near New Orleans, LA for five hours on one day. 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. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0063 to read as follows:

§ 165.T08–0063 Security Zone; Mississippi River, New Orleans, LA.

(a) *Location.* The following area is a temporary security zone: All navigable waters of Mississippi River, New Orleans, LA within 400-yards of the Left Descending Bank of the Lower Mississippi River (LMR) between MM 94.4 and MM 95.1, above Head of Passes, New Orleans, Louisiana.

(b) *Effective period.* This section is effective from 2 p.m. through 7 p.m. on February 24, 2020.

(c) *Enforcement period.* This section will be enforced from 2 p.m. through 7 p.m. on February 24, 2020.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.33, entry into or remaining within this regulated area is prohibited unless authorized by the Captain of the Port Sector New Orleans (COTP) or designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans.

(2) Vessels requiring entry into this regulated area must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200.

(3) Persons and vessels permitted to enter this security zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

Dated: February 12, 2020.

K.M. Luttrell,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2020–03205 Filed 2–18–20; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2018–04]

Copyright Office Fees

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office is publishing a final rule establishing adjusted fees for its services. The adjusted fees will recover a significant portion of the costs to the Office of registering copyright claims and provide greater cost recovery for certain other services provided by the Office. The new fee schedule reflects some increased and decreased fees, as well as some fees that the Office determined did not require adjustment. For example, under the new fee structure, the online Standard Application registration fee will increase from $55 to $65; the fee to register a group of published or unpublished photographs, however, will remain at $55. In addition to fees for registration and recordation, this final rule establishes adjusted fees for special services and Licensing Division services.

DATES: Effective March 20, 2020.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at *regans@copyright.gov;* Chris Weston, Senior Counsel, by email at *cwes@copyright.gov;* or Jalyce E. Mangum, Attorney-Advisor, by email at *jmang@copyright.gov.* They can be reached by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule adjusts Copyright Office fees in accordance with section 708 of title 17, United States Code (the ''Copyright Act'' or ''Act''). The Copyright Act requires that the Office charge fees for certain services.[1] Pursuant to the Act, the Register of Copyrights may adjust the Office's fees based on a study of its costs for administering the registration of claims, the recordation of documents, and the provision of other services.[2] Since 1997, the Copyright Office has undertaken a series of studies to determine what fees to charge for specific services.[3] The Copyright Office revisits its schedule approximately every three to five years to conduct an analysis of its fees, and adjusts those fees to take into account changing costs and work processes. During this analysis, the Office seeks and considers public comment before finalizing a schedule of adjusted fees.[4] The Office last adjusted its fees in 2014.[5]

Section 708(a) of the Act specifies that ''[f]ees shall be paid to the Register of Copyrights'' for the following services:

(1) Filing an application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made;

(2) Filing an application for registration of a claim for renewal of a subsisting copyright, including the issuance of a certificate of registration if registration is made;

(3) Issuing a receipt for a deposit under section 407;

(4) Recording a transfer of copyright ownership or other document;

(5) Filing a notice of intention to obtain a compulsory license under section 115(b);

(6) Recording a statement revealing the identity of an author of an anonymous or pseudonymous work, or recording a statement relating to the death of an author;

(7) Issuing an additional certificate of registration;

(8) Issuing any other certification;

(9) Making and reporting of a search, and any related services;

(10) Filing a statement of account based on secondary transmissions of primary transmissions pursuant to sections 119 and 122; and

(11) Filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.

In addition, section 708(a) authorizes the Register to fix fees for other services, such as the cost of preparing copies of Office records.

Section 708 contemplates two different mechanisms for setting the above fees. Fees for the services described in section 708(a)(1) through (9)—which include the Office's registration and recordation functions and thus promote essential public policy objectives—must be outlined in a proposed schedule that is sent to Congress 120 days before the adjusted fees can take effect.[6] Other fees, including those for filing cable and satellite statements of account under sections 708(a)(10) and (11) and additional Office services, are not submitted to Congress but instead are established by the Register based on the Office's costs, following a notice-and-comment rulemaking process.[7]

Before proposing adjusted fees for the services enumerated in sections 708(a)(1) through (9), the Register must conduct a study of the Office's costs for registering claims, recording documents, and providing other services, and must consider the timing of any fee adjustments and the Office's authority to use the fees consistent with the Office's budget.[8] Section 708(b) further provides that the Register may adjust these fees to ''not more than necessary to cover the reasonable costs incurred by the Copyright Office for . . . [such services], plus a reasonable inflation adjustment to account for any estimated increase in costs.''[9] Finally, section 708(b) mandates that the ''[f]ees established . . . shall be fair and equitable and give due consideration to the objectives of the copyright system.''[10]

The Office initiated its most recent fee study in 2017 by contracting with an outside consultant to analyze the Copyright Office's current and expected future costs.[11] In conducting the Office's cost study, the outside consultant used an activity-based costing (''ABC'') model in line with industry best practices and recommendations from the Federal Accounting Standards Advisory Board's

[1] *See* 17 U.S.C. 708. The Office also provides other services free to the public, such as access to the online public record, educational materials, and authoritative guidance on the Office's practices through the Compendium.

[2] *See* 17 U.S.C. 708(b).

[3] In 1997, Congress created a new fee system allowing the Copyright Office to set all of its fees by regulation rather than in the statute. An Act to make technical amendments to certain provisions of title 17, United States Code, Public Law 105–80, 111 Stat. 1529 (1997). Before then, Congress itself set the fees for certain basic copyright services, including registration and recordation (often referred to as ''statutory fees'') and the Register set the fees for other special services by regulation. In enacting statutory copyright fees, Congress considered a number of criteria, including the cost of providing the service, the value of the service to the Library of Congress, and the benefit of the service to the general public.

[4] *See* 17 U.S.C. 708 (establishing Register of Copyrights' authority to set fees, as well as fee setting standards).

[5] *See* Final Rule: Copyright Office Fees: Registration, Recordation and Related Services; Special Services; Licensing Division Services; FOIA Services, 79 FR 15910 (Mar. 24, 2014).

[6] 17 U.S.C. 708(b)(5). The Register submitted the proposed schedule and analysis to Congress on October 16, 2019. U.S. Copyright Office, *Proposed Schedule and Analysis of Copyright Fees to Go into Effect in Spring 2020* (2019) (''Fee Study''), *https://www.copyright.gov/rulemaking/feestudy2018/proposed-fee-schedule.pdf.* If Congress does not enact a law disapproving the proposed schedule, the Register may institute the proposed fees. 17 U.S.C. 708(b)(5).

[7] *Id.* at 708(a).

[8] *Id.* at 708(b)(1).

[9] *Id.* at 708(b)(2).

[10] *Id.* at 708(b)(4).

[11] *Id.* at 708(b)(2); *see* Booz Allen Hamilton, *2017 Fee Study Report* (2017) (''Booz Allen Study''), *https://www.copyright.gov/rulemaking/feestudy2018/fee_study_report.pdf.*

(''FASAB's'') guidelines for determining the full cost of federal agency program activities [12] and the Government Finance Officers Association's guidance regarding costing guidelines and establishing user fees.[13] Working with the Office, the outside consultant calculated how much each service costs the Office to provide after reviewing both the direct and indirect costs in fiscal 2016 and salary data in fiscal 2017.[14] This cost assessment process included anticipated expenses associated with the Office's ongoing information technology and business process modernization efforts, which was then estimated to be $70 million [15] and later updated in the Office's 2019 congressional budget request to reflect a more refined estimate of $61 million.[16]

Using these cost determinations as a starting point, the outside consultant considered the other statutory fee-setting factors, including changes in costs due to inflation and the price elasticity of demand for the Copyright Office's services. Price elasticity measures how demand for a service fluctuates in response to a change in price. A service is elastic, or sensitive to price changes, if a small change in price is followed by a large fluctuation in demand. A service is inelastic if it is not responsive to price changes. As the consultant noted, ''[t]he vast majority of the Copyright Office's revenue, 85%, is generated from fees deemed elastic.'' [17] The consultant found an elasticity measure of −0.32 for the Copyright Office's primary services, including registration and recordation, using data on copyright registration volume, fee revenue, and fee changes from 1986 to 2018, and validated the resulting figures by referencing economic literature, econometric studies of European trademarks, and the fee setting report of the U.S. Patent and Trademark Office.[18]

Using this validated measure of elasticity, the consultant concluded that the goal of full-cost recovery was ''impossible to achieve'' [19] and, instead, calculated that the maximum obtainable cost recovery for all Copyright Office services was 70.4%, with an annual revenue of $47,735,256.[20] Achieving this rate of cost recovery, however, would be significantly detrimental to the public record and overall public interest—it would cause a 25% drop in use of Copyright Office services, including registration and recordation.[21] Thus, in establishing a fee schedule, the targeted cost recovery rate in the consultant's study was set at 60% for all costs and included modernization costs at 50% for each fee based on volume, reflecting the Copyright Office's conclusion, following solicitation of public comments, that copyright IT modernization should not be fully fee-funded.[22]

The consultant provided an initial proposed fee schedule as well as a fee-modeling tool that the Copyright Office could use to adjust the consultant's initial proposed fee schedule to ensure the proposed fees furthered the broad policy objectives of the copyright system.[23]

After evaluating and adjusting the consultant's schedule,[24] the Office published a proposed fee schedule in a Notice of Proposed Rulemaking (''NPRM'') on May 24, 2018, and also posted the consultant's study on the copyright.gov website at that time. The Office sought public comment on this schedule in part pursuant to the House Committee on Appropriations' request that the Office report on funding strategies ''based on the comments received from the public regarding changes in fee structures.'' [25] The NPRM analyzed potential changes to fees under section 708(a)(1)–(9) to ensure that they are ''fair and equitable and give due consideration to the objectives of the copyright system,'' as required by the statute.[26] The proposed fees were directed at creating a fee schedule that supports the Office's policy goal of promoting creativity and protecting creators' rights while remaining a prudent fiduciary of public funds.[27]

In the NPRM, the Office proposed an average fee increase of 41% to account for inflationary increases and the expected cost of information technology modernization over the next several years, and to more fully recover the costs of registration and recordation.[28] While this was the average of proposed fee adjustments, all fees were analyzed on an individual basis, and some proposed fees increased at a lower rate, stayed the same, or even decreased, based on the principles established in the Office's methodology. For example, the Office proposed to continue to offer both paper and electronic registration forms for Standard Application claims and to continue to charge a higher fee for paper forms, which are less efficient than electronic forms for both the Office and applicants.[29] The Office also proposed to continue offering a discounted registration fee for individual authors who file an online application for a single work that is not a work made for hire.[30]

The NPRM proposed the following fees for basic registration claims: $125 for paper applications (up from $85); $75 for electronic claims submitted on the Standard Application (up from $55); and $55 for electronic claims submitted on the Single Application (up from $35).[31] Even with those initially-proposed increases, the Copyright Office would not fully recover its costs to process these applications, which are

[12] This includes FASAB's *Managerial Cost Accounting Concepts and Standards,* which promotes activity-based costing for calculating the cost of providing services. *See* FASAB, *Statement of Federal Finance Accounting Standards 4: Managerial Cost Accounting Standards and Concepts* (June 2017), *http://files.fasab.gov/pdffiles/handbook_sffas_4.pdf.*

[13] *See* Gov't Fin. Officers Ass'n, *Establishing Government Charges and Fees* (Feb. 2014), *http://www.gfoa.org/establishing-government-charges-and-fees.*

[14] The Copyright Office's cost calculations concerning the services and fees enumerated in sections 708(a)(1) through (9) are set forth in Fee Study, Appendix B: Summary of Costs and Fees under 17 U.S.C. 708(b), *https://www.copyright.gov/rulemaking/feestudy2018/proposed-fee-schedule.pdf.*

[15] *See* Booz Allen Study at 7, 23.

[16] *See* Statement of Karyn Temple, Acting Register of Copyrights, Before the Subcomm. on Legislative Branch Appropriations of the S. Comm. on Appropriations, at 3–5 (May 8, 2018), *https://www.copyright.gov/about/budget/2019/senate-budget-testimony-fy19.pdf.*

[17] Booz Allen Study at 8.

[18] *Id.* at 9–10.

[19] Booz Allen Hamilton, *Fee Study, Questions and Answers* 2–3 (2017) (''Booz Allen Q&A'').

[20] *Id.* at 3.

[21] *Id.*

[22] *Id.* at 7.

[23] *See* 17 U.S.C. 708 (''Fees established under this subsection shall be fair and equitable and give due consideration to the objectives of the copyright system''); Booz Allen Study at 7–17.

[24] The Copyright Office focused its evaluation on fairness, equity, the objectives of the Copyright Act, the Copyright Office's policy goals, and general guidance from the Government Accountability Office and the Office of Management and Budget's *Circular No. A–25 Revised: User Charges. See* U.S. Gov't Accountability Office, *Federal User Fees: A Design Guide* (May 2008), *https://www.gao.gov/assets/210/203357.pdf;* Office of Mgmt. & Budget, *Circular No. A–25 Revised* (2017), *https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-025.pdf.* Among other things, *Circular No. A–25 Revised* provides that services with a broad-reaching benefit generally need not recover their full costs, whereas special services, that is, those that provide a particular benefit to a particular customer, may recover more than their full cost. The excess revenue collected from special services fees can offset losses accruing from other fees that may not recover their full cost.

[25] 163 Cong. Rec. H4033 (daily ed. May 3, 2017) (explanatory statement submitted by Rep. Frelinghuysen, Chairman, H. Comm. on Appropriations), *https://www.congress.gov/congressional-record/2017/5/3/house-section/article/H3949-2;* Notice of Proposed Rulemaking: Copyright Office Fees, 83 FR 24054 (May 24, 2018).

[26] 17 U.S.C. 708(b)(4).

[27] *See* Notice of Proposed Rulemaking: Copyright Office Fees, 83 FR at 24056–57.

[28] *See id.* at 24056–57.

[29] *See id.* at 24057.

[30] *See id.* (electronic Single Application option).

[31] *See id.* at 24057.

$89 for the Standard Application and $84 for the Single Application.[32]

The NPRM also proposed somewhat higher fees for other group registration options in according with the cost assessment, including fees for group registration of newsletters or newspapers, and for group registration of unpublished works.[33] And specifically, the NPRM proposed raising to $100 the fees applicable to group registrations of published and unpublished photographs, an option that allows an applicant to gain individual copyright registration for up to 750 photographs for one price.[34]

The Office also proposed adjusting fees for recordation services, including raising the basic recordation fee for paper filings from $105 to $125, and the fee for each additional ten titles recorded from $35 to $60.[35] The Office suggested these increases because, on the whole, it has not approached cost recovery for processing recordation submissions in recent years.[36] The Office further recommended a new, lower fee for electronic submissions to record documents of $95, in anticipation of the development of a new electronic recordation system at some point during the period that the new fee schedule is in place.

On June 21, 2019, the Office issued a supplemental NPRM (''June 2019 NPRM'') proposing limited revisions to the NPRM relating to document recordation and new prospective group registration options.[37] To better distribute costs among remitters based on the size of a recordation filing, the June 2019 NPRM proposed adjusting document recordation fees by changing the calculation formula from one based solely on the number of recorded titles to one based on the number of works and alternate titles and registration numbers to which a document pertains.[38] For its newly proposed group registration options for short online literary works and for works contained on an album of music, the June 2019 NPRM also announced the Office's intention to issue filing fees equal to the fee proposed for other claims submitted on the Standard Application when concluding rulemakings establishing those new group registration options.[39]

The Office received approximately 164 comments from a variety of interested parties in response to the two NPRMs, raising a range of issues that are discussed further below.[40] After carefully considering each comment, on October 16, 2019, the Office submitted a proposed fee schedule to Congress (''Fee Study''), concerning those fees authorized by section 708(a)(1)–(9), including registration and recordation.[41] For the reasons explained in the Fee Study, also noted below, the Office made several adjustments to the fees proposed in the NPRM to reasonably take into account the range of public comments received. Now that 120 days have elapsed without Congress enacting a law disapproving the proposed fee schedule, the adjusted fee proposals that were presented to Congress are now adopted in this final rule. This final rule also sets forth fees for other additional Office services that the Acting Register is authorized to establish through her rulemaking authority without the need to submit them to Congress.[42]

II. Adjustments to Proposed Fees

Having considered the public comments in light of its statutory duty to establish fees that are fair, equitable, and serve the objectives of the overall copyright system, the Copyright Office has further adjusted the fees it now establishes in this final rule. For the reasons explained below, the Office has determined that it is appropriate to further adjust certain fees to address concerns raised by commenters in the NPRM.

A. Consideration of Public Comments

The majority of commenters expressed general concern about the proposed fee increases to basic registrations.[43] For example, the Copyright Alliance argued that ''significant fee increases that precede added value will have considerable adverse effects on the filing of registration applications by creators.''[44] Likewise, the American Intellectual Property Law Association contended that ''the costs attributable to [filing of the Standard Application] may be overstated and the increase, following a $20 increase in 2014, may cause a greater reduction in filings than the Office anticipated.''[45]

[32] In the NPRM these costs were $90 and $86, respectively. The changes resulted from the revised, lower estimated cost of modernization compared to the estimates used in the fee model at the time of the NPRM. All subsequent estimated costs of service in this final rule represent the revised, lower estimated cost of modernization.

[33] Notice of Proposed Rulemaking: Copyright Office Fees, 83 FR at 24059. Since the NPRM, the Copyright Office has adopted new group registration option for unpublished works. Previously, the Office had registered an ''unpublished collection'' of works submitted on the Standard Application as an accommodation. *See* Final Rule: Group Registration of Unpublished Works, 84 FR 3693 (Feb. 13, 2019).

[34] *See* Notice of Proposed Rulemaking: Copyright Office Fees, 83 FR at 24057–58.

[35] Notice of Proposed Rulemaking: Copyright Office Fees, 83 FR at 24061.

[36] *Id.*

[37] Notice of Proposed Rulemaking: Copyright Office Fees, 84 FR 29135 (Jun. 21, 2019).

[38] *Id.* at 29136–37.

[39] *Id.* at 29137–38.

[40] The comments can be viewed through the Copyright Office website at *https://www.copyright.gov/rulemaking/feestudy2018/.*

[41] Fee Study at 24.

[42] 17 U.S.C. 708(b)(5).

[43] *See, e.g.,* Association of American Publishers, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 3 (Sept. 18, 2018) (''AAP Comments'') (''Under the proposed schedule, the online standard registration application fee more than doubles in just six years.''); Graphic Artists Guild (''GAG''), American Photographic Artists (''APA''), and American Society for Collective Rights Licensing (''ASCRL''), Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 1 (Sept. 21, 2018) (''GAG/APA/ASCRL Comments'') (''Raising registration fees as wages remain stagnant will deter registrations.''); Shaftel & Schmelzer Comments at 14 (''Shaftel & Schmelzer Comments'') (''Decreasing registration of creative works negatively impacts not only the Copyright Office's revenue, but even more importantly it negatively impacts the number of works in the public record, which serves all Americans and American industries, and this runs counter to the mission of the Copyright Office.''); Big Deal Music Group (''BDMG''), Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 1 (Sept. 21, 2018) (''BDMG Comments'') (''raising the fee for a PA Form from $55 to $75 to register a single work will deter the public from registering its works and maintaining the public record.'').

[44] Copyright Alliance, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 6 (Sept. 21, 2018) (''Copyright Alliance Comments'').

[45] American Intellectual Property Law Association, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 5 (Sept. 21, 2018) (''AIPLA Comments'').

Similarly, others contended that the proposed adjusted fees would especially burden individual creators and small entities with limited resources.[46]

In some cases, commenters also objected to the proposed increases for certain group registration options.[47] While comments were received regarding multiple group registration options, in particular, commenters objected to proposed increases in group registration rates for published and unpublished photographs, contending that an 82% increase ''disproportionately burdens small photographers.'' [48] The Office also received a number of comments questioning the proposed increased fee for expedited processing of qualified claims from $800 to $1,000 and requesting relief from the new fee in cases of imminent litigation.[49]

In addition, a wide variety of commenters specifically challenged the Copyright Office's proposal to increase certain fees to partially fund IT modernization.[50] As noted in the Fee Study, those objections generally centered around three themes. First, commenters argued that modernization costs, as a ''one-time capital investment,'' are ''not appropriate to pass . . . onto the Office's 'customers.' '' [51] Specifically, A2IM noted that ''the inclusion of non-recurring costs in the [outside consultant's] analysis has the effect of artificially inflating the fee estimates that underlie the current proposal.'' [52] Second, commenters contended that ''more appropriated dollars are in order to fund the Copyright Office's IT modernization.'' [53] In AAP's view, ''[since] the Library of Congress has effectively taken control over the Copyright Office's IT Modernization under the Modified Plan,'' modernization costs should be funded by ''a higher contribution from the Library of Congress' appropriated dollars,'' and not higher fees.[54] Similarly, the Coalition of Visual Artists argued that ''Congress and the American taxpayers should provide the appropriations needed to fund modernization rather than place that burden on the backs of small creators who are already struggling under the cost and complexity of the existing copyright system.'' [55] Third, commenters noted that ''[s]ince IT modernization will increase efficiency and decrease long-term costs, any cost study associated with the fee increase should take into account the improved efficiencies and cost savings expected with a future IT modernization.'' [56]

B. The Fee Study's Updates to Proposed Fees

As documented in the Fee Study as well as in this notice, the Office carefully considered each of these comments, including to ensure that adjustments to the Office's fee schedule would be fair, equitable, and reflect due consideration of the objectives of the copyright system. Specifically, the Office further considered the projected effect the proposed fee increases might have on use of these basic Office's services. As indicated in the outside consultant's study, demand for a majority of the Office's services is price elastic, and demand is reduced whenever fees are increased. While external factors, such as the overall national economic health, also influence filing volume, there is a demonstrated inverse relationship between an increase in fees and the number of claims filed. As fees increase, the number of applications decreases, at least initially.[57]

When considering the issue of price elasticity, the Office found it instructive to compare Copyright Office fees to those of its closest sister agency, the U.S. Patent and Trademark Office (''USPTO''). Copyright Office fees are modest in relation to fees charged by USPTO because Copyright Office fees must take into account the voluntary nature of registration and recordation. In contrast, USPTO initial and maintenance patent filing fees are higher in reflection of the fact that patent rights vest only after USPTO action in a way that isn't true for copyright; federal trademark registration, similarly, conveys a legal presumption of ownership nationwide.

Registration filing and document recordation generate well over 90% of the Copyright Office's fee receipts and are particularly vulnerable to a decline in demand in response to increased fees. For example, in the months following a fee increase in 2007, registration filings dropped by 8.9%, and then increased by 3.7% the following year.[58] Therefore, the Copyright Office expects a short-term decrease in filings with the introduction of increased fees, which should lessen as filers adjust to new fees. Recognizing this fact, the Copyright Office must set fees such that

[46] *See, e.g.,* Barbara Svatek, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 1 (July 21, 2018) (arguing that proposed fees would ''create a hardship on citizens, and discriminate against lower income bracket persons)''; American Association of Independent Music, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 1 (Sept. 19, 2018) (''A2IM Comments'') (''Any further increase in user fees, will negatively affect the small and medium sized enterprises that A2IM represents . . . .''); Lane Wooder, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 1 (Sept. 21, 2018); Chris Campbell, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 1 (Jun. 5, 2018).

[47] *See* Regina Williams, Comments Submitted in Response to U.S. Copyright Office's June 21, 2019, Supplemental Notice of Proposed Rulemaking at 1 (July 22, 2019) (asserting that ''10 works per submission at $55 per group rate for 50 poems[ ], is outlandish''); NMPA, Comments Submitted in Response to U.S. Copyright Office's June 21, 2019, Supplemental Notice of Proposed Rulemaking at 1–3 (July 22, 2019) (''NMPA Supplemental Comments'') (''While we appreciate the Office's steps to mitigate this problem by creating a group registration option for musical works on an album, the benefit of the [group registration of works on an album of music (''GRAM'')] option will be reduced if the Standard Application fees and GRAM registration fees are raised to $75.'').

[48] PPA, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 3–4 (Sept. 21, 2018) (''PPA Comments''); *see also* Duane Bellinger, Comments Submitted in Response to U.S. Copyright Office's June 21, 2019, Supplemental Notice of Proposed Rulemaking at 1 (June 5, 2018) (''An 82% price increase on group submissions is egregious and prohibitive for many working photographers and creatives who may make dozens of these block submissions in a single year.'').

[49] *See* AIPLA, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 6–7 (Sept. 19, 2018) (noting in response to a proposed fee increase that ''[g]iven the amount of time normal processing can take . . . and the looming question before the Supreme Court in *Fourth Estate Public Benefit Corp.* v. *Wall-Street.com* . . . regarding whether a decision by the [Copyright] Office on a registration application is required before filing suit, this proposed increase seems unnecessary or perhaps should be tabled by the Office pending the Supreme Court's decision.''); NMPA Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 15 (Sept. 21, 2018) (''NMPA Comments'') (''The increase in special handling fees in particular will increasingly make copyright enforcement a privilege rather than a right.'').

[50] *See* A2IM Comments at 5–6 (''The calculation of costs associated with each service should exclude the Copyright Office's share of the Library's IT Modernization Plan.''); AAP Comments at 2–13 (''The Copyright Office should especially reconsider its determinations regarding . . . the use of fees to fund the Modified IT Plan insofar as certain aspects will primarily benefit services and activities of the Library of Congress that are virtually unrelated to implementing the Copyright Act.''); Coalition of Visual Artists (''CVA''), Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 7–9 (Sept. 21, 2018) (''CVA Comments'') (arguing that modernization should be funded through yearly appropriations, not user fees); NMPA Comments at 4–5 (''[C]reators should not bear the burden of increased fees to modernize the [Copyright] Office's IT system as the Office proposes.'').

[51] A2IM Comments at 5.

[52] *Id.* at 6.

[53] AAP Comments at 6.

[54] *Id.* at 7.

[55] CVA Comments at 8.

[56] Copyright Alliance Comments at 13.

[57] *See* Booz Allen Study at 8–10.

[58] Percentages are based on Copyright Office data from FY 2006, FY 2007, and FY 2008.

each new fee recovers a reasonable percentage of the cost of processing the claim, but does not result in a more permanent disincentive to register works and a long-term decrease in fee receipts.

As explained in the Fee Study, the elastic nature of Copyright Office fees also affects how its fees should be set to fund modernization activities. In light of the unique, comprehensive modernization effort and the significant concern over modernization costs raised by public comments, the Copyright Office is adjusting its proposed increases. As a general matter, of course, it is permissible for user fees to fund capital expenditures and ongoing system maintenance. However, the Office took note of the comments received by some stakeholders regarding the effect of concurrently supporting both an existing and a future IT system partially through fees.[59]

Therefore, as reflected in the Fee Study, the Office has reduced the fee increases for certain in-demand services to lessen the impact on small, high-volume creators and encourage participation in other common or highly elastic registration services.[60] These decreases from the fees proposed for the Single Application and electronic Standard Application, as well as the group photograph and contributions to periodicals applications, effectively offset the impact of modernization costs for these fees. While all fees can be used for Copyright Office expenses, which include modernization, the Copyright Office has reduced its targeted cost recovery in these cases to lessen the burden of modernization costs.

The Office also considered the fiscal and administrative impact of the Orrin G. Hatch–Bob Goodlatte Music Modernization Act (''MMA''). In accordance with the MMA, the Office no longer accepts section 115 notices of intention to obtain a compulsory license for making a digital phonorecord delivery of a musical work. In fiscal 2019, that change reduced amounts available for operations by $4.2 million. The MMA also directs the Office to engage in a number of new regulatory, administrative, and educational outreach tasks to implement this historic change to the copyright laws. The Office is not attempting to recoup any loss due to MMA through fees because doing so would increase fees beyond those proposed in the NPRM, potentially significantly reducing the number of filings, and thus undermining the copyright system overall. The Office is requesting increased appropriations to cover this shortfall amount.

Still, in adjusting fees, the Office must ensure that fee receipts are sufficient to anticipate the requisite level of Office operations, taking into account fluctuations in filing volumes, whether brought on by increased fees and/or other economic factors in the marketplace. While much of the anticipated costs associated with modernization will be covered through taxpayer-funded appropriations, the remainder is expected to be funded by fees collected in current and prior years. The Office considered these factors, along with stakeholder comments, in developing its fee schedule.

III. Final Regulation

Based on its study, the Office has determined that some fees should increase, some should decrease, and some should remain the same.

A. Registration, Recordation, and Related Services

1. Basic and Group Registrations

While voluntary, registration offers substantial benefits to the registrant and to the public. For this reason, fees must be affordable so that individual creators are not discouraged from registering their works.

In adjusting its registration fees, the Copyright Office sought to address two issues in particular. First, for the reasons noted above, the Copyright Office has reduced the amount of amortized IT modernization costs included in the cost assessment to reflect the Copyright Office's position that modernization costs should not be recovered solely through user fees. Second, as noted below, the Copyright Office noted the particular challenges faced by photographers, who expressed significant concern about the impact of fees on their ability to protect their works, especially in light of recent regulatory changes that have improved efficiency of the process for registering claims for group registration of photographs.

i. Basic Registrations

The Copyright Office adopts the following registration fees:

Registration, recordation, and related services: Basic registrations	Current fees ($)	New fees ($)
Registration of a claim in an original work of authorship:		
Electronic filing:		
Single author, same claimant, one work, not for hire	35	45
All other filings	55	65
Paper Filing (Forms PA, SR, TX, VA, SE, SR)	85	125

The most commonly utilized registration options, termed the Standard Application and the Paper Application, may be used to register any work that is eligible for registration under sections 408(a) and 409 of the Copyright Act, including a work by one author, a joint work, a work made for hire, a derivative work, a collective work, or a compilation. The Standard Application is filed electronically through the Copyright Office's eCO system. The Paper Application must be mailed to the Office for examination. Currently, the vast majority of applicants use the electronic filing option; the Copyright Office receives approximately 96% of copyright claims through eCO. Electronic filings cost the Copyright Office less to process than paper applications. Additionally, online applications are advantageous because, on average, the Copyright Office requires approximately three months to complete most claims that are filed electronically versus six months to complete most claims filed on paper applications.[61]

In reviewing the basic registration fees, the Office closely examined its costs and the degree to which they are recovered under the existing fee structure. Using the average weighted by

[59] *See generally* Shaftel & Schmelzer Comments at 9 (''We are being asked to pay more for the established inefficient registration application processing methods.'').

[60] *See* Fee Study at 19.

[61] U.S. Copyright Office, *Registration Processing Times, https://www.copyright.gov/registration/docs/processing-times-faqs.pdf.* These average processing times are based on claims that do not require correspondence. The data is from April 1 through September 30, 2019.

claim volume, the Office recovered only 51% of the cost to process an online application and 72% of the cost to process paper applications during fiscal 2016.[62] These figures support the Office's proposal to increase fees for both options, in order to recover a larger percentage of its costs. It is estimated that the new fees (including the single author/single work fee discussed below) would recover 69% of the costs of processing electronic claims and 91% of the costs of processing paper applications.

As noted in the prior fee study,[63] the substantially higher costs of processing paper applications as compared to the more efficient electronic process justifies a higher fee for paper applications, and the Office is trying to ''incentivize electronic filings.''[64] The Office therefore is increasing the existing $85 fee for paper applications to $125. This increase will impact only a small percentage of filers, achieve a greater cost recovery for the inefficiencies of paper filings, and incentivize use of the electronic system.

For electronic claims submitted on the Standard Application, the Office is raising the current fee from $55 to $65. This is less than the $75 fee that was proposed in the NPRM—a change made in response to public comments expressing concern with the proposed increase.[65] The Office believes that the $10 reduction from the original proposed fee will help to mitigate these concerns, and notes that the Office originally proposed a $65 fee for electronic claims in 2012 after conducting an analysis of the Office's costs.[66]

The Office considered similar factors with respect to the Single Application, an option designed for those authors who file the simplest kind of claim. Specifically, the Single Application allows a single author to register a claim in one work that is solely owned by that author. This option was aimed at encouraging more individual creators to register their works and to foster the development of a more robust public record, and is part of the Copyright Office's commitment to maintaining an affordable copyright registration system. However, the Office believes that a small increase to the fee for the Single Application is warranted to recover at least 49% of the costs associated with processing these claims, in consideration of the Office's operational budget. The Office is therefore increasing the fee for claims filed using the Single Application from $35 to $45.

In setting this registration fee, the Copyright Office took into account a large number of public comments urging it to reduce fees for small creators. The NPRM proposed increasing this fee to $55, which would have achieved a 52% cost recovery. Commenters noted, however, that such an increase ''would be yet another financial burden upon writers and artists looking to become small businesses.''[67] The Copyright Office understands that works of independent creators fuel the nation's economy while at the same time, these individual creators and small business owners may be most sensitive to price increases in the registration system.[68] As such, the Office is raising the registration fee for the Single Application from $35 to $45, $10 less than initially proposed. This change also reflects cost efficiencies achieved through technical upgrades to the Single Application[69] and the promulgation of new regulations to streamline the application process.[70]

ii. Group Registration

The Copyright Office adopts the following group registration fees:

Registration, recordation, and related services: Group registration	Current fees ($)	New fees ($)
Registration of a claim in a group of contributions to periodicals	85	85
Registration of updates or revisions to a database that predominantly consists of non-photographic works	85	500
Registration of a claim in a group of published photographs or a claim in a group of unpublished photographs	55	55
Registration for a database that predominantly consists of photographs and updates and revisions thereto:		
Electronic filing	55	250
Paper filing	65	250
Registration of a claim in a group of serials (per issue, minimum two issues):		
Electronic filing	25	35
Paper filing[71]	25	70
Registration of a claim in a group of newspapers or a group of newsletters	80	95
Registration of a claim in a group of unpublished works	55	85

Under the Copyright Act, the Register may allow the registration of groups of related works with one application and filing fee.[72] Pursuant to this authority, the Register has promulgated regulations permitting the Copyright Office to issue group registrations for certain limited categories of works, provided certain conditions have been met.[73] When implementing these options, however, the Copyright Office must balance the copyright owners' desire for more liberal registration options, the need for an accurate public record, and the need for an efficient

[62] Fee Study at 24.

[63] *See* U.S. Copyright Office, *Proposed Schedule and Analysis of Copyright Fees to Go into Effect on or about April 1, 2014,* at 16 (2013) (''2014 Fee Study''), *https://www.copyright.gov/docs/newfees/USCOFeeStudy-Nov13.pdf.*

[64] *Id. See, e.g.,* Final Rule: Group Registration of Newspapers, 83 FR 4144, 4145 (Jan. 30, 2018) (requiring applicants to file an online application rather than a paper application to register a group of newspapers); Final Rule: Group Registration of Photographs, 83 FR 2542, 2543 (Jan. 18, 2018) (requiring applicants to file an online application rather than a paper application to register a group of published photographs).

[65] *See, e.g.,* NMPA Comments at 1 (''The proposed increase in fees is likely to cause a result that is inconsistent with the fundamental principles of copyright protection.''); Association of Medical Illustrators (''AMI''), Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 5 (Sept. 18, 2018) (''AMI Comments'') (stating that AMI has ''little confidence'' that a fee increase ''will result in faster, more accurate service'').

[66] 2014 Fee Study at 8.

[67] Danielle Williams, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 1 (June 6, 2018).

[68] *See* Brandon Vogts, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 1 (July 3, 2018) (''This aggressive proposed increase in the fee structure pertaining to copyright registrations is particularly problematic for both hobbyists/enthusiasts and independent creatives.'').

[69] *See* Notice of Proposed Rulemaking: Streamlining the Single Application and Clarifying Eligibility Requirements, 83 FR 5227, 5228 (Feb. 6, 2018).

[70] *See* Final Rule: Streamlining the Single Application and Clarifying Eligibility Requirements, 83 FR 66627 (Dec. 27, 2018).

[71] This registration option expired at the end of 2019. *See* Final Rule: Group Registration of Serials, 84 FR 60918, 60919–20 (Nov. 12, 2019).

[72] *See* 17 U.S.C. 408(c)(1).

[73] *See generally* 37 CFR 202.3(b)(5), 202.4.

method of facilitating the examination of each work. Group registration options encourage registration, especially for large-volume creators. But it can be more difficult to adequately capture information about each work within the technological constraints of the current electronic registration system.[74] This creates a more time-consuming examination process, as information relating to each work in a group registration claim still needs to be evaluated individually. Additionally, group registration options necessarily have eligibility restrictions that may lead to increased correspondence if applicants fail to heed expressed requirements. Thus, group registration options cost the Copyright Office more to process than claims involving one work of authorship.

The Office is increasing the fees for certain group applications to maintain adequate resources for the Copyright Office's administration of these options in light of the disproportionate time it takes to process these applications. Perhaps most significantly, the fee to register a claim in updates and revisions to a database that predominantly consists of photographs will increase from $55 (electronic) and $65 (paper) to $250 (electronic or paper), and the fee to register a claim in updates and revisions to a database that predominantly consists of non-photographic works will increase from $85 to $500. The Office recognizes certain commenters' concern that such a steep increase may impact filing volumes.[75] The Office, however, must ensure that it is maintaining an appropriate cost recovery for its services. These claims are quite costly to process, in part, because applicants may include up to three months' worth of content in each submission, there is no limit on the number of individual works that may be included in each update, and the Office must examine each update to determine if the selection, coordination, and arrangement of the content is sufficiently creative. In the case of non-photographic databases, the claim must be submitted with a paper application and a physical deposit, which further increases the amount of time needed to handle each claim. For instance, the Office calculates that processing an application for group registration of updates and revisions to a non-photographic database costs $693.[76] Accordingly, the Office is increasing the fees for both services to achieve better cost recovery.

The Office is also making adjustments to the fees to register groups of serials, newspapers, and newsletters. To encourage use of the electronic system, the fee to register a claim in a group of serials using Form SE/Group will increase from $25 to $70.[77] And the fee to register a claim in a group of serials using the electronic system will increase from $25 to $35 to recover more of the costs of providing this service without greatly decreasing demand. Likewise, the fee to register a claim in a group of newspapers or a group of newsletters will increase from $80 to $95.

Additionally, the Office is adjusting the recently promulgated fee to register a claim in a group of unpublished works. In the final rule establishing this new group option, the Office adopted a $55 fee, noting that the new option replaced a previously available option for registering an ''unpublished collection'' on the Standard Application.[78] Unlike other group options, registering a claim in a group of unpublished works does not use the Standard Application, and, as explained in the final rule establishing this option, examination of up to ten claims necessarily requires more processing time than a single claim.[79] Accordingly, the Copyright Office is increasing the fee from $55 to $85.

The Copyright Office is not, however, adjusting the fees for the registration of group claims for contributions to periodicals[80] or photographs. Photographers have noted that they typically produce a large number of works[81] and must register in order to receive the full range of judicial remedies for infringement.[82] They also have cited difficulties in the registration process, noting that ''[e]xisting registration procedures are not optimized for visual imagery'' and ''work[ ] better for small volume, large profit producers than for those who create dozens if not hundreds of works over a short period.''[83] However, recent changes to the regulations and upgrades to the electronic registration system have improved efficiency of claims for group registration of photographs. Under the current rule, each claim may include no more than 750 photos. Applicants are required to upload their photos in a digital format and use an electronic application form that is specifically designed for group photo claims. Furthermore, they are required to submit a separate spreadsheet that identifies the titles, file names, and publication dates (if any) for each photo. The Office concludes that these improvements have obviated the necessity of raising the fee for groups of photographs. Accordingly, this fee will remain at its current level.

Finally, the Office is planning to adopt fees for registering claims in a group of short online literary works[84] and a group of works on an album of music[85] in connection with the conclusion of separate active rulemakings to establish those group options. Because the Office anticipates that registration for these claims will require a workflow similar to claims submitted on the Standard Application, the Office proposed a $65 fee to match the fee that applies to any claim submitted on the Standard Application form.[86] While comments responding to the June 2019 NPRM generally supported this approach,[87] and the

[74] *See* Final Rule: Registration of Claims to Copyright: Group Registration of Serials, 55 FR 50556, 50556 (Dec. 7, 1990) (explaining that the Copyright Office had previously declined to establish a group option ''due to concerns about the administrative burden associated with processing several works on a single application'' and ''[b]ased on the Office's experience with statutory group registration of contributions to periodicals, the Office [found] that, unless appropriate restrictions limit the availability of group registration, the administrative costs and burden on the Office escalate'').

[75] *See, e.g.,* Larson Skinner PLLC, Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 2 (Sept. 21, 2018); National Association of Realtors (''NAR''), Comments Submitted in Response to U.S. Copyright Office's May 24, 2018, Notice of Proposed Rulemaking at 4 (Sept. 21, 2018).

[76] Notice of Proposed Rulemaking: Copyright Office Fees, 83 FR 24054, 24058–59 (May 24, 2018).

[77] The Form SE/Group paper option expired on December 30, 2019. *See* 84 FR at 60919–20.

[78] *See* Final Rule: Group Registration of Unpublished Works, 84 FR 3693, 3696 (Feb. 13, 2019).

[79] *See id.* at 3694–95.

[80] Because the option for registration of group claims for contributions to periodicals already receives sufficient cost recovery, the NPRM did not propose adjusting this fee. *See* Copyright Office Fees, 83 FR at 24058.

[81] U.S. Copyright Office, *Copyright and Visual Works: The Legal Landscape of Opportunities and Challenges* 3 (2019) (''Visual Works Letter''), *https://www.copyright.gov/policy/visualworks/senate-letter.pdf* (noting that ''photographers might take over one thousand photographs in a single session'').

[82] Visual Works Letter at 15–24.

[83] Visual Works Letter at 3–4 (quoting comments submitted by the Copyright Alliance and the Kernochan Center for Law, Media and the Arts, Columbia University School of Law).

[84] *See* Notice of Proposed Rulemaking: Group Registration of Short Online Literary Works, 83 FR 65612 (Dec. 21, 2018).

[85] *See* Notice of Proposed Rulemaking: Group Registration of Works on an Album of Music, 84 FR 22762 (May 20, 2019).

[86] Copyright Office Fees, 84 FR at 29137. *See also* Group Registration of Short Online Literary Works, 83 FR at 65616; Group Registration of Works on an Album of Music, 84 FR at 22766.

[87] *See, e.g.,* NMPA Supplemental Comments at 1 (''NMPA supports the Office's proposal to apply the Standard Application fee to GRAM registrations.''); RIAA Supplemental Comments at 2 (''We have no objection to a uniform fee for all applications that utilize the Standard Application form.'').

Office has already duly provided notice of proposed fees of $65 for these options in the Fee Study, to avoid potential confusion, the Office will adopt such fees in connection with subsequent rules finalizing the new group options.

2. Other Registration Fees

The Office provides other, less commonly used registration services, as authorized by various provisions of the Copyright Act. The Office adopts the following schedule of fees for such services:

Registration, recordation, and related services: Other registration services	Current fees ($)	New fees ($)
Registration of a renewal claim (Form RE):		
Claim without addendum	100	125
Addendum (in addition to the fee for the claim)	100	100
Registration of a claim in a restored copyright (Form GATT)	85	100
Preregistration of certain unpublished works	140	200
Registration of a correction or amplification to a claim:		
Supplementary registration:		
Electronic filing	130	100
Paper Filing for correction or amplification of renewal registrations, GATT registrations, and group registrations for non-photographic databases (Form CA)	130	150
Correction of a vessel design registration: Form DC	100	100
Registration of a claim in a mask work (Form MW)	120	150
Registration of a claim in a vessel design (Form D/VH)	400	500

Special services: Other registration services	Current fees ($)	New fees ($)
Appeals:		
First appeal (per claim)	250	350
Second appeal (per claim)	500	700
Secure test examining fee (per staff member per hour)	250	250
Special handling fee for a claim	800	800
Handling fee for each non-special handling claim using the same deposit	50	50
Full-term retention of a published deposit:		
Physical deposit	540	540
Electronic deposit	New Fee	220
Voluntary cancellation of registration	New Fee	150
Matching unidentified deposit to deposit ticket claim	New Fee	40

After reconsidering its costs and the comments submitted in response to the NPRM, the Office maintains that current fees do not offset a sufficient percentage of the Office's costs in accepting registrations for paper-based claims, namely claims in restored copyrights (Form GATT) [88] and filings correcting or amplifying claims involving non-photographic databases, renewal registrations, or GATT registrations (Form CA).[89] Paper-based processes are considerably less efficient than electronic registration. Reviewing Form GATT can be difficult and complex, requiring the work of higher-paid senior staff as well as multiple rounds of correspondence. Examining Form CAs is also inherently complex. And because these services must be on completed on paper forms, all information has to be typed into the cataloging system by hand. Accordingly, the Office is increasing both of these fees.

The Office is adopting increases to the renewal application fee (from $100 to $125) and the application for preregistration of unpublished works (from $140 to $200) to achieve a greater cost recovery. The Office did not receive comments objecting to either increase. Further, as explained in the NPRM, the Office has determined that adopting these increases is consistent with the Register's discretionary authority to use fee revenue to offset losses to further the objectives of the copyright system, particularly for less price sensitive filings like preregistration.[90]

The Office is also raising the fees for the registration of vessel hull designs and mask works, two options that may be especially costly for the Office to process in light of their low volume of filings. Registrations of vessel hull designs (Form D–VH) cost the Office $6,528 to process, and the Office is raising this fee from $400 to $500. The Office is keeping the fee for correcting a vessel design registration (Form DC) at $100. Similarly, the Office spends $2,176 to process a registration of a mask work (Form MW), and the fee is increasing from $120 to $150 to achieve slightly higher cost recovery.

Next, the Office is adopting increased fees for appeals because the work necessary to process these requests is more time consuming than current pricing reflects and requires extensive work by attorney-advisors and senior officials.[91] The Office is raising the fee for the first request for an appeal from $250 to $350 per claim, and is raising the fee for the second request for an appeal from $500 to $700 per claim.

Some commenters expressed concern about the low cost recovery the above increases would achieve. A2IM noted that ''despite being among the most expensive services the Office offers,'' the fees ''barely increased.'' [92] Arguing that the proposed schedule would essentially ''subsidize services such as registering vessel hull designs, mask works, claims in a restored copyright for foreign works under GATT, as well as first and second appeals of denied registrations,'' AAP found it ''difficult to reconcile notions of fairness and equity with a proposal to benefit the few users

[88] The current cost per transaction is $378 for the paper Form GATT.

[89] The current cost per transaction is $411 for the paper Form CA.

[90] *See* Copyright Office Fees, 83 FR at 24059–24060; *see also* 17 U.S.C. 708(b)(4).

[91] *See* Copyright Office Fees, 83 FR at 24060 (noting low cost recovery rates for first and second appeals).

[92] A2IM Comments at 5.

of these services over the vast majority of registration applicants.'' [93]

While the Office acknowledges that the cost recovery for these services is relatively low, the Office has determined these fees are appropriate in light of the important objectives of the national registration system. Setting fees to achieve full cost recovery would likely discourage registration for services that are already low-volume, which would negatively impact the public record. As the NPRM noted, the Office is examining its vessel hull and mask work registration processes to determine how to more efficiently process each option, and is optimistic significant improvements can be made.[94] Similarly, the Office recognizes the value of the reconsideration process to applicants as well as others interested in the guidance that second appeals may provide,[95] and the difficulty of achieving full cost recovery in light of the required senior level resources. Setting fees to make these services unavailable to all but the most well-off claimants would not be congruent with the objectives of the copyright system.

The Office is decreasing or maintaining a number of other registration-related fees. The fee to register a correction or amplification to a claim using the electronic system is decreasing from $130 to $100 due to the increased efficiency achieved on the supplementary registration process.[96] The Office will also maintain the secure test examination fee (per staff member per hour) at $250, although the consultant concluded it costs the Office $900 per staff member per hour. The Office continues to assess the burdens that the secure tests interim rule, which established a group registration option that lets applicants submit an unlimited number of secure test items, is having on the operations of the Registration Program.[97] The Office may adjust this fee in a later rulemaking based on this assessment.

The Office will not raise the special handling surcharge for expedited processing of a registration application. The NPRM proposed raising the fee from $800 to $1,000 per claim to help offset the cost of other registration services, and many commenters raised objections to this increase. For example, NMPA contended that the ''increase in special handling fees in particular will increasingly make copyright enforcement a privilege rather than a right.'' [98] Calling the fee ''especially egregious,'' AAP argued the increase was exploitative in the context of the then-ongoing litigation in *Fourth Estate* v. *Wall-Street.com.* [99] The Supreme Court since affirmed that merely applying for a registration is insufficient under section 411(a); rather, the Office must make or deny registration before an infringement suit can be commenced.[100] The holding thus confirmed the need for the Office to have sufficient resources to ensure reasonable registration processing times; since the opinion issued, the average processing time for all claims has significantly declined from seven to four months.[101] While the system is generally geared to incentivize early registration, the special handling surcharge is also a useful tool for some applicants, allowing those facing litigation to ask for their applications to be handled more quickly, with the Copyright Office generally responding within five business days.[102] In light of these issues and in consideration of stakeholder comments, the Office will maintain the special handling surcharge at $800.

The Office is keeping the fee for full-term retention of physical published copyright deposits at $540 to account for projected storage costs for the full span of the full-term retention period, which is currently 75 years, but which the Office has indicated it will extend to 95 years to conform to the Copyright Term Extension Act.[103] The Office is also adopting a new fee of $220 for full-term retention of electronic copyright deposits, which seeks to recover the full estimated cost of such a service, $221.

Finally, the Office is adopting several new fees that were introduced in the NPRM, none of which received significant public comment.[104] The Office is permitted to cancel the registration of invalid claims,[105] a process the cost of which the consultant calculated by assessing the time spent per employee, then analyzing that data under the ABC model.[106] Because senior attorneys within the Registration Program must participate in this voluntary cancellation of registration process, the consultant calculated the cost at $369.[107] The Office is setting this new fee at $150 to achieve a reasonable cost recovery for this service.

The Office is adopting a fee of $40 per half hour for the service of matching ''deposit ticket'' claims with unidentified deposits. As explained in the NPRM, a ''deposit ticket'' claim is one where the applicant submits an application and filing fee online, but separately submits a physical deposit copy of the work to the Office via mail.[108] When sending the physical deposit copy, applicants are required to attach a system-generated shipping slip to the copy so that the Office can quickly match the deposit copy to the application.[109] Often, however, applicants either submit deposit copies without the shipping slip, or include multiple deposits and multiple slips in one package without attaching each slip to its respective deposit. In such cases, Office personnel must manually match the unidentified deposits to the applications. The Office is adopting this fee in this new fee schedule to recoup the cost of the labor involved in matching these items. The estimated cost for this service is $38 per half hour,

[93] AAP Comments at 4–5.

[94] *See* Copyright Office Fees, 83 FR at 24060.

[95] The Copyright Office's responses to second requests for reconsideration from 2016 to the present may be viewed by the public at *https://www.copyright.gov/rulings-filings/review-board/.*

[96] The current cost per transaction is $365 for the electronic form. As of July 2017, supplementary registration generally must be effectuated through the electronic application, although for some works the paper form (Form CA) must still be filed. *See* 37 CFR 202.6(e)(1)–(4).

[97] *See* 82 FR 52224, 52226–27 (Nov. 13, 2017).

[98] NMPA Comments at 15.

[99] AAP Comments at 4.

[100] *Fourth Estate Pub. Benefit Corp.* v. *Wall-Street.com, LLC,* 139 S. Ct. 881, 892 (2019).

[101] U.S. Copyright Office, *Registration Processing Times, https://www.copyright.gov/registration/docs/processing-times-faqs.pdf.* This average is for claims from April 1 through September 30, 2019. *See also Fourth Estate,* 139 S.Ct. at 892 (''Delays in Copyright Office processing of applications, it appears, are attributable, in large measure, to staffing and budgetary shortages that Congress can alleviate, but courts cannot cure.'').

[102] *See* U.S. Copyright Office, Compendium of U.S. Copyright Office Practices, sec. 1508.8 (3d ed. 2017) (''Compendium (Third)''). *See also* Letter from Karyn A. Temple, Register of Copyrights & Dir., U.S. Copyright Office, to Thom Tillis, Chairman, S. Comm. on the Judiciary, Subcomm. on Intellectual Prop., and Christopher A. Coons, Ranking Member, S. Comm. on the Judiciary, Subcomm. on Intellectual Prop., *Explanation of U.S. Copyright Office Registration Processes and Challenges,* at 5 (May 31, 2019), *https://www.copyright.gov/laws/hearings/response-to-march-14-2019-senate-letter.pdf;* Letter from Karyn A. Temple, Register of Copyrights & Dir., U.S. Copyright Office, to Jerrold Nadler, Chairman, H. Comm. on the Judiciary, and Doug Collins, Ranking Member, H. Comm. on the Judiciary, *Explanation of U.S. Copyright Office Registration Processes and Challenges,* at 5 (May 31, 2019), *https://www.copyright.gov/laws/hearings/response-to-april-3-2019-house-letter.pdf.*

[103] Notice of Proposed Rulemaking: Simplifying Deposit Requirements for Certain Literary Works and Musical Compositions, 82 FR 38859, 38863 n.22 (Aug. 16, 2017).

[104] The Office had initially proposed a new $85 fee for requesting special relief from deposit requirements. While that proposal did not garner significant opposition, the Office has determined not to implement this fee during the current fee study process.

[105] Compendium (Third) sec. 1807.1.

[106] Booz Allen Study at 7.

[107] 83 FR at 24059.

[108] 83 FR at 24060.

[109] Compendium (Third) sec. 1508.2.

so this fee seeks to achieve full cost recovery.

3. Recordation Fees

The Copyright Office is adopting the following fees for recordation services:

Registration, recordation, and related services: Recordation services	Current fees ($)	New fees ($)
Recordation of a document, including a notice of termination and a notice of intention to enforce a restored copyright		
Base fee (includes 1 work identified by 1 title and/or registration number):		
Paper	105	125
Electronic	New Fee	95
Additional transfer (per transfer) (for documents recorded under 17 U.S.C. 205)	105	95
Additional works and alternate identifiers:		
Paper (per group of 10 or fewer additional works and alternate identifiers)	35	60
Electronic:		
1 to 50 additional works and alternate identifiers	60	60
51 to 500 additional works and alternate identifiers	225	225
501 to 1,000 additional works and alternate identifiers	390	390
1,001 to 10,000 additional works and alternate identifiers	555	555
10,001 or more additional works and alternate identifiers	5,550	5,500
Correction of online Public Catalog data due to erroneous electronic title submission (per title)	7	7
Schedule of pre-1972 sound recordings, or supplemental schedule of pre-1972 sound recordings (single sound recording)	75	75
Additional sound recordings (per group of 1 to 100 sound recordings)	10	10
[Reserved]		
Removal of pre-1972 sound recording from Office's database of indexed schedules (single sound recording)	75	75
Notice of noncommercial use of pre-1972 sound recording	50	50
Opt-out notice of noncommercial use of pre-1972 sound recording	50	50
Special services: Recordation services	**Current fees ($)**	**New fees ($)**
Special handling fee for recordation of a document	550	550

As discussed in the Fee Study and NPRM, the Office is increasing certain recordation fees to help the Office better recover costs in this area. While the Office's eCO system permits electronic registration of most copyright claims, its recordation system remains a largely paper-driven process. The Office has never been able to recover the full cost associated with processing documents that include multiple and sometimes thousands of titles of copyrighted works, which must each be individually indexed. Thus, the Office is increasing the base fee for recordation of a document from $105 to $125 to achieve a better cost recovery. Likewise, the increase to $60 for each ten additional titles associated with a recorded document will allow for greater cost recovery in the case of more complicated filings without overly burdening filers. The Office is increasing the fee for recordation of notices of termination to $125 (from $105), which achieves only 23% cost recovery. Though some terminations require additional indexing work, the Office charges a flat fee for this service, which can involve more extensive examination of the notice and correspondence to record these notices given statutory requirements.

But the Office is lowering other certain fees for recordation. For instance, the fee for recordation of an additional transfer is decreasing from $105 to $95 because the Office incurs less cost in indexing the additional transaction.[110] Additionally, the Office is working to migrate its recordation function to an electronic system. In fiscal year 2020, the Office anticipates launching a limited pilot for a new, digital recordation system. In anticipation of the launch of a new electronic recordation system during the period that the new fee schedule is in place, the Office is adopting a $95 fee to reflect the anticipated cost efficiencies that will be achieved with an electronic system. The Office appreciates the NMPA's concern that ''because the electronic recordation process has not yet been developed or implemented, and lacks a specific timeline,'' the Office should ''maintain or decrease the current paper recordation processing fees at least until the electronic system is fully operational,'' [111] but has determined this fee is appropriate in part to encourage the transition to an electronic system. The Office will reassess its costs after the new system is deployed and additional data are available.

The Office is also adopting a new fee structure for the recordation of additional titles that employs a formula based on a combination of the number of works, titles, and registration numbers, rather than the number of titles alone. The previous recordation filing fee was comprised of (1) a base fee that includes one title, and (2) a titles fee for any additional titles beyond the first (sometimes called ''alternate titles'').[112] To encourage the provision of a more robust public record, facilitate improved cost recovery, and more equitably allocate costs among remitters based on the size of their filings, the Office issued a supplemental June 2019 NPRM, which proposed to alter the fee structure from being titles-based to being works-based. This accounts for each additional title name *and* registration number provided beyond the first title name and/or first registration number, and allows remitters to record, at no additional cost, registration numbers to accompany title names, thus facilitating improved chain-of-title information into the Office's record.[113] Receiving no significant comments expressing

[110] *See* Notice of Proposed Rulemaking: Copyright Office Fees, 83 FR 24054, 24061 (May 24, 2018).

[111] NMPA Comments at 13–14.

[112] 37 CFR 201.3(c)(18); Notice of Proposed Rulemaking: Copyright Office Fees, 84 FR 29135, 29136 (June 21, 2019).

[113] Notice of Proposed Rulemaking: Copyright Office Fees, 84 FR 29135.

concern regarding the tier structure, and one in support, the Office now finalizes this adjustment in fee structure.[114]

Last year, the Office also added several fees related to the implementation of title II of the Music Modernization Act (MMA) that are administered by the recordation program.[115] The Office issued final regulations establishing new filing mechanisms to implement the protection and use of pre-1972 sound recordings into the federal scheme.[116] These regulations established fees for the filing, and removal, of schedules and supplemental schedules by rights owners listing their sound recordings fixed before February 15, 1972 (''Pre-1972 Sound Recordings''). Because the Office anticipated that those fees would be analogous to that of processing electronic section 115 notices,[117] the Office set the fee to be $75.[118] This rule will not change that fee.

The Office also published a final rule regarding the noncommercial use exception to unauthorized uses of Pre-1972 Sound Recordings.[119] That rule details the filing requirements for a user to submit a notice of noncommercial use and for a rights owner to submit a notice opting out of a proposed noncommercial use. The final rule set the fees for both services at $50. The Office finds no reason to change these fees.

Finally, the special handling surcharge for recordation of documents will be kept at $550, which will be charged in addition to the otherwise applicable processing fee.

B. Record Retrieval, Search, and Certification Services

The Office's Records Research and Certification Section (RRC) provides copies of completed and in-process registration and recordation records, search reports, and registration deposit materials. The Office is adopting the following fee schedule for records retrieval, search, and certification services:

Registration, recordation, and related services: Record retrieval, search, and certification services	Current fees ($)	New fees ($)
Provision of an additional certificate of registration	40	55
Certification of other Copyright Office records, including search reports (per hour)	200	200
Search report prepared from official records other than Licensing Division records (per hour, 2 hour minimum)	200	200
Estimate of retrieval or search fee (credited to retrieval or search fee)	200	200
Retrieval of in-process or completed Copyright Office records or other Copyright Office materials:		
Retrieval of paper records (per hour, 1 hour minimum)	200	200
Retrieval of digital records (per hour, half hour minimum, quarter hour increments)	200	200

Special services: Record retrieval, search, and certification services	Current fees ($)	New fees ($)
Copying of Copyright Office records by staff	Varied	12
Special handling fee for records retrieval, search, and certification services (per hour, 1 hour minimum)	Varied	500
Litigation statement (Form LS)	New Fee	100

The new fees are intended to be simpler and easier for the public to understand and for the Office to implement. For instance, instead of charging different copying fees based on the type of media involved (paper, audiocassette, videocassette, CD etc.), the Office is simplifying the copying fee to $12 regardless of media. Similarly, rather than try to distinguish among these various services, the Office is maintaining a simpler fee structure by maintaining a $200-per-hour fee in place for most RRC services, including a search estimate.

Likewise, instead of charging three different special handling fees for the different kinds of services RRC provides,[120] the Office is adopting a standard $500 hourly fee for special handling of records retrieval, search, and certification services, which would apply in lieu of the $200-per-hour fees that are otherwise charged for such services. The Office charges special handling fees when the user requests expedited service. For example, when requesting a standard search report, the fee a user pays will be at least $400, or $200 per hour with a two-hour minimum. When requesting a search report with special handling, however, the fee will be $500 per hour to account for the expedited nature of the service. While the revenues from this service exceed the costs, those excess revenues help offset the cost of other services.

Finally, the Office is raising the fee for an additional certificate of registration from $40 to $55 to achieve greater cost recovery; this service costs $285 to provide. The Office is also adopting a new fee of $100 for litigation statements, which are requests for certified or uncertified reproductions of deposit copies, phonorecords, or identifying material involved in litigation (either actual or prospective),[121] to achieve almost full cost recovery.

The Office did not receive any comments on its proposed adjusted fees for record retrieval, search, and certification services.

C. Miscellaneous Fees

The Office is adopting the following miscellaneous fees, as authorized by 17 U.S.C. 708 and other provisions of the Copyright Act:

[114] *See* Author Services, Inc., Comments Submitted in Response to U.S. Copyright Office's June 21, 2019, Supplemental Notice of Proposed Rulemaking at 1 (July 23, 2019) (''We support . . . how the titles/works will be counted relating to the document recordation fees.'').

[115] Final Rule: Noncommercial Use of Pre-1972 Sound Recordings That Are Not Being Commercially Exploited, 84 FR 14242, 14253 (Apr. 9, 2019).

[116] Final Rule: Filing of Schedules by Rights Owners and Contact Information by Transmitting Entities Relating to Pre1972 Sound Recordings, 84 FR 10679 (Mar. 22, 2019).

[117] *See* Interim Rule: Filing of Schedules by Rights Owners and Contact Information by Transmitting Entities Relating to Pre-1972 Sound Recordings, 83 FR 52150, 52152 (Oct. 16, 2018).

[118] Final Rule: Filing of Schedules by Rights Owners and Contact Information by Transmitting Entities Relating to Pre1972 Sound Recordings, 84 FR 10684.

[119] Final Rule: Noncommercial Use of Pre-1972 Sound Recordings That Are Not Being Commercially Exploited, 84 FR 14242.

[120] Previously, the Office charged $300 for special handling of a search report, for up to two hours, and $500 for additional hours of searching. Separately, the Office charged $305 per hour for special handling of retrieval, certification, and copying services.

[121] *See* 37 CFR 201.2(d)(2); Compendium (Third) sec. 2407.1(D)(2).

Registration, recordation, and related services: Miscellaneous services	Current fees ($)	New fees ($)
Designation of agent under 17 U.S.C. 512(c)(2) to receive notification of claimed infringement, or amendment or resubmission of designation	6	6
Issuance of a receipt for a section 407 deposit	30	30
Removal of PII from registration records:		
Initial request, per registration record	130	100
Reconsideration of denied requests, flat fee	60	60

Special services: Miscellaneous services	Current Fees ($)	New Fees ($)
Service charge for deposit account overdraft	250	285
Service charge for dishonored deposit account replenishment check	100	500
Service charge for an uncollectible or non-negotiable payment	30	115
Notice to libraries and archives	50	50
Each additional title	20	20
Service charge for Federal Express mailing	45	45
Service charge for delivery of documents via facsimile (per page, 7 page maximum)	1	1

As explained in the NPRM, the Office had insufficient volume to compute a transaction cost for the following fees, and therefore is keeping the cost of these services at their current levels or reducing them: Receipt for mandatory deposit without registration; notice to libraries and archives under 17 U.S.C. 108(h); initial request to remove requested personally identifiable information (PII) from registration records; and reconsideration of a denied request to remove PII. Similarly, the $1 and $45 fees to deliver documents by fax and by Federal Express mailing will remain unchanged.

The Office is raising the payment processing service charges to achieve near-complete cost recovery for those types of charges and discourage the incidence of such payment processing complications. The fee for overdraft of a deposit account will increase from $250 to $285 to account for the estimated cost of $280. The fee for dishonored replenishment checks for deposit accounts will increase from $100 to $500 to account for the $513 cost of such service. And the fee for uncollectable or nonnegotiable payments will increase from $30 to $115 to recover the $110 it costs the Office to address such a situation.

Finally, as proposed, the Office will maintain the fee for designation of an agent under 17 U.S.C. 512(c)(2) at $6, despite its $52 cost. The Office anticipates that the ongoing costs will be lower as system development nears completion.

D. Licensing Division and Related Fees

The Office is adopting the following Licensing Division fees:

Licensing and related services: Licensing division services	Current fees ($)	New fees ($)
Recordation of a notice of intention to make and distribute phonorecords (17 U.S.C. 115)	75	75
Additional titles (per group of 1 to 10 titles) (paper filing)	20	20
Additional titles (per group of 1 to 100 titles) (online filing)	10	10
Statement of account amendment (cable television systems and satellite carriers, 17 U.S.C. 111 and 119; digital audio recording devices or media, 17 U.S.C. 1003)	150	50
Recordation of certain contracts by cable TV systems located outside the 48 contiguous states	50	50
Initial or amended notice of digital transmission of sound recording (17 U.S.C. 112, 114)	40	50
Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to 17 U.S.C. 111:		
Form SA1	15	15
Form SA2	20	20
Form SA3	725	725
Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to 17 U.S.C. 119 or 122	725	725
Search report prepared from Licensing Division records (per hour, 2 hour minimum)	200	200

As proposed in the NPRM, the Office is maintaining a flat fee for paper and electric versions of Forms SA 1, 2, and 3; however, after examining projected fee revenues as well as reasonable expenses incurred to administer these licenses, the Office has determined it is unnecessary to implement the slight increases to these fees originally proposed in the NPRM.[122] The Office is also retaining the current fee for statements of account for satellite systems.[123] Fees associated with section 111, 119, and 122 licenses will remain, in the aggregate over the next five year period, below 50% of the Office's reasonable expenses to administer the cable and satellite licensing programs, as is required by statute.[124] The Office will continue to monitor costs and filing volume to ensure that it complies with the statutory limit.

The fee for an amended statement of account filed by cable systems, satellite systems, and digital audio recording device distributors will be reduced to

[122] The Office has taken into account that the volume of cable statements of account is projected to continue to decrease, as it has done for a number of years.

[123] While the recent enactment of the Satellite Television Community Protection and Promotion Act scaled back the types of uses covered by the satellite license, the Office will continue to administer this filing in those reduced instances. *See* Satellite Television Community Protection and Promotion Act of 2019, Public Law 116–94, sec. 1102 (2019).

[124] 17 U.S.C. 708(a)(11).

$50. But as noted in the NPRM, the Office intends to charge that amendment fee in a wider range of circumstances, including when Office examination uncovers an error that requires the filing of an amended statement of account.

The Office is raising the fee for section 112 and 114 initial and amended notices from $40 to $50 to achieve greater recovery of the $300 cost associated with such notices.

Finally, the Music Modernization Act (''MMA'') makes significant changes to the section 115 compulsory license and adds several services, which the Licensing Division administers. The Office is keeping the fees for section 115 notices at their current levels, which, following passage of the MMA, now relate only to non-digital phonorecord deliveries of a musical work.[125] Post-MMA, the Office has thus far received only nine section 115 notices, and has concluded that the best approach is to retain the current fee and reassess the utility and efficiency of this license in the next fee study with new data on this narrower subset of filers now eligible to file this notice. The Office is not changing any other fees for services of the Licensing Division.

List of Subjects in 37 CFR Part 201

Copyright, General provisions.

Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR part 201 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. In § 201.3, revise paragraphs (c), (d), and (e) to read as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *

(c) Registration, recordation, and related service fees. The Copyright Office has established fees for these services. To calculate the fee specified by paragraph (c)(20) of this section, for each work identified in a document: The first title and/or first registration number provided for that particular work constitutes a work; and each additional title and registration number provided for that particular work beyond the first constitutes an alternate identifier. The fees are as follows:

TABLE 1 TO PARAGRAPH (c)

Registration, recordation, and related services	Fees ($)
(1) Registration of a claim in an original work of authorship:	
(i) Electronic filing:	
(A) Single author, same claimant, one work, not for hire	45
(B) All other filings	65
(ii) Paper Filing (Forms PA, SR, TX, VA, SE, SR)	125
(2) Registration of a claim in a group of contributions to periodicals	85
(3) Registration of updates or revisions to a database that predominantly consists of non-photographic works	500
(4) Registration of a claim in a group of published photographs or a claim in a group of unpublished photographs	55
(5) Registration for a database that predominantly consists of photographs and updates thereto:	
(i) Electronic filing	250
(ii) Paper filing	250
(6) Registration of a renewal claim (Form RE):	
(i) Claim without addendum	125
(ii) Addendum (in addition to the fee for the claim)	100
(7) Registration of a claim in a group of serials (per issue, minimum two issues):	
(i) Electronic filing	35
(ii) Paper filing	70
(8) Registration of a claim in a group of newspapers or a group of newsletters	95
(9) Registration of a claim in a group of unpublished works	85
(10) Registration of a claim in a restored copyright (Form GATT)	100
(11) Preregistration of certain unpublished works	200
(12) Registration of a correction or amplification to a claim:	
(i) Supplementary registration:	
(A) Electronic filing	100
(B) Paper Filing for correction or amplification of renewal registrations, GATT registrations, and group registrations for non-photographic databases (Form CA)	150
(ii) Correction of a design registration: Form DC	100
(13) Registration of a claim in a mask work (Form MW)	150
(14) Registration of a claim in a vessel design (Form D/VH)	500
(15) Provision of an additional certificate of registration	55
(16) Certification of other Copyright Office records, including search reports (per hour)	200
(17) Search report prepared from official records other than Licensing Division records (per hour, 2 hour minimum)	200
(18) Estimate of retrieval or search fee (credited to retrieval or search fee)	200
(19) Retrieval of in-process or completed Copyright Office records or other Copyright Office materials:	
(i) Retrieval of paper records (per hour, 1 hour minimum)	200
(ii) Retrieval of digital records (per hour, half hour minimum, quarter hour increments)	200
(20) Recordation of a document, including a notice of termination and a notice of intention to enforce a restored copyright:	
(i) Base fee (includes 1 work identified by 1 title and/or registration number):	
(A) Paper	125
(B) Electronic	95
(ii) Additional transfer (per transfer) (for documents recorded under 17 U.S.C. 205)	95
(iii) Additional works and alternate identifiers:	

[125] *See* Final Rule: Notices of Intention and Statements of Account Under Compulsory License To Make and Distribute Phonorecords of Musical Works, 84 FR 10685 (Mar. 22, 2019). For more information about the MMA, see *https://www.copyright.gov/music-modernization/*.

TABLE 1 TO PARAGRAPH (c)—Continued

Registration, recordation, and related services	Fees ($)
(A) Paper (per group of 10 or fewer additional works and alternate identifiers)	60
(B) Electronic:	
(1) 1 to 50 additional works and alternate identifiers	60
(2) 51 to 500 additional works and alternate identifiers	225
(3) 501 to 1,000 additional works and alternate identifiers	390
(4) 1,001 to 10,000 additional works and alternate identifiers	555
(5) 10,001 or more additional works and alternate identifiers	5,500
(iv) Correction of online Public Catalog data due to erroneous electronic title submission (per title)	7
(21) Designation of agent under 17 U.S.C. 512(c)(2) to receive notification of claimed infringement, or amendment or resubmission of designation	6
(22)(i) Schedule of pre-1972 sound recordings, or supplemental schedule of pre-1972 sound recordings (single sound recording)	75
(ii) Additional sound recordings (per group of 1 to 100 sound recordings)	10
(23) Removal of pre-1972 sound recording from Office's database of indexed schedules (single sound recording)	75
(24) Notice of noncommercial use of pre-1972 sound recording	50
(25) Opt-out notice of noncommercial use of pre-1972 sound recording	50
(26) Issuance of a receipt for a section 407 deposit	30
(27) Removal of PII from Registration Records:	
(i) Initial request, per registration record	100
(ii) Reconsideration of denied requests, flat fee	60

(d) *Special service fees.* The Copyright Office has established the following fees for special services of the Office:

TABLE 1 TO PARAGRAPH (d)

Special services	Fees ($)
(1) Service charge for deposit account overdraft	285
(2) Service charge for dishonored deposit account replenishment check	500
(3) Service charge for an uncollectible or non-negotiable payment	115
(4) Appeals:	
(i) First appeal (per claim)	350
(ii) Second appeal (per claim)	700
(5) Secure test examining fee (per staff member per hour)	250
(6) Copying of Copyright Office records by staff	12
(7)(i) Special handling fee for a claim	800
(ii) Handling fee for each non-special handling claim using the same deposit	50
(8) Special handling fee for recordation of a document	550
(9) Handling fee for extra deposit copy for certification	50
(10) Full-term retention of a published deposit:	
(i) Physical deposit	540
(ii) Electronic deposit	220
(11) Voluntary cancellation of registration	150
(12) Matching unidentified deposit to deposit ticket claim	40
(13) Special handling fee for records retrieval, search, and certification services (per hour, 1 hour minimum)	500
(14) Litigation statement (Form LS)	100
(15)(i) Notice to libraries and archives	50
(ii) Each additional title	20
(16) Service charge for Federal Express mailing	45
(17) Service charge for delivery of documents via facsimile (per page, 7 page maximum)	1

(e) *Licensing Division service fees.* The Copyright Office has established the following fees for specific services of the Licensing Division:

TABLE 1 TO PARAGRAPH (e)

Licensing division services	Fees ($)
(1)(i) Recordation of a notice of intention to make and distribute phonorecords (17 U.S.C. 115)	75
(ii) Additional titles (per group of 1 to 10 titles) (paper filing)	20
(iii) Additional titles (per group of 1 to 100 titles) (online filing)	10
(2) Statement of account amendment (cable television systems and satellite carriers, 17 U.S.C. 111 and 119; digital audio recording devices or media, 17 U.S.C. 1003)	50

TABLE 1 TO PARAGRAPH (e)—Continued

Licensing division services	Fees ($)
(3) Recordation of certain contracts by cable TV systems located outside the 48 contiguous states	50
(4) Initial or amended notice of digital transmission of sound recording (17 U.S.C. 112, 114)	50
(5) Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to 17 U.S.C. 111:	
(i) Form SA1	15
(ii) Form SA2	20
(iii) Form SA3	725
(6) Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to 17 U.S.C. 119 or 122	725
(7) Search report prepared from Licensing Division records (per hour, 2 hour minimum)	200

* * * * *

Dated: February 13, 2020.

Maria Strong,

Acting Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress

[FR Doc. 2020–03268 Filed 2–18–20; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R09–OAR–2019–0345; FRL–10001–02–Region 9]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Pinal County Air Quality Control District; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a state plan submitted by the Pinal County Air Quality Control District (PCAQCD). For the purposes of this Section 111(d) plan, the PCAQCD is considered a ''State'' as defined in EPA's regulations. This state plan submittal pertains to the regulation of landfill gas and its components, including methane, from existing municipal solid waste (MSW) landfills. This state plan was submitted in response to the EPA's promulgation of Emissions Guidelines and Compliance Times for MSW landfills. This action is being taken under the Clean Air Act (CAA).

DATES: This plan will be effective on March 20, 2020. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of March 20, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2019–0345. 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: Jeffrey Buss, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4152 or by email at *buss.jeffrey@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
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I. Proposed Action

On July 8, 2019 (84 FR 32365), the EPA proposed to approve a section 111(d) plan submitted by the PCAQCD for existing municipal solid waste landfills. The submitted section 111(d) plan was in response to the August 29, 2016 promulgation of Federal NSPS and emission guidelines requirements for MSW landfills, 40 CFR part 60, subparts XXX and Cf, respectively (81 FR 59332 and 81 FR 59276). Included within the section 111(d) plan are regulations under the PCAQCD Code at Chapter 5, Article 34 (5–34–2050) entitled ''Standards of Performance for Existing Municipal Solid Waste Landfills'' and Chapter 6, Article 1 (6–1–030) entitled ''New Source Performance Standards: Adopted Documents,'' effective on December 19, 2018.

We proposed to approve this plan because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the plan 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 no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving the plan submitted by the PCAQCD.

IV. Incorporation by Reference

In accordance with the requirements of 1 CFR 51.5, EPA is finalizing regulatory text that includes the incorporation by reference of the PCAQCD Code 5–34–2050 entitled ''Standards of Performance for Existing Municipal Solid Waste Landfills'' and 6–1–030 entitled ''Performance Standards'' amended on December 19, 2018, which is part of the CAA section 111(d) plan applicable to existing MSW landfills in Pinal County Arizona as discussed in section I of this preamble. These regulatory provisions in the section 111(d) plan establish emission standards and compliance times for the control of methane and other organic compounds from certain existing MSW landfills located in Pinal County that commenced construction, modification, or reconstruction on or before July 17, 2014. These provisions set forth requirements meeting criteria promulgated by EPA at 40 CFR part 60, subpart Cf. EPA has made, and will continue to make, the entire Pinal

County plan, generally available through *www.regulations.gov,* Docket No. EPA–R03–OAR–2019–0345, 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). This incorporation by reference has been approved by the Office of the Federal Register and the plan is federally enforceable under the CAA as of the effective date of this final rulemaking.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve section 111(d) state plan submissions that comply with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B and Cf; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d) state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. 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 this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the CAA section 111(d) Plans are not approved to apply in Indian country, as defined at 18 U.S.C. 1151, located in the state. As such, this rule does not have tribal implications, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), and it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 20, 2020. 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 62

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Landfills, Methane, Ozone, Reporting and recordkeeping requirements, Sulfur Oxides, Volatile organic compounds.

Dated: August 30, 2019.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Editorial note: This document was received for publication by the Office of the Federal Register on February 4, 2020.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 62 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart D—Arizona

■ 2. Section 62.600 is revised to read as follows:

§ 62.600 Identification of plan.

(a) The Arizona Department of Environmental Quality submitted on June 17, 1997 and June 29, 1999, the State of Arizona's Section 111(d) Plan for Existing Municipal Solid Waste Landfills.

(b) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the Arizona Department of Environmental Quality on July 24, 2018, to implement 40 CFR par 60, subpart Cf. The Plan includes the regulatory provisions cited in paragraph (f) of this section, which the EPA incorporates by reference.

(c) After March 20, 2020, the substantive requirements of the municipal solid waste landfills state plan are contained in paragraph (b) of this section and owners and operators of municipal solid waste landfills in Arizona must comply with the requirements in paragraph (b) of this section.

(d) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the Pinal County Air Quality Control District on March 4, 2019, to implement 40 CFR part 60, subpart Cf. The Plan includes the regulatory provisions cited in paragraph (f) of this section, which the EPA incorporates by reference.

(e) After March 20, 2020, the substantive requirements of the municipal solid waste landfills state plan are contained in paragraph (d) of this section and owners and operators of municipal solid waste landfills in Arizona must comply with the requirements in paragraph (d) of this section.

(f)(1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies at the EPA Region 9 office, 75 Hawthorne Street, San Francisco, California 94105, 415–947–8000 or from the source(s) listed in this paragraph (f). Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(2) State of Arizona, Pinal County Air Quality Control District. Clerk of the Board, Pinal County, PO Box 827, Florence, AZ 85232.

(i) Pinal County Air Quality Control District Code of Regulations. Article 34: Standards of Performance for Existing Municipal Solid Waste Landfills—5–34–2050 Applicability, amended December 19, 2018.

(ii) Pinal County Air Quality Control District Code of Regulations. 6–1–030 Performance standards, Nos. 1, 2, and 75, amended December 19, 2018.

■ 3. Section 62.601 is revised to read as follows:

§ 62.601 Identification of sources.

(a) The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, as described in 40 CFR part 60, subpart Cc.

(b) The plan in § 62.600(b) applies to all existing municipal solid waste landfills under the jurisdiction of the Arizona Department of Environmental Quality for which construction, reconstruction, or modification was commenced on or before July 17, 2014.

(c) The plan in § 62.600(c) applies to all existing municipal solid waste landfills under the jurisdiction of the Pinal County Air Quality Control District for which construction, reconstruction, or modification was commenced on or before July 17, 2014.

■ 4. Section 62.602 is revised to read as follows:

§ 62.602 Effective date.

(a) The effective date of EPA approval of the plan is November 19, 1999.

(b) The effective date of the plan submitted on July 24, 2018 by the Arizona Department of Environmental Quality for municipal solid waste landfills is March 20, 2020.

(c) The effective date of the plan submitted on March 4, 2019 by the Pinal County Air Quality Control District for municipal solid waste landfills is March 20, 2020.

[FR Doc. 2020–02506 Filed 2–18–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[PS Docket Nos. 18–261, 17–239; GN Docket No. 11–117; FCC 19–76; FRS 16425]

Implementing Kari's Law and RAY BAUM'S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service; Corrections

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rules portion of a **Federal Register** document published on December 5, 2019. That **Federal Register** document inadvertently removed definitions from the Commission's rules for telecommunications relay services.

DATES: Effective on February 19, 2020.

FOR FURTHER INFORMATION CONTACT: Michael Scott, Consumer and Governmental Affairs Bureau, (202) 418–1264, or email *Michael.Scott@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document corrects the final rules document published at 84 FR 66716, December 5, 2019.

List of Subjects in 47 CFR Part 64

Individuals with disabilities, Telecommunications, Telecommunications relay services.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

Accordingly, 47 CFR part 64 is corrected by making the following correcting amendments:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 228, 251(a), 251(e), 254(k), 262, 403(b)(2)(B), (c), 616, 620, and 1401–1473, unless otherwise noted.

■ 2. Amend § 64.601 by adding paragraphs (a)(1) through (51) to read as follows:

§ 64.601 Definitions and provisions of general applicability.

(a) * * *

(1) *711.* The abbreviated dialing code for accessing relay services anywhere in the United States.

(2) *ACD platform.* The hardware and/or software that comprise the essential call center function of call distribution, and that are a necessary core component of internet-based TRS.

(3) *American Sign Language (ASL).* A visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

(4) *ANI.* For 911 systems, the Automatic Number Identification (ANI) identifies the calling party and may be used as the callback number.

(5) *ASCII.* An acronym for American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400, and higher.

(6) *Authorized provider.* An iTRS provider that becomes the iTRS user's new default provider, having obtained the user's authorization verified in accordance with the procedures specified in this part.

(7) *Baudot.* A seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

(8) *Call release.* A TRS feature that allows the CA to sign-off or be ''released'' from the telephone line after the CA has set up a telephone call between the originating TTY caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the called TTY party can only be reached through a voice-only interface, such as a switchboard.

(9) *Common carrier or carrier.* Any common carrier engaged in interstate Communication by wire or radio as defined in section 3(h) of the Communications Act of 1934, as amended (the Act), and any common carrier engaged in intrastate communication by wire or radio, notwithstanding sections 2(b) and 221(b) of the Act.

(10) *Communications assistant* (*CA).* A person who transliterates or interprets conversation between two or more end users of TRS. CA supersedes the term ''TDD operator.''

(11) *Default provider.* The iTRS provider that registers and assigns a ten-digit telephone number to an iTRS user pursuant to § 64.611.

(12) *Default provider change order.* A request by an iTRS user to an iTRS

provider to change the user's default provider.

(13) *Direct video customer support.* A telephone customer support operation that enables callers with hearing or speech disabilities to engage in real-time direct video communication in ASL with ASL speakers in a call center operation.

(14) *Enterprise videophone.* A videophone maintained by a business, organization, government agency, or other entity, and designated for use by its employees or other individuals in private or restricted areas.

(15) *Hearing carry over (HCO).* A form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

(16) Hearing point-to-point video user. A hearing individual who has been assigned a ten-digit NANP number that is entered in the TRS Numbering Directory to access point-to-point service.

(17) *Interconnected VoIP service.* The term ''interconnected VoIP service'' has the meaning given such term under § 9.3 of this chapter, as such section may be amended from time to time.

(18) *internet-based TRS (iTRS).* A telecommunications relay service (TRS) in which an individual with a hearing or a speech disability connects to a TRS communications assistant using an internet Protocol-enabled device via the internet, rather than the public switched telephone network. Except as authorized or required by the Commission, internet-based TRS does not include the use of a text telephone (TTY) or RTT over an interconnected voice over internet Protocol service.

(19) *internet Protocol Captioned Telephone Service (IP CTS).* A telecommunications relay service that permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an internet Protocol-enabled device via the internet to simultaneously listen to the other party and read captions of what the other party is saying. With IP CTS, the connection carrying the captions between the relay service provider and the relay service user is via the internet, rather than the public switched telephone network.

(20) *internet Protocol Relay Service (IP Relay).* A telecommunications relay service that permits an individual with a hearing or a speech disability to communicate in text using an internet Protocol-enabled device via the internet, rather than using a text telephone (TTY) and the public switched telephone network.

(21) *IP Relay access technology.* Any equipment, software, or other technology issued, leased, or provided by an internet-based TRS provider that can be used to make and receive an IP Relay call.

(22) *iTRS access technology.* Any equipment, software, or other technology issued, leased, or provided by an internet-based TRS provider that can be used to make and receive an internet-based TRS call.

(23) *New default provider.* An iTRS provider that, either directly or through its numbering partner, initiates or implements the process to become the iTRS user's default provider by replacing the iTRS user's original default provider.

(24) *Non-English language relay service.* A telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.

(25) *Non-interconnected VoIP service.* The term ''non-interconnected VoIP service''—

(i) Means a service that—

(A) Enables real-time voice communications that originate from or terminate to the user's location using internet protocol or any successor protocol; and

(B) Requires internet protocol compatible customer premises equipment; and

(ii) Does not include any service that is an interconnected VoIP service.

(26) *Numbering partner.* Any entity with which an internet-based TRS provider has entered into a commercial arrangement to obtain North American Numbering Plan telephone numbers.

(27) *Original default provider.* An iTRS provider that is the iTRS user's default provider immediately before that iTRS user's default provider is changed.

(28) *Point-to-point video call.* A call placed via a point-to-point video service.

(29) *Point-to-point video service.* A service that enables a user to place and receive non-relay video calls without the assistance of a CA.

(30) *Public videophone.* A videophone maintained by a business, organization, government agency, or other entity, and made available for use by the public in a public space, such as a public area of a business, school, hospital, library, airport, or government building.

(31) *Qualified direct video entity.* An individual or entity that is approved by the Commission for access to the TRS Numbering Directory that is engaged in direct video customer support and that is the end-user customer that has been assigned a telephone number used for direct video customer support calls or is the designee of such entity.

(32) *Qualified interpreter.* An interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

(33) *Real-Time Text (RTT).* The term real-time text shall have the meaning set forth in § 67.1 of this chapter.

(34) *Registered internet-based TRS user.* An individual who has registered with a VRS, IP Relay, or IP CTS provider as described in § 64.611.

(35) *Registered Location.* The most recent information obtained by a VRS, IP Relay, or IP CTS provider that identifies the physical location of an end user.

(36) *Sign language.* A language which uses manual communication and body language to convey meaning, including but not limited to American Sign Language.

(37) *Speech-to-speech relay service (STS).* A telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

(38) *Speed dialing.* A TRS feature that allows a TRS user to place a call using a stored number maintained by the TRS facility. In the context of TRS, speed dialing allows a TRS user to give the CA a short-hand'' name or number for the user's most frequently called telephone numbers.

(39) *Telecommunications relay services (TRS).* Telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.

(40) *Text telephone (TTY).* A machine that employs graphic communication in the transmission of coded signals through a wire or radio communication

system. TTY supersedes the term ''TDD'' or ''telecommunications device for the deaf,'' and TT.

(41) *Three-way calling feature.* A TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.

(42) *TRS Numbering Administrator.* The neutral administrator of the TRS Numbering Directory selected based on a competitive bidding process.

(43) *TRS Numbering Directory.* The database administered by the TRS Numbering Administrator, the purpose of which is to map each registered internet-based TRS user's NANP telephone number to his or her end device.

(44) *TRS User Registration Database.* A system of records containing TRS user identification data capable of:

(i) Receiving and processing subscriber information sufficient to identify unique TRS users and to ensure that each has a single default provider;

(ii) Assigning each VRS user a unique identifier;

(iii) Allowing VRS providers and other authorized entities to query the TRS User Registration Database to determine if a prospective user already has a default provider;

(iv) Allowing VRS providers to indicate that a VRS user has used the service; and

(v) Maintaining the confidentiality of proprietary data housed in the database by protecting it from theft, loss or disclosure to unauthorized persons. The purpose of this database is to ensure accurate registration and verification of VRS users and improve the efficiency of the TRS program.

(45) *Unauthorized provider.* An iTRS provider that becomes the iTRS user's new default provider without having obtained the user's authorization verified in accordance with the procedures specified in this part.

(46) *Unauthorized change.* A change in an iTRS user's selection of a default provider that was made without authorization verified in accordance with the verification procedures specified in this part.

(47) *Video relay service (VRS).* A telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

(48) *Visual privacy screen.* A screen or any other feature that is designed to prevent one party or both parties on the video leg of a VRS call from viewing the other party during a call.

(49) *Voice carry over (VCO).* A form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows TRS users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

(50) *VRS access technology.* Any equipment, software, or other technology issued, leased, or provided by an internet-based TRS provider that can be used to make and receive a VRS call.

(51) *VRS Access Technology Reference Platform.* A software product procured by or on behalf of the Commission that provides VRS functionality, including the ability to make and receive VRS and point-to-point calls, dial-around functionality, and the ability to update user registration location, and against which providers may test their own VRS access technology and platforms for compliance with the Commission's interoperability and portability rules.

* * * * *

[FR Doc. 2020–02723 Filed 2–18–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 13–24 and 03–123; FCC 18–79 and FCC 19–11; FRS 16443]

IP CTS Modernization and Reform; IP CTS Improvements and Program Management

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective and compliance dates.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with rules adopted in the Commission's documents *Misuse of Internet Protocol (IP) Captioned Telephone Service et. al,* Report and Order and Declaratory Ruling, FCC 18–79 and Report and Order, FCC 19–11, (Orders) and that the compliance with the modified rules associated in FCC 19–11 is now required. This document is consistent with the *Orders,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective and compliance dates of those rules.

DATES:

Effective date: The amendments to § 64.604(c)(11)(v) and (c)(13)(iii) and (iv), published at 83 FR 30082, June 27, 2018, are effective February 19, 2020.

Compliance date: Compliance with §§ 64.611(j)(2), 64.615(a)(3) and (a)(5), published at 84 FR 8457, March 8, 2019, is required as of February 19, 2020.

FOR FURTHER INFORMATION CONTACT: Michael Scott, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418–1264, or email: *Michael.Scott@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on December 26, 2019, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Orders,* FCC 18–79, published at 83 FR 30082, June 27, 2018 and FCC 19–11, published at 84 FR 8457, March 8, 2019. The OMB Control Number is 3060–1053. The Commission publishes this notice as an announcement of the effective and compliance dates of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1053, in your correspondence. The Commission will also accept your comments via the internet if you send them to *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY).

This document also removes §§ 64.611(k) and 64.615(c) of the Commission's rules, which advised that compliance with §§ 64.611(j)(2) and 64.615(a)(3) and (a)(5), respectively, was not required until OMB approval was obtained.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it

received OMB approval on December 26, 2019, for the information collection requirements contained in the Commission's rules at §§ 64.604(c)(11)(v), 64.604(c)(13)(iii)–(iv), 64.611(j)(2), 64.615(a)(3) and (a)(5).

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1053.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1053.

OMB Approval Date: December 26, 2019.

OMB Expiration Date: December 31, 2022.

Title: Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13–24 and 03–123.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 372,010 respondents; 1,218,242 responses.

Estimated Time per Response: 0.1 hours (6 minutes) to 40 hours.

Frequency of Response: Annual, every five years, monthly, and ongoing reporting requirements; Recordkeeping requirements; Third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found at Sec. 225 [47 U.S.C. 225] Telecommunications Services for Hearing-Impaired Individuals; The Americans with Disabilities Act of 1990, (ADA), Public Law 101–336, 104 Stat. 327, 366–69, enacted on July 26, 1990.

Total Annual Burden: 653,820 hours.

Total Annual Cost: $56,000.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–4, ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD).'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–4 ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD),'' in the **Federal Register** on February 9, 2015 (80 FR 6963) which became effective on March 23, 2015.

Privacy Impact Assessment: The FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007. It may be reviewed at *https://www.fcc.gov/general/privacy-act-information#pia.* The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: On August 1, 2003, the Commission released *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98–67, Declaratory Ruling, 68 FR 55898, September 28, 2003, clarifying that one-line captioned telephone voice carry over (VCO) service is a type of telecommunications relay service (TRS) and that eligible providers of such services are eligible to recover their costs from the Interstate TRS Fund (Fund) in accordance with section 225 of the Communications Act.

On July 19, 2005, the Commission released *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98–67 and CG Docket No. 03–123, Order, 70 FR 54294, September 14, 2005, clarifying that two-line captioned telephone VCO service, like one-line captioned telephone VCO service, is a type of TRS eligible for compensation from the Fund.

On January 11, 2007, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket No. 03–123, Declaratory Ruling, 72 FR 6960, February 14, 2007, granting a request for clarification that Internet Protocol (IP) captioned telephone relay service (IP CTS) is a type of TRS eligible for compensation from the Fund.

On August 26, 2013, the Commission issued *Misuse of Internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket Nos. 13–24 and 03–123, Report and Order, 78 FR 53684, August 30, 2013, to regulate practices relating to the marketing of IP CTS, impose certain requirements for the provision of this service, and mandate registration and certification of IP CTS users.

On June 8, 2018, the Commission issued *Misuse of internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket Nos. 13–24 and 03–123, Report and Order and Declaratory Ruling, 83 FR 30082, June 27, 2018 (*2018 IP CTS Modernization Order*), to facilitate the Commission's efforts to reduce waste, fraud, and abuse and improve its ability to efficiently manage the IP CTS program through regulating practices related to the marketing of IP CTS, generally prohibiting the provision of IP CTS to consumers who do not genuinely need the service, permitting the provision of IP CTS in emergency shelters, and approving the use of automatic speech recognition to generate captions without the assistance of a communications assistant.

On February 15, 2019, the Commission issued *Misuse of Internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket Nos. 13–24 and 03–123, Report and Order, and Order, 84 FR 8457, March 8, 2019 (*2019 IP CTS Program Management Order*), requiring the submission of IP CTS user registration information to the telecommunications relay service (TRS) User Registration Database (Database) so that the Database administrator can verify IP CTS users to reduce the risk of waste, fraud, and abuse in the IP CTS program.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–02145 Filed 2–18–20; 8:45 am]

BILLING CODE 6712–01–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Part 1552

[EPA–HQ–OMS–2018–0742; FRL 10002–43–OMS]

Environmental Protection Agency Acquisition Regulation (EPAAR) Clause Update for Submission of Invoices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction and republication.

SUMMARY: The Environmental Protection Agency (EPA) is revising its *Submission of Invoices* clause to add electronic invoicing requirements. In 2019 the EPA will begin using the Invoice Processing Platform (IPP), which is a secure web-based service provided by the U.S. Treasury that efficiently manages government invoicing. This republication is necessary because the wrong *Code of Federal Regulations* number appeared in the document header, the List of Subjects, and the words of issuance.

DATES: Effective February 19, 2020, this final rule corrects and republishes the final rule published at 84 FR 21714 (May 15, 2019), applicable as of May 15, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OARM–2018–0742. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Thomas Valentino, Policy, Training, and Oversight Division, Office of Acquisition Solutions (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–4522; email address: *valentino.thomas@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This republication is necessary because the wrong Code of Federal Regulations (CFR) number appeared in the document header, the List of Subjects and the words of issuance. This document correctly lists the CFR title number as title 48 not title 40. The EPA is revising clause 1552.232–70, *Submission of Invoices,* to add electronic invoicing requirements. In 2019 the EPA will begin using the Invoice Processing Platform (IPP), which is a secure web-based service provided by the U.S. Treasury that efficiently manages government invoicing. Currently the EPA requires contractors and vendors to submit paper invoices, which are inefficient and costly. The EPA will also begin using IPP to satisfy the requirements of Office of Management and Budget (OMB) Memorandum M–15–19, *Improving Government Efficiency and Saving Taxpayer Dollars Through Electronic Invoicing.* By changing the subject clause to require electronic invoicing, the EPA will reap benefits of efficiency and cost that have become ubiquitous in modern commerce, and be in compliance with Memorandum M–15–19. On December 20, 2018 (*83 FR 65328*) EPA sought comments on the proposed rule and received no comments.

II. Final Rule

The final rule amends EPAAR part 1552, *Solicitation Provisions and Contract Clauses,* by revising EPAAR section 1552.232–70, *Submission of Invoices.*

1. EPAAR section 1552.232–70, *Submission of Invoices* clause is revised to provide new electronic invoicing requirements as the EPA begins using the IPP electronic-invoicing program in 2019. The clause is revised by replacing the preamble and paragraphs (a) and (b), with new paragraphs (a) and (b), that update the old paper invoicing instructions to electronic invoicing. Paragraph (g)(5) is revised to remove references to suspended costs, which are not authorized under IPP. The ''Note to paragraph (i)'' and ''Note to paragraph (j)'' are also being revised to remove references to suspended costs. Finally, paragraph (k) and ''Note to paragraph (k)'' are being removed because suspended costs are not allowed under IPP, which re-letters the last three paragraphs, re-designating paragraphs (l) through (n) as paragraphs (k) through (m), respectively.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993) and therefore, not subject to review under the E.O.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* No information is collected under this action.

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et. seq.

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

For purposes of assessing the impact of today's final rule on small entities, ''small entity'' is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action revises a current EPAAR clause and does not impose requirements involving capital investment, implementing procedures, or record keeping. This rule will not have a significant economic impact on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, Local, and Tribal governments and the private sector.

This rule contains no Federal mandates (under the regulatory provisions of the Title II of the UMRA) for State, Local, and Tribal governments or the private sector. The rule imposes no enforceable duty on any State, Local or Tribal governments or the private sector. Thus, the rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an

accountable process to ensure ''meaningful and timely input by State and Local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government as specified in Executive Order 13132.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This rule does not have tribal implications as specified in Executive Order 13175.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045, entitled ''Protection of Children from Environmental Health and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12886, and (2) concerns an environmental health or safety risk that may have a proportionate effect on children. This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This final rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution of Use'' (66 FR 28335 (May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) (15 U.S.C. 272 note) of NTTA, Public Law 104–113, directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (E.O.) 12898 (59 FR 7629 (February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This rulemaking does not involve human health or environmental effects.

List of Subjects in 48 CFR Part 1552

Environmental protection, Government procurement, Reporting and recordkeeping requirements, Solicitation provisions and contract clauses.

Dated: January 24, 2020.

Kimberly Y. Patrick,

Director, Office of Acquisition Solutions.

Therefore, 48 CFR part 1552 is amended as set forth below:

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for part 1552 continues to read as follows:

Authority: 5 U.S.C. 301 and 41 U.S.C. 418b.

■ 2. Revise section 1552.232–70 to read as follows:

1552.232–70 Submission of invoices.

As prescribed in 1532.908, insert the following clause:

Submission of Invoices (MAY 2019)

(a) *Electronic invoicing and the Invoice Processing Platform (IPP)*—(1) *Definitions.* As used in this clause—

Contract financing payment and *invoice payment* are defined in Federal Acquisition Regulation (FAR) 32.001.

Electronic form means an automated system that transmits information electronically from the initiating system to all affected systems. Facsimile, email, and scanned documents are not acceptable electronic forms for submission of payment requests. However, scanned documents are acceptable when they are part of a submission of a payment request made using Invoice Processing Platform or another electronic form authorized by the Contracting Officer.

Payment request means any request for contract financing payment or invoice payment submitted by the Contractor under this contract.

(2)(i) Except as provided in paragraph (c) of this clause, the Contractor shall submit invoices using the electronic invoicing program Invoice Processing Platform (IPP), which is a secure web-based service provided by the U.S. Treasury that more efficiently manages government invoicing.

(ii) Under this contract, the following documents are required to be submitted as an attachment to the IPP invoice: (This is a fill-in for acceptable types of required documentation, such as an SF 1034 and 1035, or an invoice/self-designed form on company letterhead that contains the required information.)

(iii) The Contractor's Government Business Point of Contact (as listed in System for Award Management (SAM)) will receive enrollment instructions via email from the IPP. The Contractor must register within 3 to 5 days of receipt of such email from IPP.

(iv) Contractor assistance with enrollment can be obtained by contacting the IPP Production Helpdesk via email at *IPPCustomerSupport@fiscal.treasury.gov* or by telephone at (866) 973–3131.

(3) If the Contractor is unable to comply with the requirement to use IPP for submitting invoices for payment, the Contractor shall submit a waiver request in writing to the Contracting Officer. The Contractor may submit an invoice using other than IPP only when—

(i) The Contracting Officer administering the contract for payment has determined, in writing, that electronic submission would be

unduly burdensome to the Contractor; and in such cases, the Contracting Officer shall modify the contract to include a copy of the Determination; or

(ii) When the Governmentwide commercial purchase card is used as the method of payment.

(4) The Contractor shall submit any non-electronic payment requests using the method or methods specified in Section G of the contract.

(5) In addition to the requirements of this clause, the Contractor shall meet the requirements of the appropriate payment clauses in this contract when submitting payment requests.

(6) Invoices submitted through IPP will be either rejected, or accepted and paid, in their entirety, and will not be paid on a partial basis.

(b) *Invoice preparation.* The Contractor shall prepare its invoice or request for contract financing payment in accordance with FAR 32.905 on the prescribed Government forms, or the Contractor may submit self-designed forms which contain the required information. Standard Form 1034, *Public Voucher for Purchases and Services other than Personal,* is prescribed for used by contractors to show the amount claimed for reimbursement. Standard Form 1035, *Public Voucher for Purchases and Services other than Personal—Continuation Sheet,* is prescribed for use to furnish the necessary supporting detail or additional information required by the Contracting Officer.

(c) *Invoice content.* (1) The Contractor shall prepare a contract level invoice or request for contract financing payment in accordance with the invoice preparation instructions. If contract work is authorized by an individual task order or delivery order (TO/DO), the invoice or request for contract financing payment shall also include a summary of the current and cumulative amounts claimed by cost element for each TO/DO and for the contract total, as well as any supporting data for each TO/DO as identified in the instructions.

(2) The invoice or request for contract financing payment shall include current and cumulative charges by major cost element such as direct labor, overhead, travel, equipment, and other direct costs. For current costs, each major cost element shall include the appropriate supporting schedule identified in the invoice preparation instructions. Cumulative charges represent the net sum of current charges by cost element for the contract period.

(d) *Subcontractor charges.* (1) The charges for subcontracts shall be further detailed in a supporting schedule showing the major cost elements for each subcontract.

(2) On a case-by-case basis, when needed to verify the reasonableness of subcontractor costs, the Contracting Officer may require that the contractor obtain from the subcontractor cost information in the detail set forth in paragraph (c)(2) of this section. This information should be obtained through a means which maintains subcontractor confidentiality (for example, via sealed envelopes), if the subcontractor expresses Confidential Business Information (CBI) concerns.

(e) *Period of performance indication.* Invoices or requests for contract financing payment must clearly indicate the period of performance for which payment is requested. Separate invoices or requests for contract financing payment are required for charges applicable to the base contract and each option period.

(f) *Invoice submittal.* (1) Notwithstanding the provisions of the clause of this contract at FAR 52.216–7, *Allowable Cost and Payment,* invoices or requests for contract financing payment shall be submitted once per month unless there has been a demonstrated need and Contracting Officer approval for more frequent billings. When submitted on a monthly basis, the period covered by invoices or requests for contractor financing payments shall be the same as the period for monthly progress reports required under this contract.

(2) If the Contracting Officer allows submissions more frequently than monthly, one submittal each month shall have the same ending period of performance as the monthly progress report.

(3) Where cumulative amounts on the monthly progress report differ from the aggregate amounts claimed in the invoice(s) or request(s) for contract financing payments covering the same period, the contractor shall provide a reconciliation of the difference as part of the payment request.

(g) *EPA Invoice Preparation Instructions—SF 1034.* The information which a contractor is required to submit in its Standard Form 1034 is set forth as follows:

(1) U.S. Department, Bureau, or establishment and location—Insert the names and address of the servicing finance office, unless the contract specifically provides otherwise.

(2) Date Voucher Prepared—Insert date on which the public voucher is prepared and submitted.

(3) Contract/Delivery Order Number and Date—Insert the number and date of the contract and task order or delivery order, if applicable, under which reimbursement is claimed.

(4) Requisition Number and Date—Leave blank.

(5) Voucher Number—Insert the appropriate serial number of the voucher. A separate series of consecutive numbers, beginning with Number 1, shall be used by the contractor for each new contract. For an adjustment invoice, write ''[*invoice number*] #Adj'' at the voucher number. For a final invoice, put invoice number F. For a completion invoice, put invoice number #C.

(6) Schedule Number; Paid By; Date Invoice Received—Leave blank.

(7) Discount Terms—Enter terms of discount, if applicable.

(8) Payee's Account Number—This space may be used by the contractor to record the account or job number(s) assigned to the contract or may be left blank.

(9) Payee's Name and Address—Show the name of the contractor exactly as it appears in the contract and its correct address, except when an assignment has been made by the contractor, or the right to receive payment has been restricted, as in the case of an advance account. When the right to receive payment is restricted, the type of information to be shown in this space shall be furnished by the Contracting Officer.

(10) Shipped From; To; Weight Government B/L Number—Insert for supply contracts.

(11) Date of Delivery or Service—Show the month, day and year, beginning and ending dates of incurrence of costs claimed for reimbursement. Adjustments to costs for prior periods should identify the period applicable to their incurrence, *e.g.,* revised provisional or final indirect cost rates, award fee, etc.

(12) Articles or Services—Insert the following: ''For detail, see Standard Form 1035 total amount claimed transferred from Page _of Standard Form 1035.'' Insert ''COST REIMBURSABLE—PROVISIONAL PAYMENT'' or ''INDEFINITE QUANTITY/INDEFINITE DELIVERY—PROVISIONAL PAYMENT'' on the Interim public vouchers. Insert ''COST REIMBURSABLE—COMPLETION VOUCHER'' or ''INDEFINITE QUANTITY/INDEFINITE DELIVERY—COMPLETION VOUCHER'' on the Completion public voucher. Insert ''COST REIMBURSABLE—FINAL VOUCHER'' or ''INDEFINITE QUANTITY/INDEFINITE DELIVERY—FINAL VOUCHER'' on the final public voucher. Insert the following certification, signed by an authorized official, on the face of the Standard Form 1034:

''I certify that all payments requested are for appropriate purposes and in accordance with the agreements set forth in the contract.''

_____

(Name of Official)

_____

(Title)

(13) Quantity; Unit Price—Insert for supply contracts.

(14) Amount—Insert the amount claimed for the period indicated in paragraph (g)(11) of this clause.

(h) *EPA Invoice Preparation Instructions—SF 1035.* The information which a contractor is required to submit in its Standard Form 1035 is set forth as follows:

(1) U.S. Department, Bureau, or Establishment—Insert the name and address of the servicing finance office.

(2) Voucher Number—Insert the voucher number as shown on the Standard Form 1034.

(3) Schedule Number—Leave blank.

(4) Sheet Number—Insert the sheet number if more than one sheet is used in numerical sequence. Use as many sheets as necessary to show the information required.

(5) Number and Date of Order—Insert payee's name and address as in the Standard Form 1034.

(6) Articles or Services—Insert the contract number as in the Standard Form 1034.

(7) Amount—Insert the latest estimated cost, fee (fixed, base, or award, as applicable), total contract value, and amount and type of fee payable (as applicable).

(8) A summary of claimed current and cumulative costs and fee by major cost element—Include the rate(s) at which indirect costs are claimed and indicate the base of each by identifying the line of costs to which each is applied. The rates invoiced

should be as specified in the contract or by a rate agreement negotiated by EPA's Cost and Rate Negotiation Team.

(9) Fee—The fee shall be determined in accordance with instructions appearing in the contract.

Note to paragraph (h)—Amounts claimed on vouchers must be based on records maintained by the contractor to show by major cost element the amounts claimed for reimbursement for each applicable contract. The records must be maintained based on the contractor's fiscal year and should include reconciliations of any differences between the costs incurred and amounts claimed for reimbursement. A memorandum record reconciling the total indirect cost(s) claimed should also be maintained.

(i) *Supporting Schedules for Cost Reimbursement Contracts.* The following backup information is required as an attachment to the invoice as shown by category of cost:

(1) Direct Labor—Identify the number of hours (by contractor labor category and total) and the total loaded direct labor hours billed for the period in the invoice.

(2) Indirect Cost Rates—Identify by cost center, the indirect cost rate, the period, and the cost base to which it is applied.

(3) Subcontracts—Identify the major cost elements for each subcontract.

(4) Other Direct Costs—When the cost for an individual cost (*e.g.,* photocopying, material and supplies, telephone usage) exceeds $1,000 per the invoice period, provide a detailed explanation for that cost category.

(5) Contractor Acquired Equipment (if authorized by the contract)—Identify by item the quantities, unit prices, and total dollars billed.

(6) Contractor Acquired Software (if authorized by the contract)—Identify by item the quantities, unit prices, and total dollars billed.

(7) Travel—When travel costs exceed $2,000 per invoice period, identify by trip, the number of travelers, the duration of travel, the point of origin, destination, purpose of trip, transportation by unit price, per diem rates on daily basis and total dollars billed. Detailed reporting is not required for local travel. The manner of breakdown, *e.g.,* task order/delivery order basis with/without separate program management, contract period will be specified in the contract instructions.

Note to paragraph (i)—Any costs requiring advance consent by the Contracting Officer will be considered improper and will be disallowed, if claimed prior to receipt of Contracting Officer consent. Include the total cost claimed for the current and cumulative-to-date periods. After the total amount claimed, provide summary dollar amounts disallowed on the contract as of the date of the invoice. Also include an explanation of the changes in cumulative costs disallowed by addressing each adjustment in terms of: Voucher number, date, dollar amount, source, and reason for the adjustment. Disallowed costs should be identified in unallowable accounts in the contractor's accounting system.

(j) *Supporting Schedules for Time and Materials Contracts.* The following backup information is required as an attachment to the invoice as shown by category of cost:

(1) Direct Labor—Identify the number of hours (by contractor labor category and total) and the total direct labor hours billed for the period of the invoice.

(2) Subcontracts—Identify the major cost elements for each subcontract.

(3) Other Direct Costs—When the cost for an individual cost (*e.g.,* photocopying, material and supplies, telephone usage) exceeds $1,000 per the invoice period, provide a detailed explanation for that cost category.

(4) Indirect Cost Rates—Identify by cost center, the indirect cost rate, the period, and the cost base to which it is applied.

(5) Contractor Acquired Equipment—Identify by item the quantities, unit prices, and total dollars billed.

(6) Contractor Acquired Software—Identify by item the quantities, unit prices, and total dollars billed.

(7) Travel—When travel costs exceed $2,000 per invoice period, identify by trip, the number of travelers, the duration of travel, the point of origin, destination, purpose of trip, transportation by unit price, per diem rates on daily basis and total dollars billed. Detailed reporting is not required for local travel. The manner of breakdown, *e.g.,* task order/delivery order basis with/without separate program management, contract period will be specified in the contract instructions.

Note to paragraph (j)—Any costs requiring advance consent by the Contracting Officer will be considered improper and will be disallowed, if claimed prior to receipt of Contracting Officer consent. Include the total cost claimed for the current and cumulative-to-date periods. After the total amount claimed, provide summary dollar amounts disallowed on the contract as of the date of the invoice. Also include an explanation of the changes in cumulative costs disallowed by addressing each adjustment in terms of: Voucher number, date, dollar amount, source, and reason for the adjustment. Disallowed costs should be identified in unallowable accounts in the contractor's accounting system.

(k) *Adjustment vouchers.* Adjustment vouchers should be submitted if finalized indirect rates were received but the rates are not for the entire period of performance. For example, the base period of performance is for a calendar year but your indirect rates are by fiscal year. Hence, only part of the base period can be adjusted for the applicable final indirect rates. These invoices should be annotated with ''adj'' after the invoice number.

(l) *Final vouchers.* Final Vouchers shall be submitted if finalized rates have been received for the entire period of performance. For example, the base period of performance is for a calendar year but your indirect rates are by fiscal year. You have received finalized rates for the entire base period that encompass both fiscal years that cover the base period. In accordance with FAR 52.216–7, these invoices shall be submitted within 60 days after settlement of final indirect cost rates. They should be annotated with the word ''Final'' or ''F'' after the invoice number. Due to system limitations, the invoice number cannot be more than 11 characters to include spaces.

(m) *Completion vouchers.* In accordance with FAR 52.216–7(d)(5), a completion voucher shall be submitted within 120 days (or longer if approved in writing by the Contracting Officer) after settlement of the final annual indirect cost rates for all years of a physically complete contract. The voucher shall reflect the settled amounts and rates. It shall include settled subcontract amounts and rates. The prime contractor is responsible for settling subcontractor amounts and rates included in the completion invoice. Since EPA's invoices must be on a period of performance basis, the contractor shall have a completion invoice for each year of the period of performance. This voucher must be submitted to the Contracting Officer for review and approval before final payment can be made on the contract. The Contracting Officer may request an audit of the completion vouchers before final payment is made. In addition, once approved, the Contracting Officer will request the appropriate closeout paperwork for the contract. For contracts separately invoiced by delivery or task order, provide a schedule showing final total costs claimed by delivery or task order and in total for the contract. In addition to the completion voucher, the contractor must submit the *Contractor's Release; Assignee's Release,* if applicable; the *Contractor's Assignment of Refunds, Rebates, Credits and other Amounts;* the *Assignee's Assignment of Refunds, Rebates, Credits and other Amounts,* if applicable; and the *Contractor's Affidavit of Waiver of Lien,* when required by the contract.

Alternate I (MAY 2019)

As prescribed in 1532.908, substitute the following paragraphs (c)(1) and (2) for paragraphs (c)(1) and (2) if used in a non-commercial time and materials type contract:

(c)(1) The Contractor shall prepare a contract level invoice or request for contract financing payment in accordance with the invoice preparation instructions. If contract work is authorized by individual task order or delivery order (TO/DO), the invoice or request for contract financing payment shall also include a summary of the current and cumulative amounts claimed by cost element for each TO/DO and for the contract total, as well as any supporting data for each TO/DO as identified in the instructions.

(2) The invoice or request for contract financing payment that employs a fixed rate feature shall include current and cumulative charges by contract labor category and by other major cost elements such as travel, equipment, and other direct costs. For current costs, each cost element shall include the appropriate supporting schedules identified in the invoice preparation instructions.

(End of clause)

[FR Doc. 2020–02269 Filed 2–18–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120404257–3325–02]

RTID 0648–XS024

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2020 Commercial Longline Closure for South Atlantic Golden Tilefish

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure for the commercial longline component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial longline landings for golden tilefish are projected to reach the longline component's commercial quota by February 18, 2020. Therefore, NMFS closes the commercial longline component of golden tilefish in the South Atlantic EEZ on February 18, 2020, at 12:01 a.m. eastern time. This closure is necessary to protect the golden tilefish resource.

DATES: This temporary rule is effective from 12:01 a.m. eastern time on February 18, 2020, until 12:01 a.m. eastern time on January 1, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish 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 (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 golden tilefish sector has two components, each with its own quota: The longline and hook-and-line components (50 CFR 622.190(a)(2)). The commercial tilefish annual catch limit (ACL) is allocated 75 percent to the longline component and 25 percent to the hook-and-line component. The commercial ACL (equivalent to the commercial quota) is 331,740 lb (150,475 kg) gutted weight, and the longline component quota is 248,805 lb (112,856 kg) gutted weight.

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for golden tilefish when the longline component's commercial quota has been reached or is projected to be reached by filing a notification to that effect with the Office of the Federal Register. After the longline component quota is reached or is projected to be reached, golden tilefish may not be commercially fished or possessed by a vessel with a golden tilefish longline endorsement. NMFS has determined that the commercial quota for the golden tilefish longline component in the South Atlantic will be reached by February 18, 2020. Accordingly, the commercial longline component of South Atlantic golden tilefish is closed effective at 12:01 a.m. eastern time on February 18, 2020, and will remain closed until the next fishing year that begins on January 1, 2021.

During the commercial longline closure, golden tilefish may still be commercially harvested using hook-and-line gear. However, a vessel with a golden tilefish longline endorsement is not eligible to fish for or possess golden tilefish using hook-and-line gear under the hook-and-line commercial trip limit, as specified in 50 CFR 622.191(a)(2)(ii). During the commercial longline closure, the recreational bag limit and possession limits specified in 50 CFR 622.187(b)(2)(iii) and (c)(1), respectively, apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ by a vessel with a golden tilefish longline endorsement.

The sale or purchase of longline-caught golden tilefish taken from the South Atlantic EEZ is prohibited during the commercial longline closure. The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish with golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m. eastern time on February 18, 2020. The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m. eastern time on February 18, 2020, and those that were held in cold storage by a dealer or processor. Additionally, the recreational bag and possession limits and the sale and purchase prohibitions under the commercial closure apply to a person on board a vessel with a golden tilefish longline endorsement, regardless of whether the golden tilefish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Classification

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

This action is taken under 50 CFR 622.193(a)(1)(ii) 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 Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the commercial longline component for golden tilefish 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 for this temporary rule would be unnecessary and contrary to the public interest. Such procedures are unnecessary, because the regulations at 50 CFR 622.193(a)(1)(ii) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment on this action are contrary to the public interest, because there is a need to immediately implement this action to protect the golden tilefish resource since the capacity of the fishing fleet allows for rapid harvest of the commercial quota for the longline component. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial quota for the longline component. 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: February 13, 2020.

Karyl K. Brewster-Geisz,

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

[FR Doc. 2020–03206 Filed 2–13–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 33
Wednesday, February 19, 2020

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 54, 56, 62, 70, 90, and 91

[Doc. #AMS–SC–18–0062; SC18–062–1 PR]

Quality Systems Verification Programs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to amend regulations on Quality Systems Verification Programs (QSVP) to clarify that all voluntary, user-fee services under this part are applicable to all commodities covered by the Agricultural Marketing Act of 1946 (Act), as amended. Further, AMS proposes to broaden the scope of services to include all current and future AMS voluntary, user-fee audit verification and accreditation programs and services. AMS will also harmonize administrative procedures governing these services and make conforming changes as necessary in other parts of our regulations.

DATES: Comments must be received by April 20, 2020. Pursuant to the Paperwork Reduction Act, comments on the information collection burden that would result from this rulemaking must be received by April 20, 2020.

ADDRESSES: Comments should be submitted electronically at *www.regulations.gov.* Comments received will be posted without change, including any personal information provided. All comments should reference the docket number AMS–SC–18–0062, the date of submission, and the page number of this issue of the **Federal Register**. Comments may also be submitted to: Jeffrey Waite, Chief, Audit Services Branch, Quality Assessment Division; Livestock and Poultry Program, Agricultural Marketing Service, U.S. Department of Agriculture; Room 3932S, STOP 0258, 1400 Independence Avenue SW; Washington, DC 20250–0258. Comments will be made available for public inspection at the above address during regular business hours or electronically at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Waite, Chief, Audit Services Branch, Quality Assessment Division; Livestock and Poultry Program, Agricultural Marketing Service, U.S. Department of Agriculture; Room 3932S, STOP 0258, 1400 Independence Avenue SW; Washington, DC 20250–0258; telephone (202) 720–4411; or email to *jeffrey.waite@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Orders 12866, 13563 and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rulemaking has been determined to be not significant for purposes of Executive Order 12866 or Executive Order 13563. Accordingly, the Office of Management and Budget (OMB) has waived the review process.

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect. The Act prohibits States or political subdivisions of a State from imposing any requirement that is in addition to, or inconsistent with, any requirement of the Act. There are no civil justice implications associated with this proposed rule.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this proposed regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Civil Rights Review

AMS has considered the potential civil rights implications of this proposed rule on minorities, women and persons with disabilities to ensure that no person or group shall be discriminated against on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. This proposed rule does not require affected entities to relocate or alter their operations in ways that could adversely affect such persons or groups. Further, this proposed rule will not deny any persons or groups the benefits of the program or subject any persons or groups to discrimination.

Executive Order 13132

This proposed rule has been reviewed under Executive Order 13132, Federalism. This Order directs agencies to construe, in regulations and otherwise, a federal statute to preempt State law only when the statute contains an express preemption provision. There are no federalism implications associated with this proposed rule.

Background and Proposed Revisions

The Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), hereinafter referred to as the ''Act,'' directs and authorizes the Secretary of Agriculture to facilitate the efficient and competitive marketing of agricultural products. AMS programs support a strategic marketing perspective that adapts product and marketing decisions to consumer demands, changing domestic and international marketing practices, and new technology. Under this directive, AMS provides impartial verification services that ensure agricultural products meet specified requirements, both tangible (such as meeting USDA grade standards) and intangible (such as a feeding regime or

production system). Services also include audit verification programs, laboratory approval and accreditation programs, and audit activities based on government-to-government agreements with international trading partners regarding specific foreign market requirements. These services are voluntary, with users paying for the cost of the requested service.

Currently, AMS voluntary, user-fee audit verification and accreditation programs and services are collectively regulated by: 7 CFR part 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS(INSPECTION, CERTIFICATION, AND STANDARDS); 7 CFR part 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS; 7 CFR part 56—VOLUNTARY GRADING OF SHELL EGGS; 7 CFR part 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS; 7 CFR part 62—LIVESTOCK, MEAT, AND OTHER AGRICULTURAL COMMODITIES (QUALITY SYSTEMS VERIFICATION PROGRAMS); 7 CFR part 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS; 7 CFR part 75—PROVISIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS; and 7 CFR Chapter I, Subchapter E—COMMODITY LABORATORY TESTING PROGRAMS, parts 90 and 91. Each part of the CFR is applicable to a different group of agricultural commodities and their products. AMS proposes to incorporate the commodities and program services for audit verification and accreditation programs currently regulated by the aforementioned parts of the CFR into a single regulatory reference: 7 CFR part 62.

The amendments proposed by AMS would expand the current definition of ''product'' in 7 CFR part 62, which currently references livestock, meat, seed and feedstuffs, to include all commodities covered under the Act. Additionally, proposed amendments would clarify the scope of existing and future voluntary, fee-for-service audit verification and accreditation programs offered by AMS and would house all such programs under one part.

With these proposed amendments, AMS seeks to maintain uniformity, transparency, and efficiency of service delivery of the QSVP and other AMS voluntary, user-fee audit verification and accreditation programs. Without the proposed amendments, AMS will be required to maintain similar or duplicate programs in each commodity area that carries out comparable functions.

Other proposed changes are administrative in nature. For example, AMS is proposing to amend the title of part 62 from ''LIVESTOCK, MEAT, AND OTHER AGRICULTURAL COMMODITIES (QUALITY SYSTEMS VERIFICATION PROGRAMS)'' to ''AGRICULTURAL MARKETING SERVICE AUDIT VERIFICATION AND ACCREDITATION PROGRAMS (AVAAP).'' Additional changes would be made to the part's terminology in order to reflect the broader scope of commodities and program services, and to better coordinate administrative service provisions within AMS. Lastly, AMS proposes to make conforming changes to parts 54, 56, 70, 90 and 91 to remove duplicative or conflicting language and to update terminology.

Initial Regulatory Flexibility Analysis

The purpose of the Regulatory Flexibility Act (RFA)(5 U.S.C. 601–612) is to fit regulatory actions to the scale of businesses subject to such actions so small businesses will not be unduly or disproportionately burdened. The U.S. Small Business Administration's Table of Small Business Size Standards matched to the North American Industry Classification System Codes identifies small business size by average annual receipts or by the average number of employees at a firm. This information can be found at 13 CFR parts 121.104, 121.106, and 121.201.

AMS has determined that this proposed rule will not have a significant impact on a substantial number of small entities, as defined by the RFA, because the services are voluntary, are provided on a fee-for-service basis, and are not subject to scalability based on the business size. Nonetheless, this analysis is provided.

All applicants for audit services provide information about their companies for processing payment invoices. Information collected from an applicant includes company name, business name if different from company name, Federal Tax Identification Number, billing address, contact information of the accounts payable department, and the name of the person filing the application. The Federal Tax Identification number is required by the Federal Debt Collection Procedure Act of 1990 (28 U.S.C. 3101 *et seq.*). All entities doing business with the Federal Government are required to provide the Federal Tax Identification number before an account can be set up.

AMS does not collect information about the size of a business that applies for a service. However, based on working knowledge of the USDA personnel assigned to oversee these operations, AMS estimates the following based on the number of employees:

Livestock and Poultry Program

Approximately 950 livestock and poultry industry applicants subscribe to AMS's voluntary, fee-for-service program that would be subject to the requirements of this regulation. Roughly 25 percent of those applicants may be classified as small entities.

Dairy Program

Approximately 550 dairy industry applicants subscribe to AMS's voluntary, fee-for-service program that would be subject to the requirements of this regulation. Roughly 10 percent of those applicants may be classified as small entities.

Fruit, Vegetable and Specialty Crop Program

Approximately 4,300 fruit, vegetable, and specialty crop industry applicants subscribe to AMS's voluntary, fee-for-service audit verification and accreditation programs that would be subject to the requirements of this regulation. Roughly 33 percent of those applicants may be classified as small entities.

Laboratory Approval and Accreditation Programs

Approximately 84 agricultural laboratory applicants subscribe to AMS's voluntary, fee-for-service testing that would be subject to the requirements of this regulation. Roughly 80 percent of those applicants may be classified as small entities.

Accredited Seed Programs

Approximately 24 agricultural seed applicants subscribe to AMS's voluntary, fee-for-service program that would be subject to the requirements of this regulation. Roughly 80 percent of those applicants may be classified as small entities.

It is not anticipated that this action would impose additional costs to applicants, regardless of size. Current applicants will not be required to provide any additional information to receive service. The effects of this proposed rule are not expected to be disproportionately greater or less for small applicants than for larger applicants. As described above, these programs are voluntary, fee-for-service activities.

AMS is committed to complying with the E-Government Act of 2002 (44 U.S.C. 101) 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.

USDA has not identified any relevant federal rules that duplicate, overlap, or conflict with this rulemaking.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this proposed rule will not change the current information collection and recordkeeping requirements previously approved but will increase the number of respondents upon completion of the rulemaking process.

The information collection and recordkeeping requirements pertaining to the commodities and services proposed to be covered under part 62 that have been approved by OMB under 44 U.S.C. Chapter 35 include: ''Regulations for Voluntary Grading, Certification and Standards'' under OMB Control Number 0581–0128; ''Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products, and the Certification of Sanitary Design and Fabrication of Equipment Used in the Slaughter, Processing, and Packaging of Livestock and Poultry Products'' under OMB Control Number 0581–0283; ''Regulations Governing Inspection and Certification Standards and Audit Services for Fresh and Processed Fruit, Vegetable and Other Products'' under OMB Control Number 0581–0125; and ''Laboratory Approval Programs'' under OMB Control Number 0581–0251.

Approximately 50 inquiries for existing QSVP services using forms under OMB Control Number 0581–0128 have been received by AMS in the past year. Approximately three-fourths of these inquiries (roughly 37) represented new commodities which could potentially increase the overall reporting and recordkeeping burden. Accordingly, if this proposed rule is adopted, and if two-thirds of those 37 inquirers seek service, the number of respondents using these forms would increase by 25, thereby increasing the overall reporting and recordkeeping burden by 606.25 hours, from 10,784.63 hours to 11,390.88 hours annually.

Similarly, AMS's Dairy Program, which uses forms under OMB Control Number 0581–0283, estimates the number of respondents would increase by 10 if this rule is adopted, thereby increasing the overall reporting and recordkeeping burden by 1,740.36 hours, from 17,403.6 hours to 19,107.96 hours annually.

The AMS Fruit, Vegetable and Specialty Crop Audit Services Branch, which uses forms under OMB Control Number 0581–0125, estimates the number of respondents will increase by 25 if this proposed rule is adopted, thereby increasing the overall reporting and recordkeeping burden specific to the auditing services by approximately 214 hours, from 11,976.22 hours to 12,190.22 hours annually.

The AMS Laboratory Approval and Testing Division, Science and Technology Programs, which uses forms under OMB Control Number 0581–0251, estimates the number of respondents would increase by 5 if this proposed rule is adopted. The overall reporting and recordkeeping burden specific to these services would increase by approximately 382.9 hours, from 4,157.3 hours to 4,540.2 hours annually.

USDA has considered the reporting and recordkeeping burden on applicants for these AMS services that would be impacted if this proposed rule were adopted. Currently, applicants are required to complete an application for service and submit additional documentation. Recordkeeping requirements on each applicant would remain the same, though the overall burden is expected to increase due to an increase in applications received.

Since this action proposes to expand the scope of covered commodities, which is expected to increase the number of respondents, the already approved OMB Control Numbers 0581–0128, 0581–0283, 0581–0125 and 0581–0251 must be revised to reflect the anticipated increase in the reporting and recordkeeping burden. Therefore, AMS is in the process of submitting a Justification for Change to OMB to reflect burden of the potential increase in the number of respondents affected by the proposed amendments to Part 62.

A 60-day comment period is provided to allow interested persons an opportunity to respond to this proposal. AMS will summarize all responses to this notice and address them in the request for OMB approval. All written comments received will be considered before a final determination is made on this matter. All comments will become a matter of public record.

List of Subjects

7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

7 CFR Part 56

Grading of shell eggs, Inspections, Marketing practices, Standards.

7 CFR Part 62

Inspections, Marketing practices, Quality Systems Verification, Standards.

7 CFR Part 70

Inspections, Marketing practices, Standards, Voluntary Grading of Poultry Products and Rabbit Products.

7 CFR Part 90

Agricultural commodities, Laboratories, Reporting and recordkeeping requirements.

7 CFR Part 91

Administrative practice and procedure, Agricultural commodities, Laboratories, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS proposes to amend 7 CFR parts 54, 56, 62, 70, 90 and 91 as follows:

■ 1. The authority citation for 7 CFR parts 54, 56, 70, 90 and 91 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

§ 54.17 [Amended]

■ 2. Amend § 54.17 by removing and reserving paragraph (i).

PART 56—VOLUNTARY GRADING OF SHELL EGGS

§ 56.1 [Amended]

■ 3. Amend § 56.1 by removing the term ''Auditing services.''

■ 4. Amend § 56.46 by:

■ a. Revising paragraph (a);

■ b. Revising paragraphs (b)(1)(i) through (iii);

■ c. Removing paragraph (d).

The revisions read as follows:

§ 56.46 Charges for service on an unscheduled basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service performed, in accordance with this part, on an unscheduled basis shall be based on the applicable formulas specified in this section. For each calendar year or crop year, AMS will calculate the rate for grading services, per hour per program employee using the following formulas:

(1) *Regular rate.* The total AMS grading 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, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading 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, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading 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 benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(b)(1) * * *

(i) *Benefits rate.* The total AMS grading program direct benefits costs divided by the total hours (regular, overtime, and holiday) worked, which is then multiplied by the next calendar year's percentage 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 total AMS grading 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 AMS grading program allowance for bad debt divided by total hours (regular, overtime, and holiday) worked.

* * * * *

■ 5. Revise part 62 to read as follows:

PART 62—AGRICULTURAL MARKETING SERVICE AUDIT VERIFICATION AND ACCREDITATION PROGRAMS (AVAAP)

Sec.

Subpart A—Definitions

62.000 Meaning of terms.

Subpart B—Administration.

62.100 Administrator.

Subpart C—Audit and Accreditation Services.

62.200 Services.

Subpart D—Administrative Provisions.

62.201 Availability of service.
62.202 How to apply for service.
62.203 How to withdraw service.
62.204 Authority to request service.
62.205 [Reserved]
62.206 Access to program documents and activities.
62.207 Official assessment.
62.208 Publication of assessment status.
62.209 [Reserved]
62.210 Denial, suspension, cancellation or rejection of service.
62.211 Appeals.
62.212 [Reserved]
62.213 Official identification.
62.214 Voluntary participation.

Subpart E—Fees.

62.300 Fees and other costs of service.
62.301 Payment of fees and other charges.

Subpart F—OMB control number.

62.400 OMB control number assigned pursuant to the Paperwork Reduction Act.

Authority: 7 U.S.C. 1621–1627.

Subpart A—Definitions

§ 62.000 Meaning of terms.

Words used in this subpart in the singular form shall be deemed to impart the plural, and vice versa, as the case may demand. For the purposes of such regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Accreditation. The action or process of officially recognizing an entity as being qualified to perform a specific activity(s).

Act. The Agricultural Marketing Act of 1946, as amended, (AMA) (7 U.S.C. 1621–1627).

Administrator. The Administrator of the Agricultural Marketing Service, or any officer or employee of AMS to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in the Administrator's stead.

Agricultural Marketing Service. The Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture.

Applicant. Any individual, commodity board, trade association, marketing order or agreement administrative body and its program signatories, or business with a financial interest in audit verification and accreditation services who has applied for service under this part.

Assessment. A systematic review of the adequacy and implementation of a documented program or system.

Audit. A systematic, independent, and documented process for obtaining evidence and evaluating it objectively to determine the extent to which criteria are fulfilled.

Auditor. Person authorized by AMS to conduct official audits or assessments.

Conformance. The condition or fact of an applicant meeting the requirements of a standard, contract, specification, or other documented service requirements.

Export certificate. An official paper or electronic document issued as part of an export certification program, which describes and attests to attributes of consignments of commodities or food destined for international trade.

Nonconformance. The condition or fact of an applicant not meeting the requirements of a standard, contract, specification, or other documented service program requirements.

Official mark of conformance. Any form of mark or other identification used under the regulations to show the conformance of products with applicable service requirements, or to maintain the identity of products for which service is provided under the regulations.

Products. Includes all agricultural commodities and services within the scope of Agricultural Marketing Act of 1946. This includes the processes involving the production, handling, processing, packaging, and transportation of these products, agricultural product data storage, and product traceability and identification.

Program. Any and all individual auditing or accrediting procedures, systems, or instructions developed and administered under the services authorized under § 62.200.

Service. The AMS auditing and accreditation functions authorized under the Act and the provisions of this part.

Service documentation. All requirements, guidelines, manuals, forms, and supporting documentation needed to effectuate the administration and operation of services authorized under this part.

USDA. The U.S. Department of Agriculture.

Subpart B—Administration

§ 62.100 Administrator.

The Administrator is charged with the administration of official assessments conducted according to the regulations in this part and approved program procedures.

Subpart C—Audit and Accreditation Services

§ 62.200 Services.

Services shall be based upon the authorities under the Act and applicable standards prescribed by USDA, the laws of the State where the particular product was produced, specifications of any governmental agency, voluntary audit

program requirements in effect under federal marketing orders and/or agreements, written buyer and seller contract specifications, service documentation, or any written specification by an applicant. Services are administered through voluntary, fee-for-service, audit-based programs by AMS auditor(s) and other USDA officials under this part. Services authorized under this part, and programs administered under such, shall include:

(a) *Quality Systems Verification Programs.* Quality Systems Verification Programs (QSVP) assess an applicant's business (quality) management system of program documentation and program processes regarding quality of products. Such programs include, but are not limited to:

(1) *Food Safety Management Systems.* A formalized system of documents, processes, procedures, and responsibilities for preventing foodborne illnesses.

(i) *Good Agricultural Practices (GAP).* A formalized system of documents, processes, and procedures used by primary producers to minimize the risk of contamination during the production, harvesting, and handling of crops.

(ii) *GroupGAP.* A quality management system approach to GAP certification undertaken by a group of producers.

(iii) *Good Manufacturing Practices.* A formalized system of documents, processes, and procedures used to ensure that products are consistently produced and controlled according to quality standards and regulatory requirements.

(2) *Export Certification Program.* A formalized system of documents, processes, and procedures used to validate that a given product meets the specific requirements of a foreign country, in addition to applicable Federal requirements.

(3) *USDA Process Verified Program (PVP).* A comprehensive quality management system verification program whereby applicants establish their own standards to describe products or processes.

(4) *USDA Quality Assessment Program.* A quality management system verification service that is designed to aid in the marketing of products that have undergone specific processes and is limited in scope to those specific items associated with the product or process.

(i) *Export Verification Programs.* A formalized system of documents, processes and procedures used to validate specific requirements of a foreign country are being met, in addition to applicable Federal requirements.

(ii) [Reserved]

(5) *USDA Accredited Seed Program.* A specialized quality management system verification service for the seed industry that offers applicants a way to market their product using industry-recognized processes, rules, and standards.

(b) *Audit Verification Programs.* Audit verification programs assess an applicant's documentation of their business management system with regard to the production or handling of products. Such programs include, but are not limited to:

(1) *Food Defense Verification Program.* A service that evaluates operators of food establishments that maintain documented and operational food defense measures to minimize the risk of tampering or other malicious criminal actions against the food under their control.

(2) *Domestic Origin Verification.* A service that evaluates a farm's and/or a facility's ability to maintain processes, procedures, and records to demonstrate products are grown in the United States of America, its territories, or possessions.

(3) *Plant System Audit.* A service that evaluates the ability of operators of food establishments to implement a sanitation program and/or requirement outlined in good manufacturing practices regulations.

(4) *Audits performed for other government agencies.* Audits performed for other government agencies under the Economy Act (31 U.S.C. 1535). A service that provides quality-based audit services to other government agencies such as the Department of Defense or the U.S. Agency for International Development.

(5) *Export Audit Programs.* An audit intended to ensure that information submitted for an export certificate request is complete, accurate, and in compliance with the export certification program. In some cases, these requirements may include compliance with country-specific attestations or product requirements.

(6) *Child Nutrition Labeling Program.* An audit is intended to ensure manufacturers properly apply and document effective procedures to monitor and control the production of their Child Nutrition products.

(c) *Accreditation Programs.* Accreditation programs include voluntary, user-fee accreditation services performed by a USDA evaluator or accreditation body to conduct assessments of applicant programs, services, facilities or equipment, and their ability to achieve planned results. Such programs include, but are not limited to:

(1) *USDA ISO Guide 17065 Program.* A service that assesses certification bodies to determine conformance to the International Organization for Standardization (ISO) Guide 17065. These assessments are available to U.S. and international certification bodies operating a third-party certification system that perform conformity assessment activities.

(2) *Laboratory Approval Programs.* Laboratories are approved, or accredited, to perform testing services in support of domestic and international trade. At the request of industry, other Federal Agencies, or foreign governments, USDA administers programs to verify that the analysis of food and agricultural products meets country and customer-specific requirements and that the testing of marketed products is conducted by qualified and approved laboratories.

Subpart D—Administrative Provisions

§ 62.201 Availability of service.

Services under this part are available to applicants, including international and domestic government agencies, private agricultural businesses, and any financially interested person.

§ 62.202 How to apply for service.

Applicants may apply for services authorized under this part by contacting the Administrator's office and requesting specific service or program information at USDA, AMS, 1400 Independence Avenue SW, Room 3069–S, Washington, DC 20250–0294; by fax to: (202) 720–5115, or email to: *AMSAdministratorOffice@usda.gov*. Applicants may also visit: *www.ams.usda.gov*.

§ 62.203 How to withdraw application for service.

An application for service may be withdrawn, all or in part, by the applicant at any time; *Provided,* That the applicant notifies the USDA service office in writing of their desire to withdraw the application for service and pays any expenses USDA has incurred in connection with such application.

§ 62.204 Authority to request service.

Any person requesting service may be required to prove his/her financial interest in the product or service at the discretion of USDA.

§ 62.205 [Reserved]

§ 62.206 Access to program documents and activities.

(a) The applicant shall make its products, records, and documentation available and easily accessible for assessment, with respect to the requested service. Auditors and other USDA officials responsible for maintaining uniformity and accuracy of service authorized under this part shall have access to all areas of facilities covered by approved applications for service under the regulations, during normal business hours or during periods of production, for the purpose of evaluating products or processes. This includes products in facilities which have been or are to be examined for program conformance or which bear any USDA official marks of conformance. This further includes any facilities or operations that are part of an approved program.

(b) Documentation and records relating to an applicant's program must be retained as prescribed under each service program authorized under this part.

§ 62.207 Official assessment.

Official assessment of an applicant's program shall include:

(a) *Documentation assessment.* Auditors and other USDA officials shall review the applicant's program documentation and issue the finding of the review to the applicant.

(b) *Program assessment.* Auditors and USDA officials shall conduct an onsite assessment of the applicant's program to ensure provisions of the applicant's program documentation have been implemented and conform to program procedures.

(c) *Program determination.* Applicants determined to meet or not meet program procedures or requirements shall be notified of their approval or disapproval.

(d) *Corrective and/or preventative actions.* Applicants may be required to implement corrective and/or preventative actions upon completion of an assessment. After implementation of the corrective and/or preventative actions, the applicant may request another assessment.

§ 62.208 Publication of assessment status.

Approved programs shall be posted for public reference on: *http://www.ams.usda.gov.* Such postings shall include:

(a) Program name and contact information;

(b) Products or services covered under the scope of approval;

(c) Effective dates of approval;

(d) Control numbers of official assessments, as appropriate; and

(e) Any other information deemed necessary by the Administrator.

§ 62.209 [Reserved]

§ 62.210 Denial, suspension, cancellation or rejection of service.

(a) *Denial of services.* Services authorized under this part may be denied if an applicant fails to meet or conform to a program's requirements including, but not limited to, a failure to:

(1) Adequately address any program requirement resulting in a nonconformance for the program.

(2) Demonstrate capability to meet any program requirement, thereby resulting in a major nonconformance.

(3) Present truthful and accurate information to any auditor or other USDA official; or

(4) Allow any auditor or other USDA official access to facilities and records within the scope of the program.

(b) *Suspension of services.* Services may be suspended if the applicant fails to meet or conform to a program's requirements including, but not limited to, a failure to:

(1) Adequately address any program's requirement, thereby resulting in a major nonconformance;

(2) Demonstrate capability to meet any program requirement, thereby resulting in a major nonconformance;

(3) Follow and maintain its approved program or procedures;

(4) Provide corrections and take corrective actions as applicable in the timeframe specified;

(5) Submit significant changes to and seek approval from USDA prior to implementation of significant changes to an approved program;

(6) Allow any auditor or other USDA official access to facilities and records within the scope of the approved program;

(7) Accurately represent the eligibility of agricultural products or services distributed under an approved program;

(8) Remit payment for services;

(9) Abstain from any fraudulent or deceptive practice in connection with any application or request for service; or

(10) Allow any auditor or other USDA official to perform their duties under the provisions of this part or program requirements established under one of the authorized services of this part.

(c) *Cancellation of services.* Services may be cancelled, an application may be rejected, or program assessment may be terminated if the Administrator or their designee determines that a nonconformance has remained uncorrected beyond a reasonable amount of time.

(d) *Rejection of services.* Services may be rejected when it appears that to perform audit and accreditation services would not be to the best interests of the USDA. The applicant shall be promptly notified of the reason for such rejection.

§ 62.211 Appeals.

(a) *Appeals of adverse decisions.* Appeals of adverse decisions under this part may be made in writing to the AMS Administrator, Rm 3069–S, 1400 Independence Avenue SW, Washington, DC 20250–0249 or to the director of the applicable service office. Appeals must be made within the timeframe specified by each program or within 30 calendar days of receipt of an adverse decision, whichever is sooner.

(b) *Procedure for Appeals.* Actions under this subparagraph concerning appeals of adverse decisions to the Administrator shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth at 7 CFR 1.130 through § 1.151 and the Administrative Procedures Governing Withdrawal of Inspection and Grading Services in 7 CFR part 50. The procedure for appeals is specified by each program and/or by an overarching USDA AMS administrative procedure.

§ 62.212 [Reserved]

§ 62.213 Official identification.

Some programs offered under this subpart allow for the use of official identification or marks of conformance. A program's specific documented procedure will indicate whether official marks of conformance apply.

(a) *Use of official identification marks.* Products or services produced under a program authorized under this part may use an official identification mark of approval for that program, such as the ''USDA Process Verified'' statement and the ''USDA Process Verified'' shield. Use of program official identification must be in accordance with program requirements.

(b) *Approval.* Use of a program's official identification mark must be approved in writing by USDA prior to use by an applicant.

(c) *USDA Process Verified Program shield.* Products or services produced under an approved USDA PVP may use the ''USDA Process Verified'' statement and the ''USDA Process Verified Program'' shield (Figure 1 to paragraph (c)), so long as each is used in direct association with a clear description of

the process verified points approved by USDA.

Figure 1 to paragraph (c):

(1) The USDA Process Verified shield must replicate the form and design of the example in Figure 1 and must be printed legibly and conspicuously:

(i) On a white background with a gold trimmed shield, with the term ''USDA'' in white overlaying a blue upper third of the shield, the term ''PROCESS'' in black overlaying a white middle third of the shield, and term ''VERIFIED'' in white overlaying a red lower third of the shield; or

(ii) On a white or transparent background with a black trimmed shield, with the term ''USDA'' in white overlaying a black upper third of the shield, the term ''PROCESS'' in black overlaying a white middle third of the shield, and the term ''VERIFIED'' in white overlaying a black lower third of the shield.

(2) [Reserved].

§ 62.214 Voluntary participation.

Applying for services, or enrollment in any service program, is voluntary. Once an applicant receives a service or is accepted into a program, compliance with that service or program's terms is mandatory unless the applicant withdrawals its application as provided in § 62.203 or participation is denied, suspended, cancelled, or rejected subject to the terms of § 62.210.

Subpart E—Fees

§ 62.300 Fees and other costs of service.

(a) *Rate formula.* For each calendar year, AMS will calculate the rate for services per hour per program employee using the following formulas:

(1) *Regular rate.* The total AMS service 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, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS service 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, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS service 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, travel expenses may also be added to the cost of providing the service.

(b) *Other rate factors.* (1) For each calendar year, based on previous fiscal year/historical actual costs, AMS will calculate the benefits, operating, and allowance for bad debt components of the regular, overtime, and holiday rates as follows:

(i) *Benefits rate.* The total AMS service program direct benefits costs divided by the total hours (regular, overtime, and holiday) worked, which is then multiplied by the next calendar year's percentage 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 total AMS service 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 AMS service program allowance for bad debt divided by total hours (regular, overtime, and holiday) worked.

(2) The calendar year cost of living expenses and percentage of inflation factors used in the formulas in this section are based on OMB's most recent Presidential Economic Assumptions.

(c) *Transportation costs.* Applicants are responsible for paying actual travel costs incurred to provide services including but not limited to: Mileage charges for use of privately owned vehicles, rental vehicles and gas, parking, tolls, and public transportation costs such as airfare, train, and taxi service.

(d) *Per diem costs.* The applicant is responsible for paying per diem costs incurred to provide services away from the auditor's or USDA official's official duty station(s). Per diem costs shall be calculated in accordance with existing travel regulations (41 CFR, subtitle F—Federal Travel Regulation System, chapter 301).

(e) *Other costs.* When costs other than those costs specified in paragraphs (a) through (c) of this section are involved in providing the services, the applicant shall be responsible for these costs. The amount of these costs shall be determined administratively by AMS. However, the applicant will be notified of these costs before the service is rendered.

§ 62.301 Payment of fees and other charges.

Fees and other charges for services shall be paid in accordance with each service or program's policy(ies) and documentation. The applicant shall remit payment by the date indicated on the invoice. Payment may be made by automated clearing house (ACH) transitions; credit card, debit card, or

direct debit via *Pay.gov* or PayPal; electronic funds transfer (EFT); check; or money order. Remittance must be to USDA, AMS and include the customer number (*i.e.,* account number) from the invoice. Check or money orders must be mailed to the remit address indicated on the invoice. Wire transfers are exclusive to foreign customers. Fees and charges shall be paid in advance if required by the service or program's authorized USDA official. Failure to pay fees can result in denial, suspension, or cancellation of service.

Subpart F—OMB Control Number

§ 62.400 OMB control number assigned pursuant to the Paperwork Reduction Act.

The information collection and recordkeeping requirements of this part have been approved by OMB under 44 U.S.C. Chapter 35 and have been assigned OMB Control Numbers: 0581–0125, 0581–0128, 0581–0251, and 0581–0283.

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

§ 70.1 [Amended]

■ 6. Amend § 70.1 by removing the definition of ''Auditing services.''

§ 70.4 [Amended]

■ 7. Amend § 70.4 by removing paragraph (c).

■ 8. Revise § 70.71 to read as follows:

§ 70.71 Charges for services on an unscheduled basis.

Unless otherwise provided in this part, the fees to be charged and collected for any service performed, in accordance with this part, on an unscheduled basis shall be based on the applicable formulas specified in this section.

(a) For each calendar year, AMS will calculate the rate for grading services, per hour per program employee using the following formulas:

(1) *Regular rate.* The total AMS grading 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, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading 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, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading 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, travel expenses may also be added to the cost of providing the service.

(b)(1) For each calendar year, based on previous fiscal year/historical actual costs, AMS will calculate the benefits, operating, and allowance for bad debt components of the regular, overtime and holiday rates as follows:

(i) *Benefits rate.* The total AMS grading program direct benefits costs divided by the total hours (regular, overtime, and holiday) worked, which is then multiplied by the next calendar year's percentage 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.* AMS' grading program total 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 AMS grading program allowance for bad debt divided by total hours (regular, overtime, and holiday) worked.

(2) The calendar year cost of living expenses and percentage of inflation factors used in the formulas in this section are based on OMB's most recent Presidential Economic Assumptions.

(c) Fees for unscheduled grading services will be based on the time required to perform the services. The hourly charges will include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate. Charges to plants are as follows:

(1) The regular hourly rate will be charged for the first 8 hours worked per grader per day for all days except observed legal holidays.

(2) The overtime rate will be charged for hours worked in excess of 8 hours per grader per day for all days except observed legal holidays.

(3) The holiday hourly rate will be charged for hours worked on observed legal holidays.

PART 90—[Removed and Reserved]

■ 10. Remove and reserve part 90.

PART 91—SERVICES AND GENERAL INFORMATION

■ 11. Revise § 91.1 to read as follows:

§ 91.1 General.

This part consolidates the procedural and administrative rules of the Science and Technology Program of the Agricultural Marketing Service for conducting the analytical testing and laboratory audit verification and accreditation services. It also contains the fees, charges, and laboratories applicable to such services.

■ 12. Amend § 91.2 by revising the definition of applicant to read as follows:

* * * * *

Applicant. Any individual or business requesting services provided by the Science and Technology (S&T) programs.

* * * * *

■ 13. Amend § 91.4 by revising paragraph (c) to read as follows:

§ 91.4 Kinds of services.

* * * * *

(c) Agricultural Marketing Service Audit Verification and Accreditation Programs as described in 7 CFR 62.200.

* * * * *

■ 14. Amend § 91.5 by:

■ a. Removing and reserving paragraph (a)(6);

■ b. Revising paragraph (a)(8).

The revision to read as follows:

§ 91.5 Where services are offered.

(a) * * *

(8) Laboratory Approval Service. The Laboratory Approval Service (LAS) provides technical, scientific, and quality assurance support services to Agency programs, other agencies within the USDA, and private entities. In addition, the LAS provides audit verification and approval or accreditation services, including laboratory approval and accreditation programs of Federal and State government laboratories and private/commercial laboratories in support of domestic and international trade. The programs administered by LAS verify analyses of food and agricultural products showing that said food and products meet country or customer-specific requirements and that the testing of marketed products is conducted by qualified and approved laboratories. The LAS is located and can be reached by mail at: USDA, AMS, S&T, Laboratory Approval Service, 1400 Independence Ave. SW, South Building, Mail Stop 0272, Washington, DC 20250–0272.

* * * * *

Dated: February 10, 2020.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–02952 Filed 2–18–20; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2017–BT–TP–0004]

RIN 1904–AD84

Energy Conservation Program: Test Procedures for Consumer Refrigerators, Refrigerator-Freezers, and Freezers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Extension of public comment period.

SUMMARY: On December 23, 2019, the U.S. Department of Energy (''DOE'') published a test procedure notice of proposed rulemaking (''NOPR'') for consumer refrigeration products. The NOPR stated that written public comments would be accepted until February 21, 2020. On January 27, 2020, DOE received a joint request from the Northwest Energy Efficiency Alliance (NEEA), the Natural Resources Defense Council (NRDC), and Pacific Gas and Electric Company (PG&E) to extend the comment period for the NOPR by 60 days so that the data their teams are collecting and analyzing could be submitted to the docket and considered by the DOE. On February 5, 2020, DOE received a request from the Association of Home Appliance Manufacturers (AHAM) to extend the comment period for the Test Procedure NOPR for Consumer Refrigeration Products by 30 days. DOE has reviewed this request and will be granting a 45 day extension of the public comment period until April 6, 2020.

DATES: The comment period for the NOPR published on December 23, 2019 (84 FR 70842), is extended. DOE will accept comments, data, and information regarding this request for information received no later than April 6, 2020.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–TP–0004, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: ConsumerRefrigFreezer2017TP0004@ee.doe.gov.* Include the docket number EERE–2017–BT–TP–0004 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *http://www.regulations.gov/#!docketDetail;D=EERE-2017-BT-TP-0004.* The docket web page contains instructions on how to access all documents, including public comments in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1943. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov.*

For further information on how to submit a comment, review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

Signed in Washington, DC, on February 6, 2020.

Alexander N. Fitzsimmons,

Acting Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2020–03230 Filed 2–18–20; 8:45 am]

BILLING CODE 6450–01–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 36, 37, and 43

RIN 3038–AE94

Swap Execution Facility Requirements and Real-Time Reporting Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') proposes to amend certain parts of its regulations relating to the execution of package transactions on swap execution facilities (''SEFs''); the execution of block trades on SEFs; and the resolution of error trades on SEFs. These matters are currently the subject of relief in certain no-action letters from Commission staff.

DATES: Comments must be received on or before April 20, 2020.

ADDRESSES: You may submit comments, identified by RIN 3038–AE94, by any of the following methods:

- *CFTC Comments Portal: https://comments.cftc.gov.* Select the ''Submit Comments'' link for this rulemaking and follow the instructions on the Public Comment Form.
- *Mail:* Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. Submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an

English translation. Comments will be posted as received to *https://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (''FOIA''),[1] a petition for confidential treatment of the exempt information may be submitted according to the procedures established in the Commission's regulations, 17 CFR 145.9.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse, or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under FOIA.

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I. Background

A. Parts 37 and 43 of the Commission's Regulations

The Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') amended the Commodity Exchange Act (''CEA'' or ''Act'') by adding section 5h, which establishes registration requirements and core principles for swap execution facilities (''SEFs'').[2] The Commission implemented section 5h by adopting regulations that establish various trading requirements for swaps traded on SEFs [3] and articulating, where appropriate, guidance and acceptable practices. In particular, the Commission promulgated part 37 of its regulations to implement section 5h of the CEA and set forth the registration and operational requirements for SEFs.[4] Among those are requirements in part 37 specifying minimum trading functionality that a SEF must offer to participants for all listed swaps, *i.e.,* an ''order book,'' as defined in § 37.3 (''Order Book'');[5] specifying the types of systems or platforms that a SEF must offer for swaps trading, including swaps subject to the trade execution requirement under CEA section 2(h)(8);[6] and setting forth other relevant regulations applicable to the fifteen core principles with which a SEF must comply to obtain and maintain registration with the Commission.

Commission regulation 37.9 prescribes the methods of execution that a SEF must offer to market participants to execute swap transactions on the SEF. In particular, § 37.9 defines ''Required Transactions'' as swaps subject to the trade execution requirement. Section 37.9 also requires a SEF to offer, as required methods of execution, either (i) an Order Book or (ii) a request-for-quote system that sends a request-for-quote to no less than three unaffiliated market participants and operates in conjunction with an Order Book (''RFQ System'') for the execution of these transactions.[7] Swaps that are not subject to the trade execution requirement are defined as ''Permitted Transactions,'' for which a SEF may offer any execution method and for which market participants may voluntarily trade on a SEF.[8] The Commission's regulations specify additional requirements that correspond to the use of an Order Book or RFQ System to execute Required Transactions.[9]

Pursuant to section 727 of the Dodd-Frank Act, the Commission also established a regulatory framework for the real-time public reporting of swap transaction and pricing data, including swap block trades within CEA section 2(a)(13).[10] Part 43 of the Commission's regulations implements section 727 of the Dodd-Frank Act by, among other things, defining the requisite criteria for when a publicly reportable swap transaction will be classified as a block trade, including the requirement that

[1] 5 U.S.C. 552.

[2] 7 U.S.C. 7b–3.

[3] The Dodd-Frank Act also added to the CEA certain provisions related to the trading of swaps on designated contract markets (''DCMs''). Given that almost all platform trading of swaps in the U.S. occurs on SEFs, the Commission is not at this time proposing to amend any regulatory requirements pertaining to DCMs within part 38 of the Commission's regulations.

[4] Core Principles and Other Requirements for Swap Execution Facilities, 78 FR 33476 (June 4, 2013) (hereinafter ''SEF Core Principles Final Rule'').

[5] 17 CFR 37.3(a)(2). An Order Book is defined as (i) an ''electronic trading facility,'' as that term is defined in CEA section 1a(16); (ii) a ''trading facility,'' as that term is defined in CEA section 1a(51); or (iii) a trading system or platform in which all market participants have the ability to enter multiple bids and offers, observe or receive bids and offers entered by other market participants, and transact on such bids and offers. *See* 17 CFR 37.3(a)(3).

[6] CEA section 2(h)(8) requires that transactions involving swaps subject to the CEA section 2(h)(1) clearing requirement be executed on or pursuant to the rules of a DCM or SEF, or a SEF that is exempt from registration, unless no DCM or SEF makes such swaps available to trade (''MAT'') or such swaps qualify for the clearing exception under CEA section 2(h)(7) (the ''trade execution requirement''). *See* 7 U.S.C. 2(h)(8).

[7] 17 CFR 37.9(a). With the exception of block trades, as defined in § 43.2 of the Commission's regulations, Required Transactions must be executed on a SEF's Order Book or RFQ System. *See* 17 CFR 37.9(a)(2)(i).

[8] 17 CFR 37.9(c).

[9] For example, under § 37.9(b), the Commission implemented a fifteen-second time-delay requirement for Required Transactions that are pre-arranged or pre-negotiated by a broker and submitted as cross trades for execution through the SEF's Order Book. This requirement allows a broker or dealer to execute a Required Transaction by trading against a customer's order, or executing two customers' orders against each other, through pre-negotiation or pre-arrangement, provided that one side of the transaction is exposed to the Order Book for fifteen seconds before the other side of the transaction is submitted for execution. *See* 17 CFR 37.9(b).

[10] 7 U.S.C. 2(a)(13).

the swap transaction ''occur[] away'' from a SEF's trading system or platform, but pursuant to the SEF's rules and procedures.[11] Part 43 also sets forth the procedures for calculating appropriate minimum block sizes for each swap asset class [12] and specifying the public reporting delays available for such trades.[13]

B. Summary of Proposed Changes to Parts 36, 37, and 43

During the implementation of parts 37 and 43, market participants and SEFs identified certain operational and compliance burdens related to various requirements. To mitigate these burdens, Commission staff issued to SEFs and market participants time-limited no-action relief from certain provisions of the CEA and the Commission's regulations.[14] Based on this implementation experience, the Commission believes it may be appropriate to amend the current SEF regulatory framework to address the following issues, which have been identified in staff no-action letters: [15]

- The Commission proposes to amend part 37 to allow the swap components of certain categories of ''package transactions'' [16] to be executed on-SEF through flexible means of execution pursuant to § 37.9(c)(2), rather than through the required methods of execution under § 37.9 for ''Required Transactions.'' In addition, the Commission is proposing to amend part 36 to include an exemption from the trade execution requirement for swap transactions that are executed as a component of a package transaction that also includes a component that is a new issuance bond (''New Issuance Bond package transactions''). CFTC No-Action Letter No. 17–55 (''NAL No. 17–55'') [17] currently provides no-action relief for the swap components of certain categories of package transactions from the required methods of execution, and in some instances, from the trade execution requirement.
- The Commission proposes to amend part 37 to establish a principles-based approach for SEF error trade policies that incorporates relief from the required methods of execution under § 37.9 for Required Transactions for trades intended to resolve error trades.[18] The amendment would enable SEFs to permit market participants to execute swaps transactions to correct operational or clerical errors using execution methods other than those required under § 37.9 for Required Transactions. This proposal does not seek to codify the specific conditions contained in CFTC No-Action Letter No. 17–27 (''NAL No. 17–27'').[19] Rather, this proposal is intended to capture the intent of NAL No. 17–27 to permit market participants to correct error trades in Required Transactions through non-required methods of execution while ensuring flexibility for SEFs to determine the most suitable error trade rules for their markets and participants.[20]

[11] 17 CFR 43.2.

[12] 17 CFR 43.6.

[13] 17 CFR 43.5(d).

[14] As defined in § 140.99(a)(2) of the Commission's regulations, a no-action letter is a written statement issued by a Division stating that it will not recommend enforcement action to the Commission for failure to comply with a specific provision of the Act or a Commission rule, regulation, or order. A no-action letter represents only the issuing Division's position and binds only that Division. 17 CFR 140.99(a)(2).

[15] In November 2018, the Commission issued a comprehensive proposal to amend the SEF regulatory framework. *See generally* Swap Execution Facilities and Trade Execution Requirement, 83 FR 61946 (Nov. 30, 2018) (''2018 SEF Proposal''). Among other things, the 2018 SEF Proposal addresses existing relief under various no-action letters as part of the proposal's holistic approach to amending the SEF regulatory framework. Given the complex, expansive, and comprehensive nature of the 2018 SEF Proposal, however, the Commission continues to evaluate it. Therefore, the Commission is proposing rules herein independent of that proposal. To be clear, this rule proposal does not supersede the 2018 SEF Proposal in any way.

Further, while the proposals and rationales contained herein are, in some cases, identical or similar to the proposals and rationales used in the 2018 SEF Proposal, the Commission believes the context surrounding these two proposals distinguishes them in application and scope. While the Commission received comments on the 2018 SEF Proposal, the Commission believes that it is important for the public to be able to provide comments focused on the facts and circumstances of the proposal at hand. Therefore, comments made on the 2018 SEF Proposal relevant to this rulemaking should be resubmitted as comments to this rule proposal in order to be considered.

[16] As used herein a package transaction consists of two or more component transactions executed between two or more counterparties where: (i) At least one component transaction is a Required Transaction; (ii) execution of each component transaction is contingent upon the execution of all other component transactions; and (iii) the component transactions are priced or quoted together as one economic transaction with simultaneous or near-simultaneous execution of all components.

[17] NAL No. 17–55, Re: Extension of No-Action Relief from Sections 2(h)(8) and 5(d)(9) of the Commodity Exchange Act and from Commission Regulations 37.3(a)(2) and 37.9 for Swaps Executed as Part of Certain Package Transactions (Oct. 31, 2017). NAL No. 17–55 extended no-action relief and related conditions previously granted by Commission staff. *See* CFTC Letter No. 14–12, No-Action Relief from the Commodity Exchange Act Sections 2(h)(8) and 5(d)(9) and from Commission Regulation § 37.9 for Swaps Executed as Part of a Package Transaction (Feb. 10, 2014) (''NAL No. 14–12''); CFTC Letter No. 14–62, No-Action Relief from the Commodity Exchange Act Sections 2(h)(8) and 5(d)(9) and from Commission Regulation § 37.9 for Swaps Executed as Part of Certain Package Transactions and No-Action Relief for Swap Execution Facilities from Compliance with Certain Requirements of Commission Regulations § 37.9(a)(2), § 37.203(a) and § 38.152 for Package Transactions (May 1, 2014) (''NAL No. 14–62''); CFTC Letter No. 14–121, Extension of No-Action Relief for Swap Execution Facilities and Designated Contract Markets from Compliance with Certain Requirements of Commission Regulations § 37.9(a)(2), § 37.203(a) and § 38.152 for Package Transactions (Sept. 30, 2014) (''NAL No. 14–121''); CFTC Letter No. 14–137, Extension of No-Action Relief from the Commodity Exchange Act Sections 2(h)(8) and 5(d)(9) and from Commission Regulation § 37.9 and Additional No-Action Relief for Swap Execution Facilities from Commission Regulation § 37.3(a)(2) for Swaps Executed as Part of Certain Package Transactions (Nov. 10, 2014) (''NAL No. 14–137''); CFTC Letter No. 15–55, Extension of No-Action Relief from the Commodity Exchange Act Sections 2(h)(8) and 5(d)(9) and from Commission Regulation § 37.9 and No-Action Relief for Swap Execution Facilities from Commission Regulation § 37.3(a)(2) for Swaps Executed as Part of Certain Package Transactions (Oct. 15, 2015) (''NAL No. 15–55''); and CFTC Letter No. 16–76, Re: Extension of No-Action Relief from the Commodity Exchange Act Sections 2(h)(8) and 5(d)(9) and from Commission Regulation § 37.9 and No-Action Relief for Swap Execution Facilities from Commission Regulation § 37.3(a)(2) for Swaps Executed as Part of Certain Package Transactions (Nov. 1, 2016) (''NAL No. 16–76''). NAL No. 17–55 also provided relief for package transactions where at least one individual swap component is subject to the trade execution requirement and all other components are futures contracts (''MAT/Futures package transactions''). The Commission continues to evaluate MAT/Futures package transactions and their regulatory treatment. Therefore, this rulemaking does not encompass MAT/Futures package transactions.

Further, NAL No. 17–55 also applies to package transactions occurring on a DCM. *See supra* note 3.

[18] The Commission notes that in addition to relief from the required methods of execution, staff has also provided relief from § 37.203(a) of the Commission's regulations, which prohibits ''pre-arranged trading,'' for offsetting trades and correcting trades. *See* NAL No. 17–27, Re: No-Action Relief for Swap Execution Facilities and Designated Contract Markets in Connection with Swaps with Operational or Clerical Errors Executed on a Swap Execution Facility or Designated Contract Market (May 30, 2017). As discussed further below, the Commission does not, however, view a regulatory amendment corresponding to that relief as necessary. *See infra* note 70.

[19] This proposal also does not codify the supplemental conditions to NAL No. 17–27 contained in CFTC No-Action Letter No. 20–01, Re: Supplemental No-Action Relief for Swap Execution Facilities and Designated Contract Markets in Connection with Swaps with Operational or Clerical Errors Executed on a Swap Execution Facility or Designated Contract Market (Jan. 8, 2020) (''NAL No. 20–01''), conditions that allow market participants to correct error trades that have been accepted for clearing with an *ex post facto* review by the SEF. As discussed below, nothing in this proposal would prohibit SEFs from incorporating such conditions within their error trade rules. *See infra* note 74.

[20] NAL No. 17–27, Re: No-Action Relief for Swap Execution Facilities and Designated Contract Markets in Connection with Swaps with Operational or Clerical Errors Executed on a Swap Execution Facility or Designated Contract Market (May 30, 2017). NAL No. 17–27 extended no-action relief and related conditions previously granted by Commission staff. *See* CFTC Letter No. 16–58, Re: No-Action Relief for Swap Execution Facilities and Designated Contract Markets in Connection with Swaps with Operational or Clerical Errors Executed on a Swap Execution Facility or Designated

Continued

• The Commission proposes to amend the definition of ''block trade'' in § 43.2, which requires the execution of block trades pursuant to the rules of a SEF to ''occur[] away'' from the SEF, *i.e.,* to be executed outside of any of the SEF's trading systems or platforms. The amendment would enable SEFs to offer non-Order Book methods of execution for market participants to execute swap block trades on the SEF. The proposal codifies CFTC No-Action Letter No. 17–60 (''NAL No. 17–60'') while also allowing block trades for swaps that are not intended to be cleared (''ITBC'') to be executed on SEF via non-Order Book methods of execution.[21]

The Commission believes that the above-described amendments would continue to effectuate the statutory SEF provisions and better promote the statutory SEF goals, as discussed below.

C. Consultation With Other U.S. Financial Regulators

In developing these rules, the Commission has consulted with the Securities and Exchange Commission, pursuant to section 712(a)(1) of the Dodd-Frank Act.[22]

II. The Proposed Regulations

A. Execution of Package Transactions

1. Background

Package transactions generally involve the execution of multiple component transactions together that market participants consider to represent one economic transaction.[23] The types of transactions that constitute a package transaction are wide-ranging and diverse. In particular, there are package transactions that consist solely of swaps subject to the trade execution requirement; those that include a mix of swaps subject to the trade execution requirement and swaps that are not; those made up of swaps and non-swaps; and those comprised of both swaps that are and swaps that are not exclusively subject to the Commission's jurisdiction.[24] These components range from being very liquid and standardized to being illiquid and bespoke.[25] The variety of package transactions derives, in part, from the fact that the different types of package transactions are fit for distinct purposes. The Commission understands that certain package transactions are utilized as tools within market participants' portfolio management and hedging programs, while other types of package transactions are used to allow market participants to express views of the market—for example, by allowing participants to trade the spread between certain products or different maturities in the same product.

Given the diverse characteristics of the component transactions that may be involved, the Commission understands that package transactions often pose unique pricing and execution characteristics. The Commission understands that the negotiation or arrangement of each of these components generally occurs concurrently or on a singular basis; in particular, negotiations for the pricing of such package transactions may be based primarily on the components that are not subject to the trade execution requirement. Further, given the individual liquidity and trading characteristics of each component, certain package transactions will have to trade through methods of execution that are suitable for an illiquid and bespoke component, which in many cases are not the required methods of execution.[26]

Notwithstanding the complexity of their pricing and execution, the Commission is aware of their benefits of such package transactions. By executing multiple components together as part of a package transaction, market participants can improve transaction pricing and cost, increase execution efficiency, and decrease execution risk beyond what would have been possible if the market participant had executed each component individually, *i.e.,* ''legged'' or ''legging'' into the transaction.[27]

During the implementation of the trade execution requirement for certain interest rate swaps and credit default swaps, SEFs and market participants informed the Commission that requiring swaps that are otherwise Required Transactions—but are components of a package transaction[28]—to be executed through the required methods of execution[29] under § 37.9 was in many cases impracticable and increased execution risks and operational challenges. Market participants and SEFs informed the Commission that these risks and challenges generally

Contract Market (June 10, 2016) (''NAL No. 16–58''); CFTC Letter 15–24, Re: No-Action Relief for Swap Execution Facilities and Designated Contract Markets in Connection with Swaps with Operational or Clerical Errors Executed on a Swap Execution Facility or Designated Contract Market (Apr. 22, 2015) (''NAL No. 15–24''); and CFTC Letter No. 13–66, Time-Limited No-Action Relief for Swap Execution Facilities from Compliance with Certain Requirements of Commission Regulation 37.9(a)(2) and 37.203(a) (Oct. 25, 2013) (initial relief provided by Commission staff with respect to error trades that are rejected from clearing)(''NAL No. 13–66''). NAL No. 17–27 also applies to swap transactions occurring on a DCM. *See supra* note 3. In addition, DMO recently released NAL No. 20–01, which supplements the conditions in NAL No. 17–27 to allow market participants, *sua sponte,* to correct error trades that have been accepted to clearing with an *ex post facto* review by the SEF.

[21] NAL No. 17–60, Re: Extension of No-Action Relief for Swap Execution Facilities from Certain ''Block Trade'' Requirements in Commission Regulation 43.2 (Nov. 14, 2017). NAL No. 17–60 extended no-action relief and related conditions previously granted by Commission staff. *See* CFTC Letter No. 16–74, Re: Extension of No-Action Relief for Swap Execution Facilities from Certain ''Block Trade'' Requirements in Commission Regulation 43.2 (Oct. 7, 2016) (''NAL No. 16–74''); CFTC Letter No. 15–60, Re: Extension of No-Action Relief for Swap Execution Facilities from Certain ''Block Trade'' Requirements in Commission Regulation 43.2 (Nov. 2, 2015) (''NAL No. 15–60''); and CFTC Letter No. 14–118, No-Action Relief for Swap Execution Facilities from Certain ''Block Trade'' Requirements in Commission Regulation 43.2 (Sept. 19, 2015) (''NAL No. 14–118''). NAL No. 17–60 only provides relief for swap block trades that are ITBC.

[22] Dodd-Frank Act, Public Law 111–203, title VII, sec. 712(a)(1), 124 Stat. 1376 (2010).

[23] *See supra* note 16. The Commission notes that there are transactions that otherwise meet the package transaction definition but do not involve a swap subject to the trade execution requirement. While these transactions may colloquially be referred to as package transactions, the Commission notes that such transactions are not the subject of this proposal.

[24] *See infra* note 36 for a more precise description of various package transactions.

To the extent that counterparties may be facilitating package transactions that involve a ''security,'' as defined in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934, or any component agreement, contract, or transaction over which the Commission does not have exclusive jurisdiction, the Commission does not opine on whether such activity complies with other applicable law and regulations.

[25] Some non-swap components may be subject to different regulatory requirements than the swap components in the package transactions.

[26] For example, while a swap that is subject to the trade execution requirement is suitable to be executed through the required methods of execution as an outright transaction, when that same swap is bundled together with an illiquid and bespoke component in a package transaction, the package transaction takes on the liquidity and trading profile of the illiquid and bespoke component.

[27] For example, a market participant seeking to execute two component transactions independent of one another, instead of executing the two components together in a package transaction, would be forced to pay the bid/offer spread on each leg, which in many cases is more costly and less efficient than paying the single bid/offer spread for a package transaction composed of the same two components.

[28] *See supra* note 16. Consistent with the proposed definition of package transaction under § 37.9(d) the Commission notes that, unless otherwise stated, the term ''swap component(s)'' as used herein refers to a swap component that is subject to the trade execution requirement under CEA section 2h(8), and therefore a Required Transaction.

[29] As noted above, pursuant to § 37.9, SEFs must provide as the required methods of execution for Required Transactions either an Order Book or an RFQ System.

reflect (i) an initial lack of market infrastructure available to trade and clear certain package transactions;[30] and (ii) the complex, bespoke, and idiosyncratic nature of several categories of package transactions that precluded them from being suitable for execution through required methods of execution.[31]

In response to concerns from market participants, Commission staff in the Division of Market Oversight (''DMO'') provided a series of time-limited no-action relief in order to allow the swap components of certain package transactions to be executed through flexible methods of execution on a SEF, and in some cases completely away from a SEF. Over time, the initial dearth of available market infrastructure to trade and clear certain package transactions has diminished, especially for package transactions composed of liquid and standardized components. As a result, Commission staff has allowed the relief for certain package transactions to expire as the capabilities and functionalities of market participants and SEFs have progressed to the point of permitting the swap component of various package transactions to be executed through the required methods of execution.[32] The Commission notes that the expiration of relief has been successful for many types of package transactions given (i) market participants now actively trade the swap component of several types of package transactions through the required methods of execution, and (ii) the trading of such package transactions constitutes a significant portion of swaps trading.[33]

Despite the progress, however, Commission staff has continued to provide relief for the swap components of certain package transactions where relief is necessary for market participants to be able to effectively execute the package transaction due to specific attributes of such transactions.

2. Proposed Addition of § 37.9(d) and Amendment of § 37.9(a)(2)

In light of the complex nature of these package transactions, the Commission recognizes that the required methods of execution under § 37.9 may inhibit market participants from tailoring the execution of the swap component of the relevant package transactions. This may force market participants to effect such transactions on a leg-by-leg basis—leading to increased execution and operational risk—or prevent them from engaging in the relevant package transactions altogether, precluding effective hedging strategies and decreasing market liquidity. Since DMO's issuance of this no-action relief, the Commission has gained considerable knowledge and experience with the dynamics of the trading of package transactions, particularly with respect to the existing no-action relief from the required methods of execution. Based on this knowledge and experience, the Commission believes that certain aspects of the current requirements for the required methods of execution under § 37.9 should be enhanced to better account for the complex nature of the relevant package transactions.

Therefore, the Commission proposes to add § 37.9(d) and amend § 37.9(a)(2) to permit the swap components of certain package transactions to be executed via flexible methods of execution pursuant to § 37.9(c)(2). The Commission proposes to define a ''package transaction'' as a transaction consisting of two or more component transactions executed between two or more counterparties where: (i) At least one component transaction is a Required Transaction; (ii) execution of each component transaction is contingent upon the execution of all other component transactions; and (iii) the component transactions are priced or quoted together as one economic transaction with simultaneous or near-simultaneous execution of all components.[34] Based on this proposed definition and consistent with existing no-action relief, the Commission proposes to allow the Required Transaction swap component of the following three categories of package transactions to be executed via flexible means of execution pursuant to § 37.9(c)(2):

(1) A package transaction where at least one of the components is a swap exclusively within the Commission's jurisdiction that is not subject to the clearing requirement (''MAT/Non-MAT Uncleared'');

(2) A package transaction where at least one of the components is not a swap (excluding certain package transaction categories as discussed below) (''MAT/Non-Swap Instrument'');[35] and

(3) A package transaction where at least one of the components is a swap for which the CFTC does not have exclusive jurisdiction, *e.g.,* a mixed swap (''MAT/Non-Exclusive CFTC Swap'').[36]

[30] *See, e.g.,* NAL No. 14–12 at 2–3 n.10 (describing the inability of a DCO to simultaneously screen and accept all components of a package transaction for clearing).

[31] *See, e.g.,* CFTC Public Roundtable: Trade Execution Requirements and Package Transactions, 72, 84–85 (Feb. 12, 2014), *available at https://www.cftc.gov/sites/default/files/idc/groups/public/@newsroom/documents/file/transcript021214.pdf* (commenting on the challenges of applying required methods of execution to package transactions with complex component swaps).

[32] *See infra* note 36 for an overview and description of the evolution of the relief for package transactions.

[33] For example, according to publicly available data from ClarusFT, nearly seventy percent of U.S. Dollar interest rate swaps trading in the inter-dealer swap market were carried out as part of just a single type of package transaction: U.S. Dollar Spreadover package transactions, as defined in note 35. *See* Chris Barnes, *USD Spreadovers and SEF Market Share,* Clarus Financial Technology Blog (August 14, 2018), *available at https://www.clarusft.com/usd-spreadovers-and-sef-market-share/.* Further, package transactions involving spreads and butterflies of interest rate swaps make up a material amount of trading in the swaps markets.

[34] *See* proposed § 37.9(d)(1). The Commission notes that there are transactions which otherwise meet the package transaction definition but do not involve a swap that is subject to the trade execution requirement. While these transactions may colloquially be referred to as package transactions, the Commission notes that such transactions are not the subject of this proposal. *See supra* note 16.

[35] Under proposed § 37.9(d)(3), consistent with the no-action relief, this category specifically excludes package transactions in which all non-swap components are U.S. Treasury securities (''U.S. Dollar Spreadover package transactions''); MAT/Futures package transactions; package transactions in which all other non-swap components are agency mortgage-backed securities (''MAT/Agency MBS package transactions''); and New Issuance Bond package transactions. *See also* Section II.A.7—Exemption of New Issuance Bond Package Transactions from the Trade Execution Requirement.

To the extent that counterparties may be facilitating package transactions that involve a ''security,'' as defined in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934, or any component agreement, contract, or transaction over which the Commission does not have exclusive jurisdiction, the Commission does not opine on whether such activity complies with other applicable law and regulations.

[36] The Commission notes that the swap components of different categories of package transactions have been subject to time-limited no-action relief provided by Commission staff from the trade execution requirement and required methods of execution. These categories of package transactions include those where: (i) Each of the components is a swap subject to the trade execution requirement (''MAT/MAT package transactions''); (ii) at least one of the components is subject to the trade execution requirement and each of the other components is subject to the clearing requirement (''MAT/Non-MAT (Cleared)''); (iii) U.S. Dollar Spreadover package transactions; (iv) MAT/Agency MBS package transactions; (v) New Issuance Bond package transactions; (vi) MAT/Futures package transactions; (vii) MAT/Non-MAT (Uncleared); (viii) excluding aforementioned categories, MAT/Non-Swap Instruments; and (ix) MAT/Non-Exclusive CFTC Swap. *See* NAL No. 14–12; NAL No. 14–62; NAL No. 14–121; NAL No. 14–137; NAL No. 15–55; NAL No. 16–76; and NAL No. 17–55.

Over time, the swap components of the following categories of package transactions were no longer provided relief: MAT/MAT package transactions, MAT/Non-MAT (Cleared) package transactions, U.S. Dollar Spreadover package transactions, and MAT/Agency MBS package transactions. As a result, the swap components of these package

Continued

While, as noted above, the swap components of several types of package transactions have been successfully transitioned to SEF and are executed via the required methods of execution, the Commission believes that the types of package transactions covered by this proposal may not be suitable to be traded through the required methods of execution due to their specific characteristics. In particular, the Commission recognizes that these package transactions contain components that are illiquid and bespoke, such as swaptions, or contain components that are subject to regulatory requirements other than or in addition to the CEA and the Commission's regulations issued thereunder.[37]

The Commission believes that if market participants are unable to utilize flexible methods of execution for the swap components of these package transactions, they would potentially be forced to break the package transaction into its individual components, otherwise known as ''legging'' into the transaction. The Commission understands from market participants that legging into a package transaction is inefficient and increases transaction costs and execution risks. Given that components of package transactions are each priced or quoted together as part of one economic transaction, the Commission recognizes the impracticality of breaking the package transaction into individual legs or components in order to trade the swap components via the required methods of execution under § 37.9.

Based on its experience with the existing no-action relief, the Commission believes that the proposed addition of § 37.9(d) and amendment of § 37.9(a) will allow market participants to choose the most suitable execution method for their package transactions, which will decrease execution risks, improve efficiency, and decrease transaction costs because market participants will no longer be forced to leg into transactions. Given the inherent complexity of the relevant package transactions, the Commission believes that this proposal ensures that market participants are able to trade these package transactions in the most effective, efficient, transparent, and economical manner. SEFs would be able to offer, and market participants would be able to utilize, methods of execution that best suit the characteristics of the relevant package transaction being traded. The Commission believes this would preserve the benefits and purpose of executing such package transactions.

In addition to causing inefficient execution and increasing risks and cost, forcing the swap components of the relevant package transactions through required methods of execution may also limit the commercial utility of such transactions or entirely frustrate the purposes of entering in such package transactions in the first place. For example, the Commission understands that in some of the relevant package transactions, (i) the swap component serves as the hedging instrument to other instruments in the package transaction, or (ii) the package transaction as a whole may be utilized as part of a market participant's portfolio management program. If the swap component of such package transactions were impractical or unable to be executed due to the required methods of execution, market participants would be prevented from entering or effectively entering into the package transaction, nullifying the package transaction's purpose and benefits as a hedging and portfolio management tool. Based on its experience with the existing no-action relief, the Commission believes that this proposal would allow market participants to utilize flexible methods of execution for the swap component of the relevant package transaction, thereby ensuring that market participants are able to continue to utilize these effective hedging tools.

Finally, the Commission believes that its proposed approach would advance the SEF statutory goal of promoting trading on SEFs.[38] The proposed rule provides relief from execution method requirements that are generally intended to help promote trading on SEFs. However, the relevant package transactions are not suitable for trading via such required methods of execution, as discussed above. Accordingly, the Commission believes that in this case flexibility with respect to execution methods will better promote trading of such component swaps on SEFs, consistent with the statutory SEF goals.

3. Request for Comment

The Commission requests comment on all aspects of proposed § 37.9(d) and the proposed amendment of § 37.9(a)(2). The Commission also invites specific comments on the following:

(1) Is the proposed definition of ''package transaction'' in proposed § 37.9(d)(1) appropriate? Please explain why or why not.

(2) Is the proposed definition's condition that the ''execution of each component transaction is contingent upon the execution of all other component transactions'' clear in its meaning? If not, please explain how the Commission should clarify this provision.

(3) Similarly, is the proposed definition's condition that ''[t]he component transactions are priced or quoted together as one economic transaction'' clear in its meaning? If not, please explain how the Commission should clarify this provision.

(4) Is it clear what is meant within the proposed definition's statement that execution of all component transactions is to be ''simultaneous or near-simultaneous''? If not, please explain how the Commission should clarify this provision.

(5) Is the proposed addition of § 37.9(d)(2) for MAT/Non-MAT (Uncleared) package transactions

transactions must be executed through the required methods of execution under § 37.9(a).

Currently, the swap components of the following categories of package transactions receive no-action relief from the required methods of execution under § 37.9 under NAL No. 17–55: (i) MAT/Non-MAT (Uncleared) package transactions; (ii) MAT/Non-Swap Instruments package transactions (subject to the exclusions previously discussed); and (iii) MAT/Non-Exclusive CFTC Swap package transactions. The proposed addition of § 37.9(d) is consistent with the relief from the required methods of execution under NAL No. 17–55. Within this section, the term ''relevant package transactions,'' unless context requires otherwise, refers to these three categories of package transactions.

In addition to the relief from the required methods of execution in § 37.9, NAL No. 17–55 also provides relief from the trade execution for the swap components of MAT/Futures package transactions and New Issuance Bond Package transactions. As discussed above, the Commission is still evaluating MAT/Futures package transactions. *See supra* note 17.

Further, as discussed in more detail below, the Commission is proposing to exempt the swap components of New Issuance Bond package transactions from the trade execution requirement. This is consistent with the relief currently provided to New Issuance Bond package transactions under NAL No. 17–55. To the extent that counterparties may be facilitating package transactions that involve a ''security,'' as defined in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934, or any component agreement, contract, or transaction over which the Commission does not have exclusive jurisdiction, the Commission does not opine on whether such activity complies with other applicable law and regulations.

[37] The Commission will continue to evaluate these categories of package transactions for new developments in execution methods on SEFs and may in the future revise the categories of package transactions in which the swap component is eligible to be executed through flexible means of execution. For example, the Commission notes that Tradeweb Markets Inc. recently released an electronic trading method for package transactions involving swaps and bonds. Such transactions—provided they are not U.S. Dollar Spreadover package transactions—would fall under the MAT/Non-Swap Instruments category of package transactions. Therefore, the Commission asks in this proposal whether the proposed package transaction categories are appropriate.

[38] *See* 7 U.S.C. 7b–3(e).

appropriate? Please explain why or why not.

(6) Is the proposed addition of § 37.9(d)(3) for MAT/Non-Swap package transactions appropriate? Please explain why or why not.

(7) Are the categories of package transactions that are excluded from § 37.9(d)(3) appropriate? Please explain why or why not.

(8) Are there additional package transactions that should be excluded from § 37.9(d)(3)?

(9) Is the proposed addition of § 37.9(d)(4) for MAT/Non-Exclusive CFTC Swap package transactions appropriate? Please explain why or why not.

(10) Are there additional types or categories of package transactions not covered in this proposal for which the Commission should allow the swap component to be executed through the flexible means of execution in § 37.9(c)(2)? Please explain in detail why or why not.

(11) Should the Commission allow swap components to be executed via flexible methods of execution where a package transaction contains more than four components or legs, regardless of the types of components?

(12) In addition to U.S. Dollar Spreadover package transactions, are there additional package transactions with sovereign debt components for which the Commission should exclude the swap component from flexible methods of execution? Please explain why or why not.

(13) Should the Commission allow all swap components of a package transaction to be executed via flexible means of execution where a single swap component subject to the trade execution requirement is above the applicable block size? Please explain why or why not.

(14) Should the Commission allow a package transaction composed of a Credit Default Swap (''CDS'') index swap subject to the trade execution requirement and a CDS index swap that is several series off-the-run to be executed through flexible means of execution? Please explain why or why not.

4. Existing § 37.3(a)

An Order Book is one of the two required methods of execution under § 37.9(a). The Commission designated an Order Book as the ''minimum trading functionality'' each SEF must maintain and offer for each swap that it lists for trading. An Order Book is defined under § 37.3(a)(3) as (i) an electronic trading facility;[39] (ii) a trading facility;[40] or (iii) a trading system or platform in which all market participants in the trading system or platform have the ability to enter multiple bids and offers, observe or receive bids and offers entered by other market participants, and transact on such bids and offers.''[41]

Generally speaking, it may be complex to apply the existing Order Book requirement in § 37.3(a)(2) to the swap components of the package transactions covered by this proposed amendment. In some situations, § 37.3(a)(2) may require that a SEF maintain separate Order Books for the same type of swap: One Order Book for when the swap is executed as a single transaction (referred to as an ''outright transaction''), and a separate Order Book for when the swap is executed as part of a package transaction. In fact, multiple Order Books could be required for the same type of swap if it were included as part of multiple types of package transactions. The Commission understands that, in part because of the availability of relief under the staff letters described above, SEFs have put in place relatively few Order Books for swaps to be executed as part of the package transactions covered by this proposed amendment, and any such Order Books in place are not actively used.

5. Proposed Addition of § 37.3(a)(4)

The Commission proposes to add § 37.3(a)(4), which would allow SEFs not to offer an Order Book for the swap components of the package transactions covered by this proposed amendment: (i) MAT/Non-MAT Uncleared package transactions; (ii) MAT/Non-Swap Instrument package transactions; and (iii) MAT/Non-Exclusive CFTC Swap package transactions. However, this proposal would not alter any requirement applicable to such swap components to the extent they are executed in transactions that are not package transactions covered by this proposed amendment. The text of proposed § 37.3(a)(4) makes clear that § 37.3(a)(2) of the Commission's regulations would continue to apply to such swap components and SEFs would be required to offer Order Books for these Required Transactions as outright transactions.

As noted above,[42] executing Required Transaction swap components of certain package transactions through the required methods of execution is operationally complex, and in many instances, impracticable. Given that the Commission has preliminarily determined that it is infeasible or inefficient to facilitate swap components of these package transactions through the required methods of execution, which includes an Order Book under § 37.3(a), it logically follows that requiring SEFs to offer an Order Book for the swap components of package transactions would be superfluous.

Finally, the Commission believes that not requiring SEFs to offer an Order Book for the swap components of the relevant package transactions would help reduce operating costs for SEFs, as they would no longer be required to operate and maintain order book systems that are not suitable for trading the swap components of the relevant package transactions. Instead of employing resources to build (or attempt to build) and support an unused or underutilized Order Book for the swap components of certain package transactions, the proposal would instead provide a SEF with the flexibility to determine how to allocate its resources, particularly as it relates to developing methods of execution that are better suited to trading the relevant package transactions.[43]

6. Request for Comment

The Commission requests comment on all aspects of proposed § 37.3(a)(4). The Commission also invites comments specifically on the following:

(15) Is the addition of § 37.3(a)(4) appropriate?

(16) Should the Commission still require SEFs to offer an Order Book for MAT/Non-MAT (Uncleared) package transactions as defined in § 37.9(d)(2)?

(17) Should the Commission still require SEFs to offer an Order Book for

[39] CEA section 1a(16) defines ''electronic trading facility'' as a trading facility that (i) operates by means of an electronic or telecommunications network; and (ii) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility. 7 U.S.C. 1a(16).

[40] CEA section 1a(51) defines ''trading facility'' as a person or group of persons that constitutes, maintains, or provides a physical or electronic facility or system in which multiple participants have the ability to execute or trade agreements, contracts, or transactions by accepting bids or offers made by other participants that are open to multiple participants in the facility or system; or through the interaction of multiple bids or multiple offers within a system with a pre-determined non-discretionary automated trade matching and execution algorithm. 7 U.S.C. 1a(51)(A).

[41] 17 CFR 37.3(a)(3).

[42] *See* section II.A.1—Background and section II.A.2—Proposed Addition of § 37.9(d) and Amendment of § 37.9(a)(2).

[43] The Commission notes that nothing in this proposal would preclude a SEF from offering an Order Book if it is able to develop an Order Book solution that is effective in trading the swap component of certain package transactions.

the swap components of MAT/Non-Swap package transactions as defined in § 37.9(d)(3)?

(18) Should the Commission still require SEFs to offer an Order Book for MAT/Non-Exclusive CFTC Swap package transactions as defined in § 37.9(d)(4)?

(19) Are there additional types of package transactions that the Commission should consider allowing SEFs to not offer Order Books for?

(20) Should the Commission allow SEFs not to offer an Order Book for swaps that are not subject to the trade execution requirement but are components of any package transaction? Would this lead to additional types of package transactions being listed and traded on SEFs?

7. Exemption of New Issuance Bond Package Transactions From the Trade Execution Requirement

The Commission proposes to establish an exemption to the trade execution requirement for swap transactions that are components of a ''New Issuance Bond'' package transaction.[44] The Commission believes that exempting these types of transactions from the trade execution requirement is authorized by, and would be consistent with the objectives of, CEA section 4(c).[45] This proposed approach is consistent with the time-limited no-action relief provided by Commission staff for this category of package transactions.[46]

New Issuance Bond package transactions include at least one individual swap component that is subject to the trade execution requirement and at least one individual component that is a bond[47] issued and sold in the primary market.[48] An underwriter (on behalf of an issuer) arranges the issuance of a bond packaged with a fixed-to-floating interest rate swap (''IRS'') that features the issuer as a counterparty. The terms of the IRS, which include tenor and payment terms, typically match the terms of the bond issuance. By issuing a bond with a fixed-to-floating IRS, issuers are able to effectively turn fixed-rate liabilities into variable-rate liabilities, or vice versa.[49] To match the terms between these two components and facilitate the bond issuance in an efficient and cost-effective manner, the IRS component is customized and negotiated in a manner that closely corresponds to the bond issuance process.

Given the process under which the swap is negotiated,[50] this type of package transaction has not been conducive to execution on a SEF trading system or platform. The Commission notes that the no-action relief that has been provided by Commission staff for these swaps components reflects the ongoing lack of an available execution method on an appropriate trading venue.[51] Based on the integral role of the bond issuance in facilitating the component swap execution, the Commission believes that the IRS component is not suitable for execution on a SEF, even if a SEF were able to offer flexible means of execution, as the Commission is proposing for swap components of other package transactions within this proposal.[52]

Therefore, consistent with current no-action relief provided by Commission staff, the Commission proposes to exempt swap components of a New Issuance Bond package transaction from the trade execution requirement. The proposed exemption would establish that a ''package transaction'' consists of two or more component transactions executed between two or more counterparties, where (i) at least one component transaction is subject to the trade execution requirement in section 2(h)(8) of the Act; (ii) execution of each component transaction is contingent upon the execution of all other component transactions; and (iii) the component transactions are priced or quoted together as one economic transaction with simultaneous or near-simultaneous execution of all components.[53] The Commission recognizes the inherent challenges in trading or executing these swap components on a SEF or DCM and, therefore, recognizes the benefits of continuing to allow market participants to maintain established market practices with respect to this type of package transaction.

8. Discussion of CEA Section 4(c) Enumerated Factors

Section 4(c) of the CEA grants the Commission the authority to exempt any transaction or class of transactions, including swaps, from certain provisions of the CEA, including the Commission's clearing requirement, in order to ''promote responsible economic or financial innovation and fair competition.''[54] Section 4(c)(2) of the CEA further provides that the Commission may not grant exemptive relief unless it determines that: (i) The exemption is appropriate for the transaction and consistent with the public interest; (ii) the exemption is consistent with the purposes of the CEA; (iii) the transaction will be entered into solely between ''appropriate persons;'' and (iv) the exemption will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory responsibilities under the CEA. In enacting section 4(c), Congress noted

[44] The Commission notes that both this proposal and the 2018 SEF Proposal propose to exempt New Issuance Bond package transactions from the trade execution requirement under section 2(h)(8) of the CEA. *See* 2018 SEF Proposal at 62039. However, while these proposals and the supporting rationales are nearly identical, these two proposals are dissimilar in practical effect and scope. Under the 2018 SEF Proposal, the Commission proposed to apply the trade execution requirement to all swaps that are subject to the clearing requirement in section 2(h)(1) of the CEA and are listed on a SEF or a DCM. The 2018 SEF Proposal thus would have significantly expanded the scope of swaps that are subject to the trade execution requirement, including materially expanding the requirement to numerous forward starting interest rate swaps which are used as the swap components for New Issuance Bond package transactions. Contrastingly, this proposal would not alter the scope of swaps that are currently subject to the trade execution requirement, the majority of which are not swaps that are used as a component in New Issuance Bond package transactions. This means that the proposal to exempt New Issuance Bond package transaction under the 2018 SEF Proposal would have a significantly broader impact on the market than the proposed exemption within this proposal.

[45] 7 U.S.C. 6(c).

[46] *See supra* note 36 (describing the no-action relief from the trade execution requirement provided by Commission staff for categories of package transactions).

[47] The Commission notes that this proposed exemption would not apply to swap components of package transactions that include sovereign debt, such as U.S. Treasury bonds, notes, and bills.

[48] The Commission understands that a bond issued and sold in the primary market that may constitute part of a package transaction is a ''security,'' as defined in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934. To the extent that counterparties may be facilitating package transactions that involve a security, or any component agreement, contract, or transaction over which the Commission does not have exclusive jurisdiction, the Commission does not opine on whether such activity complies with other applicable law and regulations.

[49] For example, a bond issuer seeks to pay variable rates on its bonds, but prospective investors may seek a fixed rate of return. By arranging a New Issuance Bond package transaction, the bond issuer can issue a fixed-rate bond and simultaneously enter into an offsetting IRS. The IRS enables the issuer to receive a fixed rate that matches the fixed rate on its bond to be issued, while paying the variable rate that it originally sought. Ultimately, this arrangement may allow the bond issuer to issue the fixed-rate bond at a lower cost.

[50] The Commission notes that these types of package transactions differ from other package transactions that involve the purchase or sale of a security in the secondary market, given that they involve the issuance of a new security.

[51] *See* NAL No. 17–55 at 2–3.

[52] *See* Section II.A.2.

[53] The Commission notes that this definition is consistent with the proposed definition for package transaction in § 37.9(d)(1).

[54] 7 U.S.C 6(c).

that the purpose of the provision is to give the Commission a means of providing certainty and stability to existing and emerging markets so that financial innovation and market development can proceed in an effective and competitive manner.[55]

The Commission believes that exempting swap components of New Issuance Bond package transactions from the trade execution requirement would be consistent with the objectives of CEA section 4(c).

The Commission recognizes the importance of new bond issuances in helping market participants to raise capital and fund origination loans for businesses and homeowners. The Commission recognizes that allowing the swap components of New Issuance Bond package transactions to be executed away from a SEF or DCM—consistent with current market practice—is integral to facilitating the bond issuance. Further, the Commission recognizes that the proposed exemption is limited in nature, *i.e.,* the swap transaction remains subject to all other applicable Commission rules and regulations.

Therefore, the Commission preliminarily believes that the proposed exemption from the trade execution requirement for swap components of New Issuance Bond package transactions is appropriate and would be consistent with the public interest and purposes of the CEA.

The Commission further believes that the proposed regulation would not have a material adverse effect on the ability of the Commission or any SEF or DCM to discharge its regulatory or self-regulatory duties under the CEA. The Commission notes that the exemption is limited in scope and the swap components subject to this exemption are still required to be reported to a swap data repository pursuant to parts 43 and 45 of the Commission's regulations. Further, the Commission retains its special call, anti-fraud, and anti-evasion authorities, which will enable it to adequately discharge its regulatory responsibilities under the CEA.

The Commission notes that under the proposed exemption, swap transactions would still be entered into solely between eligible contract participants (''ECPs''), whom the Commission believes, for purposes of this proposal, to be appropriate persons. Previously, the Commission determined that ECPs are appropriate persons within the scope of section 4(c)(3)(K) of the CEA.[56] The Commission noted that the elements of the ECP definition (as set forth in section 1a(18)(A) of the CEA and Commission regulation 1.3) generally are more restrictive than the comparable elements of the enumerated ''appropriate person'' definition.[57] Given that only ECPs are permitted to enter into swaps off of a DCM, there is no risk that a non-ECP or a person who does not satisfy the requirements for an ''appropriate person'' could enter into a New Issuance Bond package transaction using this proposed exemption. Therefore, the Commission believes that the class of persons eligible to rely on the exemption for New Bond Issuance package transactions will be limited to ''appropriate persons'' within the scope of section 4(c)(3) of the CEA.

9. Request for Comment

The Commission requests comment on all aspects of the proposed exemption of swap components of New Issuance Bond package transactions from the trade execution requirement under proposed § 36.1(a), including whether the proposed exemptive relief is consistent with the public interest and the other requirements of CEA section 4(c). As noted above, the 2018 SEF Proposal contained a nearly identical provision. Comments made on the 2018 SEF Proposal that are relevant to this rulemaking must be resubmitted to be considered. The Commission specifically requests comment on the following questions:

(21) Pursuant to its authority in CEA section 4(c), should the Commission exempt the swap components of a New Issuance Bond package transaction from the trade execution requirement?

(22) Is the proposed definition of ''package transaction'' in proposed § 36.1(a)(1) appropriate?

(23) Is it clear what is meant within the proposed definition when it states that the ''execution of each component transaction is contingent upon the execution of all other component transactions''? If not, please explain how the Commission should clarify this provision.

(24) Is it clear what is meant within the proposed definition when it states that ''[t]he component transactions are priced or quoted together as one economic transaction''? If not, please explain how the Commission should clarify this provision.

(25) Is it clear what is meant within the proposed definition when it states that all component transactions are to be executed on a ''simultaneous or near-simultaneous'' basis? If not, please explain how the Commission should clarify this provision.

(26) Are there additional swap components of different types or categories of package transactions that should be exempt from the trade execution requirement? If so, then please describe in detail why such swap components of these types or categories of package transactions should be exempt from the trade execution requirement.

B. Error Trades: Execution of Trades To Correct Operational and Clerical Errors on Swap Execution Facilities

1. Background

The Commission notes that SEFs have adopted policies to identify and resolve error trades as part of the rules and procedures that govern their respective trading and trade processing operations. Errors in SEF transactions, as observed by the Commission, may be operational or clerical in nature and attributable to either the SEF, the counterparties to the transaction, the counterparties' intermediaries, or the clearing members involved. Clerical errors, in particular, may occur in the process of entering trade details into a SEF's trading system and may relate to the swap's terms and conditions, such as price, size, or direction, as well as counterparty or clearing member identities. The adoption of error trade policies by SEFs reflects the importance of addressing errors to ensure that counterparties are able to execute swap transactions as intended on a SEF, which promotes a fair and orderly trading market for SEF market participants.[58]

Under the current SEF regulatory framework, however, resolving error trades for swaps subject to the Commission's required methods of execution and straight-through processing requirements has occurred pursuant to no-action relief provided by Commission staff on an ongoing basis. Since 2013, the Division of Clearing and Risk (''DCR'') and DMO (together, the ''Divisions'') have issued time-limited no-action relief to allow counterparties to correct swap ''error trades''—transactions containing an ''operational

[55] House Conf. Report No. 102–978, 1992 U.S.C.C.A.N. 3179, 3213.

[56] Clearing Exemption for Swaps Between Certain Affiliated Entities, 78 FR 21750, 21754 (Apr. 11, 2013).

[57] *Id.*

[58] The Commission notes that the guidance to Core Principle 4 in Appendix B cites ''clear error-trade and order-cancellation'' policies as a type of trading risk control that could be part of an acceptable program for preventing market disruptions. 17 CFR part 37 app. B (guidance to Core Principle 4—paragraph (a)(5)—''Risk controls for trading'').

or clerical error'' [59]—involving swaps designated as Required Transactions, which are subject both to the clearing requirement and the trade execution requirement.[60] This relief, as described further below, has facilitated corrections where the error trade has either been (i) rejected by a DCO from clearing due to the error; or (ii) accepted for clearing, and therefore requires correction through an offsetting trade. Pursuant to the relief, SEFs may provide counterparties with a bilateral, ''corrective'' execution process for Required Transactions that does not satisfy the required methods of execution under § 37.9(a)(2) for swaps subject to the trade execution requirement.

For error trades rejected from clearing by a DCO, the no-action relief has provided operational flexibility from the required methods of execution that otherwise apply in conjunction with the Commission's ''straight-through processing'' requirements for swaps submitted to a DCO for clearing.[61] To promote the ''near[-]instantaneous acceptance or rejection of each trade [for clearing],'' [62] the Divisions issued a 2013 staff guidance expressing the view that SEFs should have rules stating that trades that are rejected from clearing are ''void *ab initio.*'' [63] Accordingly, executed swaps that a DCO rejects from clearing would be deemed void, including swaps that are rejected due to an operational or clerical error by the SEF or the counterparties. Where the counterparties still seek to execute the transaction as intended, void *ab initio* compels the counterparties to execute a new transaction between one another with the corrected terms. Where the counterparties seek to execute a correcting swap that is a Required Transaction, the no-action relief allows SEFs to accept bilaterally-arranged swaps from the counterparties for execution and submission for clearing, rather than requiring them to execute the correcting swap through an Order Book or RFQ System.

For error trades accepted for clearing by a DCO in spite of an operational or clerical error in the swap, the no-action relief has provided similar operational flexibility from the prescribed execution methods under § 37.9(a)(2).[64] Accordingly, the relief allows SEFs to accept a bilaterally arranged swap from the counterparties for execution and submission for clearing that (i) economically offsets the initial error trade that was accepted from clearing; and (ii) corrects the initial error trade with corrected terms as originally intended by the counterparties.

The Divisions also attached certain conditions to this no-action relief that, among other things, specified timing requirements for submitting these transactions to a SEF for execution and to a DCO for clearing. For transactions correcting error trades that a DCO has rejected from clearing, the Divisions specified that the counterparties must execute the transaction on a SEF, and the SEF must submit the transaction for clearing, as quickly as technologically practicable after receipt of notice of the rejection by the DCO to the clearing members, but no later than one hour from the notice.[65] For offsetting and correcting transactions to error trades that a DCO has accepted for clearing, the Divisions specified that such execution and submission to clearing of those transactions must occur no later than three days after the error trade was executed.[66]

2. Proposed § 37.9(e)

The Commission proposes to amend the SEF regulatory framework by adding subsection (e) to § 37.9 to establish a flexible SEF error trade policy standard that would, among other things, incorporate the intent of the existing no-action relief in NAL No. 17–27 for resolving errors in Required Transactions. Proposed § 37.9(e)(2)(i) would specify that a SEF must maintain rules and procedures that are fair, transparent, consistent, and allow for timely resolution of an ''error trade,'' as defined under proposed § 37.9(e)(1)(ii).[67] This proposed standard would apply to any error trade that occurs on a SEF, regardless of whether the swap is submitted for clearing or not. The Commission believes that the proposed standard is a flexible approach that also clarifies the key principles that any SEF's error trade policy should address.

Further, under proposed § 37.9(e)(2)(i) SEFs must have error trade rules and procedures that require market participants to provide prompt notice to the SEF of an error trade and, as

[59] The Divisions previously defined ''operational or clerical error'' as any type of error other than a rejection from clearing due to credit reasons. *See* NAL No. 17–27 at 1 n.2.

[60] *See* NAL No. 13–66. In April 2015, staff issued additional no-action relief, which not only reinstated the previous time-limited no-action relief from NAL No. 13–66 for SEFs from the requirements of § 37.9(a)(2) and § 37.203(a) for error trades rejected from clearing, but also provided relief for error trades accepted for clearing in NAL No. 15–24. Commission staff subsequently extended the relief provided in NAL No. 15–24 in June 2016 with NAL No. 16–58. This relief was most recently extended in May 2017 by NAL No. 17–27 and would expire on the effective date of any applicable changes in the Commission's regulations. Commission staff in DMO recently issued NAL No. 20–01, which supplements NAL No. 17–27 to allow market participants, *sua sponte,* to correct error trades that have been accepted for clearing. In instances where market participants correct an error trade *sua sponte,* NAL No. 20–01 requires an *ex post facto* review by the SEF of the error trade, offsetting trade, and correcting trade on a T+1 basis. Such review must consider whether a transaction cancellation or price adjustment will adversely impact market integrity, facilitate market manipulation or other illegitimate activity, or otherwise violate the CEA, Commission regulations, or the SEF's rules.

[61] The Commission's ''straight-through processing'' requirements address the process of routing transactions from execution through clearing. *See* Customer Clearing Documentation, Timing of Acceptance for Clearing, and Clearing Member Risk Management, 77 FR 21278, 21283 (Apr. 9, 2012) (''Timing of Acceptance for Clearing Final Rule''). The Commission has previously stated that the ''acceptance or rejection for clearing in close to real time is crucial for both effective risk management and for the efficient operation of trading venues.'' *Id.* at 21285.

[62] Staff Guidance on Swaps Straight-Through Processing at 2 (Sept. 26, 2013)(''2013 Staff STP Guidance'').

[63] 2013 Staff STP Guidance at 5. The 2013 Staff STP Guidance also addresses other elements of ''straight-through processing'' for swap transactions, including void *ab initio. See* 2018 SEF Proposal at 61999–62002, 62019–62024. The Commission notes that it proposed to address certain provisions from the 2013 Staff STP Guidance in the 2018 SEF Proposal, including a clarification that mandatory application of void *ab initio* would be limited to swap transactions that are rejected from clearing for credit-related reasons; for rejections arising from clerical or operational errors, the proposed clarifications would allow a SEF to adopt other corrective approaches that may not involve execution of a offsetting trade or a correcting trade. *Id.* at 62000–62001. As noted above, this proposal is independent of the 2018 SEF Proposal.

[64] *See* NAL No. 17–27 at 5.

[65] *Id.* at 6.

[66] *Id.* In addition, for error trades that are accepted for clearing, DMO issued NAL No. 20–01, which supplements NAL No. 17–27 to allow market participants, *sua sponte,* to correct error trades that have been accepted for clearing with an *ex post facto* review by the SEF. For error trades accepted for clearing and corrected under the relief in NAL No. 20–01, DMO specified that such error trades would need to be corrected no later than 24 hours after the error trade was executed. *See* NAL No. 20–01 at 4.

[67] As proposed, an ''error trade'' would be defined as any trade executed on or subject to the rules of a swap execution facility that contains an operational or clerical error. With respect to ''package transactions,'' as defined under proposed § 37.9(d)(1), the Commission deems the submission of the component transactions in a sequence that causes a rejection from clearing of an individual component to constitute an operational error that could be resolved through a correcting trade under proposed § 37.9(e)(2)(i)(A). Market participants had previously informed the Commission that an individual component transaction may be rejected from clearing if prematurely submitted because the risk of that component, in isolation, could cause a trader to exceed its credit limit. Under a different submission sequence of component transactions to the DCO, however, the net risk of all of those transactions may not have exceeded the credit limit, thereby avoiding the rejection. The Commission emphasizes, however, the use of a corrective trade may only apply to the rejected component and otherwise would not apply to the other legs of the package transaction that have been accepted for clearing.

applicable, the corresponding correcting trade and offsetting trade.[68] This notice need not be separate from the error trade correction process.

The Commission believes that such a requirement is important to facilitate SEFs' fulfillment of their self-regulatory obligations. In particular, the Commission believes that providing a SEF prompt notice that an error trade has occurred on its trading system(s) or platform(s) will further enable it to facilitate direct supervision of it markets in order to determine whether a rule violation has occurred as required under § 37.203(b) as well as enhance its ability to carry out real-time market monitoring of all trading activity on its system(s) or platform(s) to identify disorderly trading and any market or system anomalies pursuant to § 37.203(e).[69]

Proposed § 37.9(e) would also require a SEF to adopt rules to resolve error trades that involve swaps submitted for clearing. For an error trade rejected from clearing and therefore deemed void *ab initio,* proposed § 37.9(e)(2)(i)(A) would require a SEF to permit the counterparties to subsequently execute a correcting trade, as defined in proposed § 37.9(e)(1)(i), through any method of execution offered by the SEF. For an error trade that has been accepted for clearing, proposed § 37.9(e)(2)(i)(B) would require a SEF to permit the counterparties to subsequently execute both an offsetting trade, as defined in proposed § 37.9(e)(1)(iii), and a correcting trade through any method of execution offered by the SEF.[70]

Consistent with the existing no-action relief, this approach would continue to provide flexibility in the execution methods that a SEF may offer to counterparties to execute offsetting and correcting trades that involve swaps that are Required Transactions.[71] Based on its experience with the existing no-action relief, the Commission believes that this flexibility would continue to promote SEF operational efficiency by allowing SEFs to offer error trade protocols that are tailored to their markets and to allow identification and resolution of operational and clerical errors in a timely manner. Without such flexibility, market participants with an error in Required Transactions would otherwise be prohibited from determining how to resolve the error between themselves by entering into an offsetting trade or a new trade with the correct terms due to the execution method requirements under § 37.9(a)(2), which require that all Required Transactions be traded via either an Order Book or RFQ System.

The Commission also believes that the proposed approach would further the SEF statutory goals of promoting trading on SEFs and pre-trade price transparency in the swaps market.[72] The proposed rules provide flexibility to depart from required execution methods that are otherwise intended to advance those statutory goals; allowing counterparties to correctly and efficiently execute swaps with the intended terms and conditions, however, enhances market integrity on SEFs, which promotes SEF participation. Additionally, the proposed rules would also help to ensure that trade data, which market participants rely upon to inform their swaps trading decisions, accurately reflects prevailing market pricing at any given time.

The Commission notes that the existing no-action relief is currently subject to several conditions applicable to SEFs and counterparties—for example, SEFs must affirmatively determine, or determine after an *ex post facto* review, that an error trade has occurred.[73] Except as incorporated in the proposed rules herein, the Commission intends for the proposed approach to otherwise provide SEFs with the flexibility to address such aspects of its error trade policy in a manner that is best suited to its trading and trade processing operations.[74]

The proposed rules, however, would also adopt some limitations that are similar to the existing no-action relief, including specified timeframes for executing and submitting these trades for clearing. For correcting trades associated with an error trade that has been rejected from clearing, proposed § 37.9(e)(2)(i)(A) would require the SEF to submit the correcting trade for clearing to the registered DCO or exempt DCO as soon as technologically practicable, but no later than one hour after notice of the rejection to the relevant clearing members. For an offsetting trade and a correcting trade associated with an error trade that already has been accepted for clearing, proposed § 37.9(e)(2)(i)(B) would require the SEF to submit both types of trades to the registered DCO or exempt DCO as soon as technologically practicable, but no later than three days after the registered DCO or exempt DCO accepted the error trade for clearing.[75]

[68] To the extent a SEF implements error trade rules and procedures that allow market participants to correct error trades *sua sponte* with an *ex post facto* review by the SEF, that the SEF must require that market participants notify it of the subsequent correcting and offsetting trades. Conversely, a SEF that adopts error trades rules and procedures in which the SEF is responsible for correcting the error trade, that SEF would not be required to have market participants notify it of the subsequent correcting and offsetting trades. Regardless of the type of error trade rules and procedures a SEF adopts, it is required to adopt rules and procedures which require its market participants to provide prompt notice to it of an error trade that has occurred on its trading system(s) or platform(s).

[69] *See* 17 CFR 37.203(b); 17 CFR 37.203(e).

[70] NAL No. 17–27 also provided relief from § 37.203(a), which prohibits pre-arranged trading, for offsetting trades and correcting trades. The Commission, however, does not view a regulatory amendment corresponding to that relief as necessary. The existing prohibition already provides an exception to that prohibition by allowing a SEF to adopt trading practices that are certified or approved by the Commission pursuant to part 40 of the Commission's regulations. *See* 17 CFR 37.203(a). Accordingly, the Commission anticipates that a SEF would implement proposed § 37.9(e) by self-certifying or adopting rules subject to Commission review under part 40 that specify the manner in which counterparties may execute offsetting and correcting trades.

[71] The Commission notes that swaps that are Permitted Transactions, including those that are submitted to a DCO for clearing, may already be executed through any method of execution offered by a SEF pursuant to § 37.9(c)(2).

[72] *See* 7 U.S.C. 7b–3(e).

[73] *See* NAL No. 17–27 at 5–7 and NAL No. 20–01 at 4–5.

[74] Under the proposal's principles-based approach, the Commission notes that a SEF would not be prohibited from incorporating the conditions contained within NAL No. 17–27, or implementing rules that allow market participants, *sua sponte,* to correct error trades that have been accepted for clearing with an *ex post facto* review by the SEF of the error trade, offsetting trade, and correcting trade on a T+1 basis as is contemplated by NAL No. 20–01. Further, this proposal would not preclude SEFs from deploying error trade rules and procedures which consider whether a transaction cancellation or price adjustment will adversely impact market integrity, facilitate market manipulation or other illegitimate activity, or otherwise violate the CEA, Commission regulations, or the SEF's rules. However, regardless of the error trade rules and procedures that a SEF may adopt, the Commission notes that pursuant to this proposal such rules must be fair, transparent, and consistent. For example, in a scenario where a SEF is unsure as to how to address an error, the SEF may have rules which make it clear that the SEF will seek guidance and consent from both counterparties to the error trade before correcting the error trade. The Commission believes that such rule would be fair as it considers the positions of both counterparties and is transparent as it makes clear what the SEF will do in a specific scenario.

[75] The Commission notes that the supplemental conditions contained in NAL No. 20–01 require error trades that have been accepted to clearing to be corrected as soon as technologically practicable but no later than 24 hours after the error trade was executed. *See* NAL No. 20–01 at 4. However, as noted above, the Commission intends for this proposal to provide a SEF with the flexibility to address such aspects of its error trade policy in a manner that is best suited to its trading and trade processing operations. As such, SEFs may continue to have error trade rules and procedures that are contemplated in both NAL No. 17–27 and NAL No. 20–01 for error trades that have been accepted for clearing. Therefore, the Commission is proposing that an error trade that has already been accepted for clearing would be required to be corrected as soon as technologically practicable, but no later than three days after the registered DCO or exempt DCO accepted the error trade for clearing, as this

Continued

addition to these proposed timeframes, proposed § 37.9(e)(2)(ii) would prohibit counterparties from executing a second correcting trade to fix an error trade if the initial correcting trade is rejected from clearing.

The Commission believes that these proposed limitations are consistent with the goal of promoting straight-through processing. The proposed timing requirements, in particular, are intended to provide a SEF and the counterparties to an error trade with an appropriate amount of time to identify and resolve error trades, while also minimizing delays to achieving prompt and efficient clearing of transactions. Similarly, limiting the number of instances in which counterparties may attempt to correct an error trade would also help to facilitate prompt and efficient clearing by incentivizing the counterparties to accurately execute their correcting trade as quickly as possible. The Commission, however, seeks additional public comment regarding this proposed limitation, as well as the appropriateness of the proposed timeframes.

3. Request for Comment

The Commission requests comment on all aspects of proposed § 37.9(e). As noted above, the 2018 SEF Proposal also discussed this topic. Comments made on the 2018 SEF Proposal that are relevant to this rulemaking must be resubmitted to be considered. The Commission also invites comments specifically on the following:

(27) The Commission notes that § 37.203(e) already specifies that a SEF may resolve errors by adjusting trade prices or canceling trades to mitigate ''market disrupting events;'' such action by a SEF must be ''transparent to the market and subject to standards that are clear, fair, and publicly available.'' Should the Commission adopt a single rule for all error trades under proposed § 37.9(e) that is similar to this standard, or is the proposed standard, *i.e.,* ''fair, transparent, consistent, [and] allow for timely resolution'' more appropriate? If the Commission should maintain separate standards, please explain why.

(28) Is the proposed timeframe adequate for the submission of a correcting trade to resolve an error trade rejected from clearing for non-credit reasons? If not, please provide an alternative timeframe and explain why such an alternative would be more appropriate.

(29) Is the proposed timeframe adequate for submitting an offsetting trade and correcting trade to resolve an error trade accepted for clearing? If not, please provide an alternative timeframe and explain why such an alternative would be more appropriate.

(30) Under proposed § 37.9(e)(2)(i), SEFs must have rules which require market participants to provide prompt notice to the SEF that an error trade has occurred. Is it clear what is meant by ''prompt notice'' in § 37.9(e)(2)(i)? If not, please explain how the Commission should clarify this provision.

(31) Should the Commission require that notification to a SEF of an error trade occur within a specified timeframe? If so, what is the appropriate time frame for that notification to occur?

(32) If a SEF adopts error trade rules and procedures that allow market participants to *sua sponte* correct an error trade with an *ex post facto* review by the SEF, should the Commission allow the SEF to have rules permitting market participants to withhold notice of the error trade until the market participant notifies the SEF of the correcting trade and, as applicable, the offsetting trade?

(33) Should the Commission require SEFs to affirmatively determine, or determine after an *ex post facto* review, that an error trade has occurred? Why or why not?

(34) If a SEF should affirmatively determine that an error trade had occurred, what is the appropriate time frame for that declaration to occur?

(35) If a SEF should determine that an error trade has occurred after an *ex post facto* review, what is the appropriate time frame for that review and determination to occur?

(36) If a SEF should affirmatively determine that an error trade had occurred, should the SEF's review consider whether a transaction cancellation or price adjustment will adversely impact market integrity, facilitate market manipulation or other illegitimate activity, or otherwise violate the CEA, Commission regulations, or the SEF's rules?

(37) If a SEF should determine that an error trade has occurred after an *ex post facto* review, should the SEF's review consider whether a transaction cancellation or price adjustment will adversely impact market integrity, facilitate market manipulation or other illegitimate activity, or otherwise violate the CEA, Commission regulations, or the SEF's rules?

(38) Does § 37.9(e) sufficiently address potential situations in which a component of a package transaction is rejected from clearing by the relevant registered DCO or exempt DCO because of the sequencing of the components of the package transaction submitted for clearing at the registered DCO or exempt DCO? With respect to proposed § 37.9(e), are there any other issues that should be addressed regarding package transactions?

(39) Should the same error trade policy also be available to correct any errors contained in a correcting trade or an offsetting trade, or should the number of corrections be limited? If an initial correcting trade or offsetting trade that is executed to correct an error trade contains an operational or clerical error, should the counterparties be allowed to submit another correcting trade or offsetting trade?

(40) Should the Commission require SEFs to notify its market when it receives notice from a market participant that an error trade has occurred?

(41) Should the Commission prescribe different error trade rules and procedures depending on the status (*i.e.,* Required Transactions or Permitted Transactions) of the original swap transaction? Please explain why or why not.

(42) Are there any conditions in NAL No. 17–27 or supplemental NAL No. 20–01 not contained within this proposal that the Commission should require SEFs to adopt in their error trade rules and procedures? If so, please explain in detail why such conditions are necessary and appropriate to be required in SEF error trade rules and procedures.

C. Real-Time Public Reporting: Block Trade Definition

1. Existing § 43.2

Section 43.2 defines a swap ''block trade'' as a publicly reportable swap transaction that (i) involves a swap that is listed on a SEF or DCM; (ii) occurs away from the SEF's or DCM's trading system or platform and is executed pursuant to the SEF's or DCM's rules and procedures; (iii) has a notional or principal amount at or above the appropriate minimum block trade size applicable to such swap; and (iv) is reported subject to the rules or procedures of the SEF or DCM and the rules set forth under part 43, including the appropriate time delay requirements set forth under § 43.5.[76] In specifying

is the longest timeframe for correcting such error trades as contemplated in both NAL No. 17–27 and NAL No. 20–01. Nonetheless, the Commission is seeking comment on whether three days is an appropriate timeframe for error trades that have been accepted for clearing to be corrected. Further, despite the proposed outer limit of three days for correcting error trades that have been accepted for clearing, the Commission notes that SEFs and market participants are expected to correct such error trades as soon as technologically practicable as is proposed under § 37.9(e)(2)(i)(B).

[76] 17 CFR 43.2.

these elements, the Commission considered the treatment of block trades in various swap and non-swap markets.[77] In particular, the Commission looked to the futures markets, where futures block trades are permissible, privately-negotiated transactions that equal or exceed a DCM's specified minimum quantity of futures or options contracts and is executed away from the DCM's centralized market but pursuant to its rules.[78] Accordingly, the Commission's regulatory definition of a ''block trade'' for swaps closely tracks this futures market concept of a block trade.

Similar to futures block trades, the Commission requires that swap block trades ''occur away'' from a SEF's or a DCM's trading system or platform, but pursuant to the SEF's or a DCM's rules and procedures.[79] The Commission clarified the ''block trade'' definition by stating that ''[a]ny swap that is executed on a SEF or a DCM's trading system or platform, regardless of whether it is for a size at or above the appropriate minimum block size for such swap, is not a block trade under this definition. . . .''[80] Accordingly, to receive the fifteen-minute public reporting delay that block trades are entitled to under § 43.5(d), the swap transaction not only must have a notional amount at or above the appropriate minimum block size, but must also ''occur away'' from the SEF's or the DCM's trading system or platform.[81]

2. Proposed Amendment to § 43.2

During the part 37 implementation process, SEFs and market participants informed the Commission that for swap transactions that are intended to be cleared, requiring that such swaps ''occur away'' from a SEF's trading system or platform creates an issue with carrying out pre-execution credit screening.[82] These market participants noted that, in many cases, clearing FCMs are unable to conduct pre-execution credit screening for such block trades because they are unaware that a block trade has occurred away from a SEF until after it has been executed and reported to the SEF.[83] Accordingly, SEFs were unable to facilitate pre-execution credit checks for block trades.

DMO acknowledged this operational challenge and accordingly has granted ongoing no-action relief from the requirement that swap block trades ''occur away'' from a SEF.[84] Based on Commission staff no-action relief provided in NAL No. 17–60, a SEF may allow market participants to execute swap block trades that are ITBC[85] on a SEF's non-Order Book trading system or platform.[86] As a result, FCMs and SEFs have been able to comply with their respective pre-execution credit screening obligations.

The Commission proposes to revise the ''block trade'' definition under § 43.2 in order to allow market participants to utilize a SEF's non-Order Book trading system or platform while still allowing swap block trades to ''occur away'' from a SEF.[87] The proposed revision to the ''block trade'' definition not only allows swap block trades that are ITBC to be executed on a SEF's non-Order Book trading system or platform—as is currently provided for in NAL No. 17–60—but the proposed definition would also permit swap block trades that are not ITBC to be executed on SEF.[88] The Commission believes that having a single set of block trade rules for both ITBC and non-ITBC swap block trades will help to reduce operational complexity for both SEFs and market participants. Further, the Commission believes that permitting execution of block trades on a SEF's non-Order Book trading systems or platforms furthers the statutory SEF goal of promoting the trading of swaps on SEFs.[89] Moreover, for swap block trades that are ITBC and executed on a SEF's non-Order Book trading system or platform, the Commission believes that the proposed revised definition would (i) allow FCMs to conduct pre-execution credit screenings in accordance with § 1.73; and (ii) allow SEFs to facilitate those screenings in accordance with the Commission's proposed requirement under § 37.702(b).[90]

Further, the Commission notes that this revised block trade definition is consistent with the provisions of the Dodd-Frank Act. CEA section 2(a)(13), as amended by the Dodd-Frank Act, directs the Commission to prescribe criteria for determining what constitutes a block trade and to establish appropriate post-trade reporting time delays. The provision, however, does not set forth any pre-trade requirements, such as a requirement that the transaction be executed away from a SEF. In addition, the Commission believes that allowing participants to use a SEF's non-Order Book functionalities to execute swap block trades is consistent with the Commission's regulatory approach to mitigate risks of information leakage (*i.e.,* a ''winner's curse'') as market participants can use the functionality of the SEF to execute a block trade in a manner that will not disclose the order to the entire market.[91] SEFs currently provide various modes of execution to enable market participants to execute a block trade on the SEF without providing disclosure of the block trade to the market or to multiple market participants.[92]

Finally, the Commission believes that permitting swap block trades to be executed on a SEF's non-Order Book trading platforms while also allowing them to ''occur away'' from a SEF provides SEFs increased flexibility. In particular, SEFs will be able to provide execution methods for swap block

[77] Real-Time Public Reporting of Swap Transaction Data, 75 FR 76140, 76159 (proposed Dec. 7, 2010) (discussion of block trades with respect to futures).

[78] *Id.*

[79] 17 CFR 43.2.

[80] Procedures To Establish Appropriate Minimum Block Sizes for Large Notional Off-Facility Swaps and Block Trades, 78 FR 32866, 32904 n.425 (May 31, 2013).

[81] CEA section 2(a)(13) requires the Commission to establish rules that govern the real-time reporting of swap transaction and pricing data to the public, but also directs the Commission, among other things, to prescribe rules that specify the appropriate reporting time delay for block trades, including the criteria for determining what constitutes a block trade. 7 U.S.C. 2(a)(13).

[82] For the avoidance of doubt, the Commission believes that if the parties purport to execute a block trade away from the SEF without first obtaining a credit check, an FCM clearing member that clears such trade and does not have knowledge of such purported execution is not in violation of the pre-execution credit check requirement under Commission regulation 1.73. NAL No. 17–60 n.9. The Commission understands that currently no mechanism exists to enable a pre-execution credit check where blocks are executed away from a SEF; however, this proposal does not preclude participants from developing and using such a mechanism in the future.

[83] NAL No. 17–60 at 2.

[84] NAL No. 17–60; NAL No. 16–74; NAL No. 15–60; NAL No. 14–118.

[85] As used herein, swaps that are ITBC are swaps (i) of a type accepted for clearing by a DCO, and (ii) intended to be submitted for clearing contemporaneously with execution. NAL No. 17–60 n.2.

[86] NAL No. 17–60 at 2–3.

[87] The Commission notes that it has proposed to address the issue of block trades on SEFs in the 2018 SEF Proposal. As noted above, this proposal is independent of the 2018 SEF Proposal.

[88] The Commission notes that in the 2018 SEF Proposal, it proposed for all SEF swap block trades to be executed on the SEF. The Commission continues to evaluate this proposal. *See supra* note 15.

[89] *See* 7 U.S.C. 7b–3(e).

[90] The Commission notes that proposed § 37.702(b) applies to SEFs that list (i) swaps that are subject to the clearing requirement; and/or (ii) swaps that are not subject to the clearing requirement, but for which the SEF facilitates processing and routing to a DCO for clearing.

[91] SEF Core Principles Final Rule, 78 FR 33498, 33562, and 33563.

[92] For example, the Commission has observed that some SEFs offer a ''RFQ-to-one'' functionality that allows counterparties to bilaterally negotiate a block trade between two potential counterparties, without requiring disclosure of the potential trade to other market participants on a pre-trade basis.

trades that are most suitable, efficient, and cost-effective for the product being traded, the SEF's market, and its market participants.

3. Request for Comment

The Commission requests comment on all aspects of the proposed revision to the definition of ''block trade'' in § 43.2. The 2018 SEF Proposal also proposed revisions to this definition. Comments made on the 2018 SEF Proposal that are relevant to this rulemaking must be resubmitted to be considered. The Commission also invites comments specifically on the following:

(43) Is the Commission's proposed revision to the definition of ''block trade'' appropriate? If not, how should the Commission amend the proposed definition?

(44) Should the Commission continue to permit market participants to execute ITBC swap block trades away from but pursuant to the rules of a SEF? Please explain why or why not.

(45) Should the Commission continue to permit market participants to execute non-ITBC swap block trades away from but pursuant to the rules of a SEF? Please explain why or why not.

(46) Should the Commission prohibit swap block trades that are subject to the trade execution requirement from ''occurring away'' from a SEF but pursuant to its rules?

(47) Should the Commission further limit or prohibit the execution of swap block trades through an RFQ system, as defined in § 37.9(a)(3)? For example, should the Commission limit the number of market participants that may receive a RFQ for a swap block trade that is intended to be executed on the SEF? Please explain why or why not.

(48) Should the Commission allow swap block trades to be executed through an Order Book, as defined in § 37.3(a)(3)? Please explain why or why not.

III. Effective Date and Transition Period

The Commission proposes that the effective date for the proposed regulations be 60 days after publication of final regulations in the **Federal Register**. The Commission preliminarily believes that such an effective date would allow SEFs and market participants sufficient time to adapt to the amended and additional rules in an efficient and orderly manner.

Request for Comment

The Commission requests comment on whether the proposed effective date is appropriate and, if not, the Commission further requests comment on possible alternative effective dates and the basis for any such alternative dates.

IV. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'') [93] requires Federal agencies, in promulgating regulations, to consider the impact of those regulations on small businesses. The regulations adopted herein will affect SEFs and their market participants. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its regulations on small entities in accordance with the RFA.[94] The Commission previously concluded that SEFs are not small entities for the purpose of the RFA.[95] The Commission has also previously stated its belief in the context of relevant rulemakings that SEFs' market participants, which are all required to be eligible contract participants (''ECPs'') [96] as defined in section 1a(18) of the CEA,[97] are not small entities for purposes of the RFA.[98] Therefore, the Chairman, on behalf of the Commission, hereby preliminarily certifies, pursuant to 5 U.S.C. 605(b), that the regulations will not have a significant economic impact on a substantial number of small entities. The Commission invites the public to comment on whether SEFs and SEF market participants covered by these proposed rules should be considered small entities for the purpose of the RFA.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* (''PRA'') imposes certain requirements on Federal agencies (including the Commission) in connection with conducting or sponsoring any ''collection of information,'' [99] as defined by the PRA. Among its purposes, the PRA is intended to minimize the paperwork burden to the private sector, to ensure that any collection of information by a government agency is put to the greatest possible uses, and to minimize duplicative information collections across the government.[100]

The PRA applies to all information, regardless of form or format, whenever the government is obtaining, causing to be obtained, or soliciting information, and includes required disclosure to third parties or the public, of facts or opinions, when the information collection calls for answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons.[101] The PRA requirements have been determined to include not only mandatory, but also voluntary information collections, and include both written and oral communications.[102] The Commission may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (''OMB'') control number.

This proposed rulemaking contains collections of information for which the Commission has previously received control numbers from OMB. The titles for these collections of information are ''Real-Time Public Reporting and Block Trades, OMB control number 3038–0070'' and ''Core Principles and Other Requirements for Swap Execution Facilities, OMB control number 3038–0074.'' This proposed rulemaking would not impose any new information collection requirements from any persons or entities that require approval of OMB under the PRA.

C. Cost-Benefit Considerations

Section 15(a) of the CEA [103] requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

[93] 5 U.S.C. 601 *et seq.*

[94] 47 FR 18618—18621 (Apr. 30, 1982).

[95] SEF Core Principles Final Rule, 78 FR 33476, 33548 (June 4, 2013) (citing 47 FR 18618, 18621 (Apr. 30, 1982) (discussing DCMs); 66 FR 42256, 42268 (Aug. 10, 2001) (discussing DTFs, ECMs, and EBOTs); and 66 FR 45604, 45609 (Aug. 29, 2001) (discussing registered DCOs)).

[96] 17 CFR 37.703.

[97] 7 U.S.C. 1(a)(18).

[98] 66 FR 20740, 20743 (Apr. 25, 2001) (stating that ECPs by the nature of their definition in the CEA should not be considered small entities).

[99] *See* 44 U.S.C. 3502(3)(A).

[100] *See* 44 U.S.C. 3501.

[101] *See* 44 U.S.C. 3502(3).

[102] *See* 5 CFR 1320.3(c)(1).

[103] 7 U.S.C. 19(a).

1. Background

The Commission is proposing to amend certain rules in parts 36, 37, and 43 of its regulations relating to the execution of certain package transactions on SEFs; the resolution of error trades on SEFs; and the execution of block trades on SEFs.

The baseline against which the Commission considers the costs and benefits of these proposed rules is the statutory and regulatory requirements of the CEA and Commission regulations now in effect, in particular CEA section 5h and certain rules in parts 37 and 43 of the Commission's regulations. The Commission, however, notes that as a practical matter SEFs and market participants have adopted some current practices based upon no-action relief provided by Commission staff that is time-limited in nature.[104] As such, to the extent that SEFs and market participants have relied on relevant staff no-action letters, the actual costs and benefits of the proposed rules as realized in the market may not be as significant.

In some instances, it is not reasonably feasible to quantify the costs and benefits to SEFs and certain market participants with respect to certain factors, for example, market integrity. Notwithstanding these types of limitations, however, the Commission otherwise identifies and considers the costs and benefits of these rules in qualitative terms.

The following consideration of costs and benefits is organized according to the rules and rule amendments proposed in this release. For each rule, the Commission summarizes the proposed amendments and identifies and discusses the costs and benefits attributable to such rule. The Commission, where applicable, then considers the costs and benefits of the proposed rules in light of the five public interest considerations set out in section 15(a) of the CEA.

The Commission notes that this consideration of costs and benefits is based on the understanding that the swaps market functions internationally, with many transactions involving U.S. firms taking place across international boundaries, with some Commission registrants being organized outside of the United States, with leading industry members typically conducting operations both within and outside the United States, and with industry members commonly following substantially similar business practices wherever located. Where the Commission does not specifically refer to matters of location, the discussion of costs and benefits below refers to the effects of the proposed rules on all swaps activity subject to the proposed and amended regulations, whether by virtue of the activity's physical location in the United States or by virtue of the activity's connection with or effect on U.S. commerce under CEA section 2(i).[105]

2. Package Transactions

The Commission proposes to add § 37.9(d) and amend § 37.9(a)(2) to permit the swap components of certain package transactions to be executed via flexible methods of execution pursuant to § 37.9(c)(2). The Commission proposes to define a ''package transaction'' for the purpose of the proposed rule as a transaction consisting of two or more component transactions executed between two or more counterparties where (i) at least one component transaction is subject to the trade execution requirement in section 2(h)(8) of the Act; (ii) execution of each component transaction is contingent upon the execution of all other component transactions; and (iii) the component transactions are priced or quoted together as one economic transaction with simultaneous or near-simultaneous execution of all components. Based on this proposed definition and consistent with existing no-action relief, the Commission proposes to allow the swap component of the following three categories of package transactions to be executed via flexible means of execution pursuant to § 37.9(c)(2): (1) MAT/Non-MAT Uncleared package transactions; (2) MAT/Non-Swap Instrument package transactions;[106] and (3) MAT/Non-Exclusive CFTC Swap package transactions.

In addition, the Commission is proposing to exempt the swap components of these three types of package transactions from the requirement in § 37.3 that the SEF offer an Order Book for every swap listed for trading on the SEF, while continuing to require that SEFs offer an Order Book for outright transactions in every swap listed for trading on the SEF. Finally, the Commission is proposing to use its exemptive authority pursuant to CEA section 4(c) to exempt swap transactions that are executed as a component of a package transaction that includes a component that is a new issuance bond from the trade execution requirement under section 2(h)(8) of the Act.

Benefits: The proposed rule would allow market participants to choose the most suitable execution method for each package transaction and will allow SEFs to continue to offer flexible execution methods for these package transactions rather than only offer the required methods of execution for swaps subject to the trade execution requirement. The Commission expects this would reduce execution risks, improve efficiency, and decrease transaction costs as market participants would be able to avoid legging into transactions, that is, entering into each part of the package separately. The Commission notes that these benefits are currently available to market participants through existing no-action relief. The Commission further believes that the proposed rule would provide the liquidity and transparency benefits of increased trading of component swaps on SEFs, as without the proposed flexibility market participants would be unable or unwilling to trade such swap components through SEFs' required methods of execution.[107]

[104] In its discussion of alternatives, the Commission believes it is also relevant to consider the costs and benefits of the proposed regulations in comparison to circumstances in which such no-action relief has expired and is no longer available. The Commission further notes that in connection with NAL No. 16–58 and its extension NAL No. 17–27 (relief related to clerical or operational error trade resolution), market participants specifically requested that the Commission undertake rulemakings to establish a permanent solution for addressing these clerical and operational errors, rather than merely extending the previous NAL relief. *See* NAL No. 16–58 and NAL No. 17–27. In contrast, previous requests for no-action relief from market participants for the NALs which preceded NAL No.16–58 and NAL No. 17–27 were merely for temporary relief.

[105] Section 2(i)(1) applies the swaps provisions of both the Dodd-Frank Act and Commission regulations promulgated under those provisions to activities outside the United States that ''have a direct and significant connection with activities in, or effect on, commerce of the United States[.]'' 7 U.S.C. 2(i). Section 2(i)(2) makes them applicable to activities outside the United States that contravene Commission rules promulgated to prevent evasion of Dodd-Frank.

[106] Under proposed § 37.9(d)(3), consistent with the no-action relief, this category specifically excludes U.S. Dollar Spreadover package transactions; MAT/Futures package transactions, MAT/Agency MBS package transactions; and New Issuance Bond package transactions.

[107] Further, while the proposed rules also provide flexibility from the required methods of execution that are otherwise intended to help promote pre-trade transparency on SEFs, the Commission notes that permitting market participants to use flexible methods of execution is consistent with how package transactions are treated within other jurisdictions. For example, in the European Union (''EU'') certain package transactions (including package transactions for which the Commission currently requires the swap component to be executed through the required methods of execution, such as U.S. Dollar Spreadover package transactions) are eligible to be waived from the EU's transparency regime. The Commission believes that this proposal strikes an appropriate balance

Continued

The Commission believes that not requiring SEFs to offer an Order Book for the swap components of the three types of relevant package transactions would benefit SEFs by helping them to reduce operating costs, as they would no longer be required to operate and maintain an Order Book for trading those swaps that are components of those package transactions. However, SEFs would need to retain the availability of Order Books for those swaps executed as outright transactions.

Further, as discussed above, given the illiquid and bespoke nature of various components within the relevant package transactions, the Commission acknowledges that the Order Book is not the ideal method of execution for many such transactions. Therefore, the Commission anticipates that if SEFs are not required to provide an Order Book for relevant package transactions that are not suitable for Order Book trading, SEFs will be able to more effectively employ their resources, and no longer face the prospect of being required to provide Order Books that will not be utilized given the complex, illiquid, and bespoke nature of various components of the relevant package transactions.

The Commission believes that the proposal to exempt swap transactions that are executed as a component of a package transaction that includes a component that is a new issuance bond from the trade execution requirement will ensure that market participants such as bond underwriters and issuers can continue to execute these packages (where the new-issuance bond is hedged by an interest rate swap with tenor and payment terms that typically match the terms of the bond issuance) off-SEF. As discussed above, this proposed exemption may facilitate new bond issuances, which may benefit capital formation by helping market participants to raise capital and fund origination loans for businesses and homeowners. Moreover, in light of the involvement of the bond issuer and the underwriter in arranging and executing a package transaction in conjunction with a new issuance bond and the unique negotiation and fit-for-purpose nature of these package transactions, the Commission understands that it remains difficult or impossible to trade these package transactions on a SEF. SEFs have not been able to design an execution method suitable for this particular type of package, rendering it impracticable to execute these packages on-SEF. While the swap components of many swap/new-issuance bond packages executed today are not currently subject to the trade execution requirement,[108] the proposed rule would ensure that those transactions would remain exempt in the event the trade execution requirement is expanded to include more types of swaps.

Costs: The proposed amendments to allow flexible execution methods for certain package transactions and the proposed exemption for package transactions that include a new issuance bond should not impose costs on market participants since they only provide flexibility to market participants and do not require them to change their current trade practices. Moreover, to the extent that market participants are relying on existing no-action relief, they could continue to implement existing industry practice. The Commission believes that current SEF rules typically allow participants to utilize flexible execution methods pursuant to the existing no-action relief, but to the extent that SEFs need to modify their rules to incorporate the proposed amendments, they may incur modest costs.

As noted, not requiring SEFs to offer an Order Book for the swap components of the relevant package transactions may enable SEFs to reduce operating costs. Since any existing Order Books for swap components of the relevant package transactions are not actively used and are not practicable for market participants to use, removing these Order Books (and not requiring SEFs to create such Order Books) should not impose significant costs on market participants.

Section 15(a) Factors

a. Protection of Market Participants and the Public

The Commission believes that the proposed amendments and exemption will protect market participants from the risks associated with legging into the relevant packages by enabling market participants to enter into package transactions using appropriate execution methods. Permitting SEFs to eliminate the Order Book for use when swaps are components of package transactions should not impact protection of market participants. While protecting market participants also benefits the public, the Commission has not identified any further effect of the proposal on protection of the public.

b. Efficiency, Competitiveness, and Financial Integrity of the Markets

The proposed amendments would enhance efficiency by enabling market participants to continue to execute the relevant packages in a single transaction with an appropriate execution method, rather than via the inefficient process of legging into the package one component at a time. The proposed amendments would also enhance financial integrity by enabling market participants to continue to avoid the execution risk associated with potential adverse price movements while attempting to leg a transaction. The Commission has not identified any likely effects of the proposed amendments on competition in the swap markets. The Commission expects that, since there are few, if any, active Order Books for swaps as components of the relevant package transactions, SEFs will not use proposed § 37.3(a)(4) to remove active Order Books that are providing competitive markets.

c. Price Discovery

Package transactions are typically executed at a single price for the entire package, rather than at the prices of the individual components. The proposed amendments would continue to allow the relevant package transactions to be executed using the execution methods that are designed to facilitate price discovery in these packages. For packages that include new issuance bonds, the proposed exemption will permit price discovery to occur at the appropriate venue. The Commission believes that the proposed § 37.3(a)(4), which would exempt swaps that are part of the relevant package transactions from the Order Book requirement, would not materially inhibit price discovery since the Commission anticipates that SEFs would retain Order Books where price discovery is occurring and that currently price discovery is not occurring in Order Books for swap components of the package transactions addressed within this proposal.

d. Sound Risk Management Practices

The Commission believes that the proposal will continue to promote sound risk management by facilitating the execution of package transactions as market participants consider package transactions to often be useful and appropriate instruments for

between promoting pre-trade transparency and ensuring that U.S. markets and their participants are not unnecessarily burdened. *See* Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories.

[108] For example, the swap component may be a forwarding-starting swap whose start date corresponds to the issuance date of the bond. Forward starting swaps are not currently subject to the trade execution requirement.

management and transfer of risk and to avoid the execution risks associated with legging of transactions.

e. Other Public Interest Considerations

The proposed exemption from the trade execution requirement for the swap components of packages involving new issuance bonds may help promote capital formation by facilitating the issuance of bonds to raise capital. The Commission has not identified any other effect of the proposed rules and proposed exemption regarding package transactions on other public interest considerations.

Request for Comment

The Commission requests comment on the costs and benefits of all aspects of the proposed amendments related to certain package transactions, including the discussion of the section 15(a) factors. Comments made on the 2018 SEF Proposal that are relevant to this rulemaking should be resubmitted to be considered. The Commission requests comment on the alternatives discussed above as well as any other alternatives that commenters believe present a superior cost-benefit profile to the proposed amendments. Commenters are requested to provide data and any other information or statistics to support their position. In particular, to the extent commenters believe that the costs or benefits of any aspect of the proposed rules are reasonably quantifiable, the Commission requests that they provide data and any other information or statistics to assist the Commission in quantification.

3. Error Trades

The Commission proposes to add subsection (e) to § 37.9 to establish a flexible SEF error trade policy standard that would, among other things, incorporate the intent of the existing no-action relief in NAL No. 17–27 for resolving errors in Required Transactions. Proposed § 37.9(e)(2)(i) would specify that a SEF must maintain rules and procedures that are ''fair, transparent, consistent'' and ''allow for timely resolution'' of an ''error trade,'' as defined under proposed § 37.9(e)(1)(ii). This proposed standard would apply to any error trade that occurs on a SEF, regardless of whether or not the swap is submitted for clearing. Further, under proposed § 37.9(e)(2)(i), SEFs must have error trade rules and procedures that require that market participants provide prompt notice to the SEF of an error trade and, as applicable, correcting and offsetting trades.

Proposed § 37.9(e) would also require a SEF to adopt rules to resolve error trades that involve swaps submitted for clearing. For an error trade rejected from clearing and therefore deemed void *ab initio*, proposed § 37.9(e)(2)(i)(A) would require a SEF to permit the counterparties to subsequently execute a correcting trade, as defined in proposed § 37.9(e)(1)(i), through any method of execution offered by the SEF. For an error trade that has been accepted for clearing, proposed § 37.9(e)(2)(i)(B) would require a SEF to permit the counterparties to subsequently execute both an offsetting trade, as defined in proposed § 37.9(e)(1)(iii), and a correcting trade through any method of execution offered by the SEF.

The proposed rule includes some limitations that are similar to the existing no-action relief, including specified timeframes for executing and submitting these trades for clearing. For correcting trades associated with an error trade that has been rejected from clearing, proposed § 37.9(e)(2)(i)(A) would require the SEF to submit the correcting trade for clearing to the registered DCO or exempt DCO as soon as technologically practicable, but no later than one hour after notice of the rejection to the relevant clearing members. For an offsetting trade and a correcting trade associated with an error trade that already has been accepted for clearing, proposed § 37.9(e)(2)(i)(B) would require the SEF to submit both types of trades to the registered DCO or exempt DCO as soon as technologically practicable, but no later than three days after the registered DCO or exempt DCO accepted the error trade for clearing. In addition to these proposed timeframes, proposed § 37.9(e)(2)(ii) would prohibit counterparties from executing a second correcting trade to fix an error trade if the initial correcting trade is rejected from clearing.

However, the proposed rule does not include certain additional conditions applicable to SEFs and counterparties that are contained in the no-action relief under NAL No. 17–27 or NAL No. 20–01. For example, the no-action relief in NAL No. 17–27 requires that a SEF must make an affirmative finding that an alleged error trade has occurred and must have rules setting forth the procedures for making such a finding.

Benefits: Absent an adoption of these proposed rules, both SEFs and market participants would need to comply with the existing Commission regulations, notwithstanding the significant procedural and logistical difficulties of doing so. In particular, market participants would have to resolve error trades in Required Transactions using the Order Book or RFQ System, which would likely make it impossible to recreate the trade as originally intended. These difficulties could dissuade SEFs from being actively involved in the error trade resolution process and market participants from executing swaps on a SEF. The Commission believes that the proposal would avoid these potential difficulties.

The Commission preliminarily believes that, given that the proposed amendments are largely consistent with current industry practice, SEFs and market participants may likely have already realized much of the benefit of proposed § 37.9(e). The Commission preliminarily believes, however, that the proposed rules additionally would provide a tangible benefit to market participants on a longer-term basis by allowing market participants to continue utilizing policies and protocols which the Commission understands most SEFs adopted in reliance upon the relief provided in existing no-action letters to resolve error trades.

The proposed rule does not require that a SEF affirmatively determine that an error trade has occurred, either before resolution or via an *ex post facto* review. The Commission preliminarily believes that such a requirement, which is in the existing no-action relief, would impose unnecessary costs on SEFs and market participants, and potentially impair the efficiency of the error trade resolution process. To the extent that SEFs and market participants are currently availing themselves of current no-action relief, they may realize reduced costs under the proposed rule.

The proposed requirement under § 37.9(e)(2)(i) that market participants provide prompt notice to a SEF of an error trade and, as applicable, the corresponding correcting trade and offsetting trade would benefit SEFs in carrying out their self-regulatory obligations. In particular, the Commission believes that providing SEFs prompt notice that an error trade has occurred on their trading system(s) or platform(s) would enhance their ability to carry real-time market monitoring of all trading activity on their system(s) or platform(s) to identify disorderly trading and any market or system anomalies or violations of SEF rules.

The Commission also believes that the proposed amendments will facilitate the goal of promoting consistency in the swaps market with respect to how errors are evaluated and resolved. First, the proposed amendments would require all SEFs to adopt such policies. To the extent SEFs have not yet implemented such policies, the proposed

amendments will benefit market participants who will now be able to correct error trades and avoid related economic losses. Further, market participants can obtain the benefit of executing a swap transaction that corrects an error trade with the terms originally intended.

Finally, some SEFs have already implemented robust error trade resolution policies pursuant to existing no-action relief, while other SEFs have not implemented robust error trade policies. This inconsistency among SEFs otherwise causes a ''race to the bottom'' for SEFs' compliance and market oversight, as certain market participants may prefer SEFs with less stringent error trade policies. As a result, SEFs that have implemented robust error trade policies—and the swaps market in general—will benefit by eliminating this potential ''race to the bottom,'' and the Commission will underscore the importance of SEF market oversight by adopting such requirements in Commission regulations.[109]

Costs: Similar to the conditions established by Commission staff in time-limited no-action relief, the proposed amendments would require SEFs to establish rules implementing various policies and procedures for resolving error trades. Under the proposal, SEFs would have to submit new rules to the Commission pursuant to part 40 of the Commission's regulations. However, the Commission understands that pursuant to the existing no-action relief, most SEFs currently have rules that otherwise would comply with the proposed regulations. SEFs may choose to adjust their rules in light of the absence in the proposed rules of the requirement in the no-action relief that SEFs affirmatively determine that an error trade has occurred.[110] To the extent that SEFs must draft and submit new rules to the Commission, the Commission estimates that the costs will be modest.

The Commission preliminarily believes that the proposed amendments would not impose significant additional costs on market participants and intermediaries, because resolving error trades is inherently costly regardless of regulations imposed by the Commission, and market participants and intermediaries are currently subject to SEF policies and procedures. The proposed requirement that market participants provide prompt notice to a SEF of an error trade and, as applicable, the correcting trade and offsetting trade would impose modest costs on market participants, but, in practice, market participants have likely needed to report error trades to SEFs in order to facilitate SEF determinations that an error trade has occurred pursuant to NAL No. 17–27, and would have had to report the correcting trade and offsetting trade in order to facilitate the SEF's *ex post facto* review pursuant to NAL No. 20–01. Not requiring that a SEF find that an error trade has occurred either before it has been resolved or via an *ex post facto* review should impose only minor costs on market participants associated with changes in procedures to no longer request that a SEF make such a determination.

The Commission notes that NAL No. 17–27 and NAL No. 20–01 apply to both SEFs and DCMs, but the proposed rule would apply only to SEFs. Therefore, the Commission believes that the proposed rule would impose no costs on DCMs, and notes that no DCM is currently availing itself of the no-action relief.

Section 15(a) Factors

a. Protection of Market Participants and the Public

The proposed addition of § 37.9(e) regarding error trades will protect market participants and the public by providing SEFs with greater authority under Commission regulations to resolve error trades. Further, by providing SEFs with the authority to permit counterparties to execute correcting trades and offsetting trades, the proposed amendments would protect market stability and transparency by preventing potential losses to market participants in connection with error trades and reducing instances in which market participants rely on inaccurate pricing information to inform their trading decisions. The proposed addition of § 37.9(e) would also promote greater transparency of the error trade resolution process to SEFs' market participants as SEFs would be required to establish policies and procedures for reviewing and determining how to resolve alleged error trades. The proposed requirement under § 37.9(e)(2)(i) that market participants provide prompt notice to a SEF of an error trade and, as applicable, the correcting trade and offsetting trade would promote protection of market participants and the public by enhancing a SEF's ability to carry out its market oversight and monitoring responsibilities. The Commission believes that the absence of a requirement in the proposed rule that SEFs must affirmatively determine, or determine after an *ex post facto* review, that an error trade has occurred (which are conditions in the existing no-action relief under NAL No. 17–27 and NAL No. 20–01) would not materially impact the protection of market participants and the public.

b. Efficiency, Competitiveness, and Financial Integrity of the Markets

The proposed addition of § 37.9(e) may improve the efficiency and financial integrity of markets by enabling counterparties to correct operational or clerical errors in a swap transaction. In particular, the proposed rules would help promote greater trading accuracy in the market by allowing counterparties to ultimately carry out transactions as originally intended, and would avoid unexpected trading losses caused by error trades. The proposed requirement under § 37.9(e)(2)(i) that market participants provide prompt notice to a SEF of an error trade and, as applicable, the correcting trade and offsetting trade would enhance a SEF's ability to carry out its market oversight and monitoring responsibilities which helps promote the financial integrity of its markets. The Commission believes that the absence of the no-action provision that SEFs must affirmatively determine that an error trade has occurred could enhance the efficiency of the error trade resolution process and would not materially impact the competitiveness or financial integrity of the swap market on SEFs.

Absent these proposed rules, counterparties would be required in certain circumstances to correct or re-execute swap transactions in a less efficient and effective manner on a SEF, such as through the required methods of execution under § 37.9(a). The proposed rules, which also require SEFs to adopt certain policies and procedures for addressing error trades, should further promote efficiency in the resolution process by providing market participants that transact on multiple SEFs with a more consistent approach across different platforms for correcting error trades.

c. Price Discovery

The proposed addition of § 37.9(e) regarding error trades would enable

[109] The Commission notes that a robust error trade resolution policy is also consistent with an effective compliance and oversight program because the ability to resolve error trades (i) helps protect market integrity by unwinding certain error trades that otherwise would have an adverse effect on the market and (ii) promotes legal certainty by ensuring that market participants obtain the economic position in the transaction that they intended.

[110] In light of the flexibility of the proposed rule, SEFs can continue to require such an affirmative declaration if the determine that such requirement provides benefits to market participants or the SEF.

SEFs to correct error trades containing a clerical or operational error while maintaining the price discovery benefits associated with the pre-trade transparency requirements of § 37.9. In particular, the proposed rules would help promote price discovery by allowing counterparties, whose original trade has been cancelled upon rejection from clearing due to a clerical or operational error, to re-execute the trade with the terms as originally intended. For error trades that have been accepted by a registered DCO or exempt DCO for clearing, the proposed rules promote greater accuracy in the price discovery process by allowing the counterparties to correct the error trade by executing an offsetting swap transaction and a subsequent swap transaction with the terms as originally intended.

d. Sound Risk Management Practices

The proposed addition of § 37.9(e) regarding error trades may promote sound risk management practices by providing SEFs with greater authority under Commission regulations to facilitate error trade resolution. The proposed rules will help to mitigate potential losses to market participants arising out of trade cancellations, where the error trade is rejected from clearing, or arising from maintaining the position of an unintended error trade.

e. Other Public Interest Considerations

The Commission has not identified any effect of proposed § 37.9(e) on other public interest considerations.

Request for Comment

The Commission invites public comment on all aspects of its cost benefit considerations related to the proposed amendments regarding SEFs' error trade policies, including the discussion of the section 15(a) factors. Comments made on the 2018 SEF Proposal that are relevant to this rulemaking should be resubmitted to be considered. Commenters are requested to provide data and any other information or statistics to support their position. In particular, to the extent commenters believe that the costs or benefits of any aspect of the proposed rules are reasonably quantifiable, the Commission requests that they provide data and any other information or statistics to assist the Commission in quantification.

The Commission requests comment on the impact of the proposed rule on market participants who may need to adjust their error trade rules and policies to comply with SEFs' error trade rules implemented to comply with proposed § 37.9(e). The Commission also requests comment on any alternatives that commenters believe present a superior cost-benefit profile to the proposed amendments.

4. Block Trades

The Commission proposes amendments to the definition of block trade, set forth in § 43.2, to allow SEFs to permit market participants to execute swap block trades using a SEF's trading system or platform, with the exception of the Order Book.[111] Market participants could continue to execute a block trade away from the SEF's trading system or platform, but pursuant to the SEF's rules.[112] This rule is similar to existing relief set out in NAL No. 17–60, but the proposed rule would apply to uncleared swaps as well ITBC swaps, while the existing no-action relief only applies to ITBC swaps.

Benefits: The Commission believes that permitting swap block trades to be executed on SEFs pursuant to Commission regulation would provide tangible benefits to market participants by allowing them to further utilize a SEF's trading systems and platforms with the exception of the Order Book. To the extent that a SEF provides the most operationally- and cost-efficient method of executing swap block trades, the proposed amendment would help market participants to continue realizing such benefits. Additionally, allowing market participants to execute swap block trades on a SEF helps to facilitate the pre-execution screening of transactions against risk-based limits in an efficient manner through SEF-based mechanisms. The Commission also recognizes that many SEFs and market participants have already expended resources to implement technological and operational changes needed to avail themselves of the no-action relief under NAL No. 17–60. The proposed amendments would preclude the need to expend additional resources to negate those changes. Further, incorporating the current no-action relief in the Commission's regulations would promote the statutory goal in CEA section 5h(e) of promoting swaps trading on SEFs. Finally, the proposed amendment would permit SEFs to extend the benefits of executed swap block trades on-SEF to uncleared swaps as well as ITBC swaps.

Costs: The Commission notes that the majority of SEFs have implemented the existing no-action relief. To the extent that SEFs have implemented such relief, they may incur modest costs in adjusting their rulebooks to, for example, include uncleared swaps in their block trading provisions. Any SEF that has not implemented the existing no-action relief but wishes to implement block trading rules consistent with the proposed amendment will incur somewhat higher, but still modest costs.

Section 15(a) Factors

a. Protection of Market Participants and the Public

The proposed amendment to the definition of a swap block trade in § 43.2, which would allow for both ITBC and non-ITBC swap block trades to be executed on a SEF's non-Order Book trading system or platform will provide more options to market participants for executing swap block trades without impeding the protection of market participants and the public provided under existing Commission regulations.

b. Efficiency, Competitiveness, and Financial Integrity of the Markets

The proposed amendment to the definition of block trade under § 43.2 to allow cleared and uncleared swap block trades to be executed on a SEF's non-Order Book trading system or platform may improve the efficiency and financial integrity of the swaps markets. The proposed amendments would provide market participants with the ability to execute block trades either on a SEF or away from, but pursuant to the rules of, a SEF. From an efficiency perspective, such choice should allow participants to choose the most operationally efficient and cost-efficient method of executing block trades. With respect to the financial integrity of the swaps market, this proposed amendment would also facilitate the use of pre-trade credit screening functionalities or protocols offered by the SEF to fulfill its obligations under SEF Core Principle 7—Financial Integrity of Transactions.[113]

[111] The Commission notes that a swap transaction with a notional size above the appropriate minimum block trade size could still be executed on an Order Book, but would not qualify as a block trade, and therefore, would not receive a time delay from public dissemination requirements set forth in § 43.5(d).

[112] The Commission notes that § 43.6(g)(1)—required notification of block trade election—would still apply to block trade transactions executed on the SEF via the SEF's non-Order Book trading systems and platforms. For example, pursuant to § 43.6(g)(1)(i), SEFs would need to implement a mechanism by which the counterparties notify the SEF of the counterparties' intention to have an on-SEF executed block trade treated as a block trade for reporting purposes. Additionally, pursuant to § 43.6(i)(2), a person transacting a cleared swap block trade on behalf of a customer would still need to receive prior written instruction or consent from the customer to transact the trade as a cleared swap block trade on the SEF. *See* 17 CFR 43.6(i)(2).

[113] 17 CFR 37.700.

c. Price Discovery

The Commission is not aware of significant effects on the price discovery process of the proposed amendment to the definition of block trade under § 43.2 to allow block trades to be executed on a SEF's non-Order Book trading system or platform. The Commission notes that block trades are currently not subject to the execution methods for required transactions under § 37.9, which are intended to promote pre-trade price transparency pursuant to section 5h of the CEA.[114] Based on the previous recognition that market participants are likely to execute large-sized trades, *i.e.,* block trades, in a manner that would mitigate pre-trade information leakage concerns, the Commission does not anticipate that the proposed amendment would diminish the price discovery process for block trades executed on a SEF.

d. Sound Risk Management Practices

The proposed amendment to allow block trades to occur on the SEF (but not on the SEF's order book) may promote sound risk management practices by providing more options for the execution of block trades. In this regard, the Commission notes that block trading can facilitate risk management by providing a means for commercial firms to transact large orders without the need for significant price concessions and resulting price uncertainty for parties to the transaction that would occur if transacted on the centralized market.

e. Other Public Interest Considerations

The proposed amendments should help promote SEF trading and pre-trade price transparency, *i.e.,* the statutory goals set forth under section 5h(f)(2) of the CEA with respect to SEFs.[115]

Request for Comment

The Commission requests comment on the costs and benefits of all aspects of the proposed amendments to permit block trades to be executed on a SEF, including the discussion of the section 15(a) factors. Comments made on the 2018 SEF Proposal that are relevant to this rulemaking should be resubmitted to be considered. The Commission requests comment on the alternatives discussed above as well as any other alternatives that commenters believe present a superior cost-benefit profile to the proposed amendments. Commenters are requested to provide data and any other information or statistics to support their position. In particular, to the extent commenters believe that the costs or benefits of any aspect of the proposed rules are reasonably quantifiable, the Commission requests that they provide data and any other information or statistics to assist the Commission in quantification.

D. Antitrust Considerations

Section 15(b) of the CEA requires the Commission to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of the CEA, in issuing any order or adopting any Commission rule or regulation. The Commission does not anticipate that the proposed amendments to parts 36, 37, and 43 would promote or result in anti-competitive consequences or behavior. However, the Commission encourages comments from the public with respect to any aspect of the proposal that maybe perceived as potentially inconsistent with the antitrust laws or anti-competitive in nature.

List of Subjects

17 CFR Part 36

Package transactions, Trade execution requirement.

17 CFR Part 37

Block trades, Error trades, Package transactions, Required methods of execution, Swap execution facilities, Swaps, Trade execution requirement.

17 CFR Part 43

Block trades, Large notional off-facility swaps, Real-time public reporting, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commodity Futures Trading Commission proposes to amend 17 CFR chapter I as follows:

■ 1. Revise part 36 to read as follows:

PART 36—TRADE EXECUTION REQUIREMENT

Sec.
36.1 Exemptions to trade execution requirement.

Authority: 7 U.S.C. 1a, 2, 5, 6, 6c, 7, 7a–2, 7b–3, 2a2, and 21, as amended by Titles VII and VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376 (2010).

§ 36.1 Exemptions to trade execution requirement.

(a) A swap transaction that is executed as a component of a package transaction that also includes a component transaction that is the issuance of a bond in a primary market is exempt from the trade execution requirement in section 2(h)(8) of the Act.

(1) For purposes of paragraph (a) of this section, a package transaction consists of two or more component transactions executed between two or more counterparties where:

(i) At least one component transaction is subject to the trade execution requirement in section 2(h)(8) of the Act;

(ii) Execution of each component transaction is contingent upon the execution of all other component transactions; and

(iii) The component transactions are priced or quoted together as one economic transaction with simultaneous or near-simultaneous execution of all components.

(2) [Reserved]

(b) [Reserved]

PART 37—SWAP EXECUTION FACILITIES

■ 2. The authority citation for part 37 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 5, 6, 6c, 7, 7a–2, 7b–3, and 12a, as amended by Titles VII and VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376.

■ 3. In § 37.3, add paragraph (a)(4) to read as follows:

§ 37.3 Requirements and procedures for registration.

(a) * * *

(4) A swap execution facility is not required to provide an order book under this section for transactions defined in § 37.9(d)(2), (3), and (4), except that a swap execution facility must provide an order book under this section for Required Transactions that are components of transactions defined in § 37.9(d)(2), (3), and (4) when such Required Transactions are not executed as components of transactions defined in § 37.9(d)(2), (3), and (4).

* * * * *

■ 4. In § 37.9, revise paragraph (a)(2)(i) introductory text and add paragraphs (d) and (e) to read as follows:

§ 37.9 Methods of execution for required and permitted transactions.

(a) * * *

(2) * * *

(i) Each Required Transaction that is not a block trade as defined in § 43.2 of

[114] The Commission stated its belief in the part 37 final rule release that an order book, as defined in § 37.3(a)(3), and the RFQ System, as defined in § 37.9(a)(3), are intended to promote the goals articulated in section 733 of the Dodd-Frank Act, which include promoting pre-trade price transparency. 78 FR 33484, 33497.

[115] 7 U.S.C. 7b–3(e).

this chapter shall be executed on a swap execution facility in accordance with one of the following methods of execution except as provided in paragraph (d) or (e) of this section:

* * * * *

(d) *Exceptions to required methods of execution for package transactions.* (1) For purposes of this paragraph, a package transaction consists of two or more component transactions executed between two or more counterparties where:

(i) At least one component transaction is a Required Transaction;

(ii) Execution of each component transaction is contingent upon the execution of all other component transactions; and

(iii) The component transactions are priced or quoted together as one economic transaction with simultaneous or near-simultaneous execution of all components.

(2) A Required Transaction that is executed as a component of a package transaction that includes a component swap that is subject exclusively to the Commission's jurisdiction, but is not subject to the clearing requirement under section 2(h)(1)(A) of the Act, may be executed on a swap execution facility in accordance with paragraph (c)(2) of this section as if it were a Permitted Transaction;

(3) A Required Transaction that is executed as a component of a package transaction that includes a component that is not a swap, as defined under section 1a(47) of the Act, may be executed on a swap execution facility in accordance with paragraph (c)(2) of this section as if it were a Permitted Transaction. This provision shall not apply to:

(i) A Required Transaction that is executed as a component of a package transaction in which all other non-swap components are U.S. Treasury securities;

(ii) A Required Transaction that is executed as a component of a package transaction in which all other non-swap components are contracts for the purchase or sale of a commodity for future delivery;

(iii) A Required Transaction that is executed as a component of a package transaction in which all other non-swap components are agency mortgage-backed securities; and

(iv) A Required Transaction that is executed as a component of a package transaction that includes a component transaction that is the issuance of a bond in a primary market.

(4) A Required Transaction that is executed as a component of a package transaction that includes a component swap that is not exclusively subject to the Commission's jurisdiction may be executed on a swap execution facility in accordance with paragraph (c)(2) of this section as if it were a Permitted Transaction.

(e) *Resolution of operational and clerical error trades.* (1) As used in this paragraph:

(i) *Correcting trade* means a trade executed and submitted for clearing to a registered derivatives clearing organization, or a derivatives clearing organization that the Commission has determined is exempt from registration, with the same terms and conditions as an error trade other than any corrections to any operational or clerical error and the time of execution.

(ii) *Error trade* means any trade executed on or subject to the rules of a swap execution facility that contains an operational or clerical error.

(iii) *Offsetting trade* means a trade executed and submitted for clearing to a registered derivatives clearing organization, or a derivatives clearing organization that the Commission has determined is exempt from registration, with terms and conditions that economically reverse an error trade that was accepted for clearing.

(2) *Execution of correcting trades and offsetting trades.* (i) A swap execution facility shall maintain rules and procedures that facilitate the resolution of error trades. Such rules shall be fair, transparent, and consistent; allow for timely resolution; require market participants to provide prompt notice of an error trade—and, as applicable, offsetting and correcting trades—to the swap execution facility; and permit market participants to:

(A) Execute a correcting trade, in accordance with paragraph (c)(2) of this section, regardless of whether it is a Required or Permitted Transaction, for an error trade that has been rejected from clearing as soon as technologically practicable, but no later than one hour after a registered derivatives clearing organization, or a derivatives clearing organization that the Commission has determined is exempt from registration, provides notice of the rejection; or

(B) Execute an offsetting trade and a correcting trade, in accordance with paragraph (c)(2) of this section, regardless of whether it is a Required or Permitted Transaction, for an error trade that was accepted for clearing as soon as technologically practicable, but no later than three days after the error trade was accepted for clearing at a derivatives clearing organization or a derivatives clearing organization that the Commission has determined is exempt from registration.

(ii) If a correcting trade is rejected from clearing, then a swap execution facility shall not allow the counterparties to execute another correcting trade.

PART 43—REAL-TIME PUBLIC REPORTING

■ 5. The authority citation for part 43 continues to read as follows:

Authority: 7 U.S.C. 2(a), 12a(5) and 24a, as amended by Pub. L. 111–203, 124 Stat. 1376 (2010).

■ 6. Revise § 43.2 to read as follows:

§ 43.2 Definitions.

As used in this part:

Act means the Commodity Exchange Act, as amended, 7 U.S.C. 1 *et seq.*

Affirmation means the process by which parties to a swap verify (orally, in writing, electronically or otherwise) that they agree on the primary economic terms of a swap (but not necessarily all terms of the swap). Affirmation may constitute ''execution'' of the swap or may provide evidence of execution of the swap, but does not constitute confirmation (or confirmation by affirmation) of the swap.

Appropriate minimum block size means the minimum notional or principal amount for a category of swaps that qualifies a swap within such category as a block trade or large notional off-facility swap.

As soon as technologically practicable means as soon as possible, taking into consideration the prevalence, implementation and use of technology by comparable market participants.

Asset class means a broad category of commodities including, without limitation, any ''excluded commodity'' as defined in section 1a(19) of the Act, with common characteristics underlying a swap. The asset classes include interest rate, foreign exchange, credit, equity, other commodity and such other asset classes as may be determined by the Commission.

Block trade means a publicly reportable swap transaction that:

(1) Involves a swap that is listed on a registered swap execution facility or designated contract market;

(2) Is executed on a trading system or platform of a registered swap execution facility that is not an order book as defined in § 37.3(a)(3) of this chapter, or occurs away from a registered swap execution facility's or designated contract market's trading system or platform and is executed pursuant to the registered swap execution facility's or designated contract market's rules and procedures;

(3) Has a notional or principal amount at or above the appropriate minimum block size applicable to such swap; and

(4) Is reported subject to the rules and procedures of the registered swap execution facility or designated contract market and the rules described in this part, including the appropriate time delay requirements set forth in § 43.5.

Business day means the twenty-four hour day, on all days except Saturdays, Sundays and legal holidays, in the location of the reporting party or registered entity reporting data for the swap.

Business hours means the consecutive hours of one or more consecutive business days.

Cap size means, for each swap category, the maximum notional or principal amount of a publicly reportable swap transaction that is publicly disseminated.

Confirmation means the consummation (electronic or otherwise) of legally binding documentation (electronic or otherwise) that memorializes the agreement of the parties to all terms of a swap. A confirmation shall be in writing (electronic or otherwise) and shall legally supersede any previous agreement (electronic or otherwise) relating to the swap.

Confirmation by affirmation means the process by which one party to a swap acknowledges its assent to the complete swap terms submitted by the other party to the swap. If the parties to a swap are using a confirmation service vendor, complete swap terms may be submitted electronically by a party to such vendor's platform and the other party may affirm such terms on such platform.

Economically related means a direct or indirect reference to the same commodity at the same delivery location or locations, or with the same or a substantially similar cash market price series.

Embedded option means any right, but not an obligation, provided to one party of a swap by the other party to the swap that provides the party holding the option with the ability to change any one or more of the economic terms of the swap as those terms previously were established at confirmation (or were in effect on the start date).

Executed means the completion of the execution process.

Execution means an agreement by the parties (whether orally, in writing, electronically, or otherwise) to the terms of a swap that legally binds the parties to such swap terms under applicable law. Execution occurs simultaneous with or immediately following the affirmation of the swap.

Futures-related swap means a swap (as defined in section 1a(47) of the Act and as further defined by the Commission in implementing regulations) that is economically related to a futures contract.

Large notional off-facility swap means an off-facility swap that has a notional or principal amount at or above the appropriate minimum block size applicable to such publicly reportable swap transaction and is not a block trade as defined in this section.

Major currencies means the currencies, and the cross-rates between the currencies, of Australia, Canada, Denmark, New Zealand, Norway, South Africa, South Korea, Sweden, and Switzerland.

Non-major currencies means all other currencies that are not super-major currencies or major currencies.

Novation means the process by which a party to a swap transfers all of its rights, liabilities, duties and obligations under the swap to a new legal party other than the counterparty to the swap. The transferee accepts all of the transferor's rights, liabilities, duties and obligations under the swap. A novation is valid as long as the transferor and the remaining party to the swap are given notice, and the transferor, transferee and remaining party to the swap consent to the transfer.

Off-facility swap means any publicly reportable swap transaction that is not executed on or pursuant to the rules of a registered swap execution facility or designated contract market.

Other commodity means any commodity that is not categorized in the other asset classes as may be determined by the Commission.

Physical commodity swap means a swap in the other commodity asset class that is based on a tangible commodity.

Public dissemination and publicly disseminate means to publish and make available swap transaction and pricing data in a non-discriminatory manner, through the internet or other electronic data feed that is widely published and in machine-readable electronic format.

Publicly reportable swap transaction means:

(1) Unless otherwise provided in this part—

(i) Any executed swap that is an arm's-length transaction between two parties that results in a corresponding change in the market risk position between the two parties; or

(ii) Any termination, assignment, novation, exchange, transfer, amendment, conveyance, or extinguishing of rights or obligations of a swap that changes the pricing of the swap.

(2) Examples of executed swaps that do not fall within the definition of publicly reportable swap may include:

(i) Internal swaps between one-hundred percent owned subsidiaries of the same parent entity; and

(ii) Portfolio compression exercises.

(3) These examples represent swaps that are not at arm's length and thus are not publicly reportable swap transactions, notwithstanding that they do result in a corresponding change in the market risk position between two parties.

Real-time public reporting means the reporting of data relating to a swap transaction, including price and volume, as soon as technologically practicable after the time at which the swap transaction has been executed.

Reference price means a floating price series (including derivatives contract prices and cash market prices or price indices) used by the parties to a swap or swaption to determine payments made, exchanged or accrued under the terms of a swap contract.

Remaining party means a party to a swap that consents to a transferor's transfer by novation of all of the transferor's rights, liabilities, duties and obligations under such swap to a transferee.

Reporting party means the party to a swap with the duty to report a publicly reportable swap transaction in accordance with this part and section 2(a)(13)(F) of the Act.

Super-major currencies means the currencies of the European Monetary Union, Japan, the United Kingdom, and United States.

Swaps with composite reference prices means swaps based on reference prices that are composed of more than one reference price from more than one swap category.

Transferee means a party to a swap that accepts, by way of novation, all of a transferor's rights, liabilities, duties and obligations under such swap with respect to a remaining party.

Transferor means a party to a swap that transfers, by way of novation, all of its rights, liabilities, duties and obligations under such swap, with respect to a remaining party, to a transferee.

Trimmed data set means a data set that has had extraordinarily large notional transactions removed by transforming the data into a logarithm with a base of 10, computing the mean, and excluding transactions that are beyond four standard deviations above the mean.

Unique product identifier means a unique identification of a particular level of the taxonomy of the product in an asset class or sub-asset class in question, as further described in § 43.4(f) and appendix A to this part. Such unique product identifier may combine the information from one or more of the data fields described in appendix A.

Widely published means to publish and make available through electronic means in a manner that is freely available and readily accessible to the public.

Issued in Washington, DC, on February 6, 2020, by the Commission.

Christopher Kirkpatrick,

Secretary of the Commission.

NOTE: The following appendices will not appear in the Code of Federal Regulations.

Appendices To Swap Execution Facility Requirements and Real-Time Reporting Requirements—Commission Voting Summary and Commissioners' Statements

Appendix 1—Commission Voting Summary

On this matter, Chairman Tarbert and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

Appendix 2—Statement of Support of Commissioner Brian D. Quintenz

I support today's proposal that seeks to resolve through rulemaking three issues currently addressed in staff no-action letters. I believe this proposal is an important first step to provide market participants with much needed regulatory certainty while also promoting swap execution facility (SEF) participation, though regulatory certainty over additional current market practices is necessary as well.

Staff initially granted these requests for relief in 2013 and 2014, as SEFs were first coming into compliance with the Commission's then-new SEF regulatory framework. With the benefit of six-plus years of implementation experience, and multiple extensions of each of these no-action letters, it is long overdue for the Commission to codify and clarify its policy on each of these important issues.

First, the proposal would amend part 37 regulations to permit the swap components of certain categories of package transactions to be executed on-SEF through flexible means of execution, rather than via the required methods of execution under Rule 37.9.[1] In addition, the proposal would also include an exemption from the trade execution requirement for swap transactions that are executed as a component of a new issuance bond package transaction. These amendments recognize the need to provide flexible means of execution for swaps that are negotiated and executed concurrently with other components of a larger, integrated transaction.

Second, the proposal adopts a principles-based approach regarding SEF policies to correct operational or clerical errors.[2] The proposal directs SEFs to adopt fair, transparent, and consistent policies and procedures that allow for the timely resolution of error trades. SEFs would be permitted to allow market participants to execute offsetting or correcting trades through any method of execution offered by the SEF. I believe these amendments will facilitate the prompt identification and correction of error trades, thereby minimizing market participants' exposure to market, credit, and operational risks.

Thirdly, the proposal recognizes the difficulties associated with performing a pre-trade execution credit check on block trades occurring away from a SEF's trading system or platforms.[3] Accordingly, it would permit block trades to be executed on a trading system of the SEF that is not an order book, thereby allowing FCMs to conduct pre-execution credit screenings. The proposal also continues to allow block trades to be executed away from the SEF.

This proposal should in no way preclude the Commission from considering additional SEF no-action letters and policy issues through rulemaking. For example, codifying the current no-action letter providing relief from the trade execution requirement for inter-affiliate swaps, or providing greater clarity about permissible methods of execution and minimum SEF trading functionality are prime examples. In order to truly foster and promote market liquidity, transparency, innovation, and competition in the SEF marketplace, I believe these outstanding issues should be addressed. I will support today's proposal but remain hopeful that these and other important areas can be addressed through rulemaking in the near future.

[1] These amendments address the relief currently provided by CFTC No-Action Letter 17–55 (Oct. 31, 2017).

[2] These amendments address the relief currently provided by CFTC No-Action Letters 17–27 (May 30, 2017) and 20–01 (Jan. 8, 2020).

[3] These amendments address the relief currently provided by CFTC No-Action Letter 17–60 (Nov. 14, 2017).

Appendix 3—Statement of Concurrence of Commissioner Rostin Behnam

I respectfully concur in the Commission's proposal to amend certain swap execution facility (SEF) requirements and real-time reporting requirements. A little more than a year ago, the Commission issued a proposal that would have constituted a complete overhaul of the existing regulatory framework for SEFs.[1] As I stated in my concurrence to the 2018 SEF proposal, I do not believe that such an overhaul is necessary.[2] However, despite my opposition to the overhaul, I supported issuing the SEF proposal for public comment because it contained several policy changes which separately warranted further consideration. Market participants have spent a great deal of resources to build systems and businesses that comply with our existing SEF rules. Fundamental changes amounting to an overhaul of the entire system should only be done in circumstances where there is a regulatory concern that necessitates action.[3] Accordingly, in the past I have suggested we should focus on targeted reforms, such as codifying existing no-action relief for SEFs.[4] I warned that we should not allow issues with the broader vision of the 2018 SEF proposal to distract us from making targeted changes.[5]

Today, the Commission proposes to limit changes to our existing SEF rules, specifically focusing on the codification of long-standing no-action relief regarding package transactions, error trades, and block trades. While I support today's proposal, I do have some concerns where I think we deviate from the path of targeted codification. The provisions in today's proposal regarding package transactions and block trades basically mirror the existing no-action relief.[6] However, the proposal regarding error trades does not.[7]

DMO currently provides no-action relief from the required methods of execution under § 37.9 for trades intended to resolve error trades.[8] The existing relief provides a number of conditions, including a requirement that a SEF determine (either prior to execution or within 24 hours after) that an error has occurred. Among other things, the no-action relief requires that a SEF have error trade rules that account for whether a transaction cancellation or price adjustment will adversely impact market integrity or facilitate market manipulation or other illegitimate activity.[9] None of these

[1] Swap Execution Facilities and Trade Execution Requirement, 83 FR 61946 (proposed Nov. 30, 2018).

[2] Rostin Behnam, Statement of Concurrence of Commissioner Rostin Behnam Regarding Swap Execution Facilities and Trade Execution Requirement (Nov. 5, 2018), *https://www.cftc.gov/PressRoom/SpeechesTestimony/behnamstatement110518a.*

[3] Rostin Behnam, Sowing the Seeds of Success in 2020, Remarks of CFTC Commissioner Rostin Behnam at the 2019 ISDA Annual General Meeting, Grand Hyatt Hong Kong, Hong Kong (Apr. 9, 2019), *https://www.cftc.gov/PressRoom/SpeechesTestimony/opabehnam13.*

[4] *Id.*

[5] *Id.*

[6] *See* CFTC No-Action Letter No. 17–55, Re: Extension of No-Action Relief from Sections 2(h)(8) and 5(d)(9) of the Commodity Exchange Act and from Commission Regulations 37.3(a)(2) and 37.9 for Swaps Executed as Part of Certain Package Transactions (Oct. 31, 2017); CFTC No-Action Letter No. 17–60, Re: Extension of No-Action Relief for Swap Execution Facilities from Certain ''Block Trade'' Requirements in Commission Regulation 43.2 (Nov. 14, 2017).

[7] *See* CFTC No-Action Letter No. 17–27, Re: No-Action Relief for Swap Execution Facilities and Designated Contract Markets in Connection with Swaps with Operational or Clerical Errors Executed on a Swap Execution Facility or Designated Contract Market (May 30, 2017); CFTC No-Action Letter No. 20–01 (''NAL No. 20–01''), Re: Supplemental No-Action Relief for Swap Execution Facilities and Designated Contract Markets in Connection with Swaps with Operational or Clerical Errors Executed on a Swap Execution Facility or Designated Contract Market (Jan. 8, 2020).

[8] NAL 17–27.

[9] *Id.*

conditions appear in the error trade rules proposed today, and under the proposal SEFs will no longer have any obligation to determine whether a trade is an error trade—the determination can instead be left entirely to the parties to the trade. I look forward to comments regarding whether this ''principles-based'' approach goes too far and fails to give market participants sufficient clarity regarding error trades.

I support targeted, thoughtful reform of our SEF regulations, and I particularly applaud staff's efforts to provide market participants with greater legal certainty through the codification of our existing no-action relief. I look forward to the comments.

Appendix 4—Statement of Commissioner Dan M. Berkovitz

I am voting in favor of today's proposed rule that would amend certain Commission rules in parts 36, 37, and 43 relating to package transactions, block trades, and error transactions on swap execution facilities (''SEFs'') (''Proposal''). Today's amendments largely codify longstanding no-action letters for limited categories of swaps transactions regarding the required methods of execution. Generally, I support the codification of no-action letters where, based on experience, doing so is consistent with our statutory mandate, protects customers, provides market participants with a greater level of certainty, and promotes market integrity.

Package Transactions

This Proposal would amend part 37 to allow the swap components of certain package transactions—including those that are illiquid and bespoke and therefore not suitable for trading on-SEF—to be executed on-SEF but through flexible methods of execution. In addition, the Proposal amends part 36 to exempt from the trade execution requirement a swap in a package transaction involving a bond sold in the primary market (''new issuance bond transaction''), which also is not conducive to trading on-SEF.

Beginning in 2014, the Commission issued a series of no-action letters specifying permissible methods of execution for certain package transactions, which have enabled market participants and the agency to apply the trading mandate to these transactions in a phased manner. As the market infrastructure for the trading and clearing of swaps has improved, the trading mandate has been applied to the packages involving more liquid and standardized swap components.[1] The remaining package transactions that would be covered by today's Proposal represent a small percentage of swaps trading on the most active SEFs.

I encourage the industry to continue to develop systems that allow for increased execution of package trade swap components on-SEF. I also appreciate the Staff's commitment, if this rule is finalized, to continue to evaluate the categories of package transactions subject to the rule and revise the rule as necessary in the future to reflect developments in trading methodologies.

Error Trades

The Proposal also would amend part 37 to enable SEFs to permit market participants to use flexible methods of execution to correct error trades, and would require a SEF to establish error trade policies that largely track the conditions set forth in prior no-action letters. Notably, the Proposal would require market participants to provide prompt notice of an error trade to the SEF, enabling the SEF to fulfill its self-regulatory obligations. It would not alter the requirement that SEFs must adopt rules declaring that trades rejected from clearing are deemed void *ab initio.* The Proposal also includes the requirement under CFTC No-Action Letter No. 17–27 that after submitting one error trade, market participants will not be able to submit a second new trade with the original terms. These conditions facilitate a SEF's direct supervision of its markets, protect against abuse, and promote fair competition.

Block Trades

The Proposal would revise the definition of ''block trade'' in Commission Regulation 43.2 to permit SEFs to offer non-Order Book methods of execution for market participants to execute swap block trades on-SEF. Like package transactions, block trades encompassed within the Proposal are a small percentage of the number of swaps traded. A significant benefit of this Proposal is that it would facilitate pre-trade credit checks by SEFs for block trades, in accordance with the SEF core principles.

It is my preliminary view that this Proposal would provide certainty to market participants and increase trading efficiencies, while not compromising the Congressional goal of moving standardized OTC derivative contracts to exchanges or electronic trading platforms. I look forward to public comments on the anticipated effects of these amendments, and I thank the staff of the Division of Market Oversight for their work on this Proposal.

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BILLING CODE 6351–01–P

[1] For example, U.S. Dollar Spreadover package transactions account for nearly seventy percent of interest rate swaps trading in the inter-dealer swap market. No-action letters for these package transactions have expired and market participants now actively trade the swap component of these packages through required methods of trading. *See* Proposed Rule, Sect. II.A.1 and n.33.

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

[Docket No. FWS–R7–SM–2019–0092; FXFR13350700640–201–FF07J00000]

RIN 1018–BE36

Subsistence Management Regulations for Public Lands in Alaska—2021–22 and 2022–23 Subsistence Taking of Fish and Shellfish Regulations

AGENCY: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish regulations for fish and shellfish seasons, harvest limits, methods, and means related to taking of fish and shellfish for subsistence uses during the 2021–2022 and 2022–2023 regulatory years. The Federal Subsistence Board (Board) is on a schedule of completing the process of revising subsistence taking of fish and shellfish regulations in odd-numbered years and subsistence taking of wildlife regulations in even-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle. When final, the resulting rulemaking will replace the existing subsistence fish and shellfish taking regulations. This proposed rule could also amend the general regulations on subsistence taking of fish and wildlife.

DATES:

Public meetings: The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make proposals to change this proposed rule March 2 through March 26, 2020, and will hold another round of public meetings to discuss and receive comments on the proposals, and make recommendations on the proposals to the Federal Subsistence Board, on several dates between August 18 and November 3, 2020. The Board will discuss and evaluate proposed regulatory changes during a public meeting in Anchorage, AK, in January 2021. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

Public comments: Comments and proposals to change this proposed rule must be received or postmarked by April 20, 2020.

ADDRESSES:

Public meetings: The Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils' public meetings are held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

Public comments: You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov* and search for FWS–R7–SM–2019–0092, which is the docket number for this rulemaking.
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Review Process section below for more information).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas C. J. Doolittle, Office of Subsistence Management; (907) 786–3888 or *subsistence@fws.gov.* For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743–9461 or *twhitford@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (hereafter referred to as ''the Secretaries'') jointly implement the Federal Subsistence Management Program (hereafter referred to as ''the Program''). The Program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. Only Alaska residents of areas identified as rural are eligible to participate in the Program. The Secretaries published temporary regulations to carry out the Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations on May 29, 1992 (57 FR 22940). Program officials have subsequently amended these regulations a number of times.

Because the Program is a joint effort between the Departments of the Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): The Agriculture regulations are at title 36, ''Parks, Forests, and Public Property,'' and the Interior regulations are at title 50, ''Wildlife and Fisheries,'' at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. Consequently, to indicate that identical changes are proposed for regulations in both titles 36 and 50, in this document we will present references to specific sections of the CFR as shown in the following example: § __.24.

The Program regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife. Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, National Park Service;
- The Alaska State Director, Bureau of Land Management;
- The Alaska Regional Director, Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D. Subpart C sets forth important Board determinations regarding program eligibility, *i.e.,* which areas of Alaska are considered rural and which species are harvested in those areas as part of a ''customary and traditional use'' for subsistence purposes. Subpart D sets forth specific harvest seasons and limits.

In administering the Program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Regional Advisory Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Regional Advisory Council members represent varied geographical, cultural, and user interests within each region.

Public Review Process—Comments, Proposals, and Public Meetings

The Federal Subsistence Regional Advisory Councils will have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Federal Subsistence Regional Advisory Councils, will hold public meetings on this proposed rule at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council	Juneau	March 24, 2020.
Region 2—Southcentral Regional Council	Anchorage	March 4, 2020.
Region 3—Kodiak/Aleutians Regional Council	Kodiak	March 19, 2020.
Region 4—Bristol Bay Regional Council	Naknek	March 10, 2020.
Region 5—Yukon-Kuskokwim Delta Regional Council	Bethel	March 16, 2020.
Region 6—Western Interior Regional Council	Fairbanks	March 2, 2020.
Region 7—Seward Peninsula Regional Council	Nome	March 11, 2020.
Region 8—Northwest Arctic Regional Council	Anchorage	March 16, 2020.
Region 9—Eastern Interior Regional Council	Fairbanks	March 3, 2020.
Region 10—North Slope Regional Council	Utqiagvik	March 23, 2020.

During April 2020, the written proposals to change the regulations at subpart D, take of fish and shellfish, and subpart C, customary and traditional use determinations, will be compiled and distributed for public review. Written

public comments will be accepted on the distributed proposals during a second 30-day public comment period. The Board, through the Regional Advisory Councils, will hold a second series of public meetings in August through November 2020, to receive comments on specific proposals and to develop recommendations to the Board at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council	Sitka	October 20, 2020.
Region 2—Southcentral Regional Council	Anchorage	October 7, 2020.
Region 3—Kodiak/Aleutians Regional Council	Cold Bay	September 10, 2020.
Region 4—Bristol Bay Regional Council	Dillingham	October 28, 2020.
Region 5—Yukon–Kuskokwim Delta Regional Council	St. Mary's	September 22, 2020.
Region 6—Western Interior Regional Council	Aniak	October 14, 2020.
Region 7—Seward Peninsula Regional Council	Nome	October 28, 2020.
Region 8—Northwest Arctic Regional Council	Kotzebue	November 3, 2020.
Region 9—Eastern Interior Regional Council	Fairbanks	October 14, 2020.
Region 10—North Slope Regional Council	Point Hope	August 18, 2020.

A notice will be published of specific dates, times, and meeting locations in local and statewide newspapers prior to both series of meetings. Locations and dates may change based on weather or local circumstances. The amount of work on each Regional Advisory Council's agenda determines the length of each Regional Advisory Council meeting, but typically the meetings are scheduled to last 2 days. Occasionally a Council will lack information necessary during a scheduled meeting to make a recommendation to the Board or to provide comments on other matters affecting subsistence in the region. If this situation occurs, the Council may announce on the record a later teleconference to address the specific issue when the requested information or data is available; it is noted that any follow-up teleconference would be an exception and must be approved, in advance, by the Assistant Regional Director for the Office of Subsistence Management. These teleconferences are open to the public, along with opportunities for public comment; the date and time will be announced during the scheduled meeting and that same information will be announced through news releases and local radio, television, and social media ads.

The Board will discuss and evaluate proposed changes to the subsistence management regulations during a public meeting scheduled to be held in Anchorage, Alaska, in January 2021. The Federal Subsistence Regional Advisory Council Chairs, or their designated representatives, will present their respective Councils' recommendations at the Board meeting. Additional oral testimony may be provided on specific proposals before the Board at that time. At that public meeting, the Board will deliberate and take final action on proposals received that request changes to this proposed rule.

Proposals to the Board to modify the general fish and wildlife regulations, fish and shellfish harvest regulations, and customary and traditional use determinations must include the following information:

a. Name, address, and telephone number of the requestor;

b. Each section and/or paragraph designation in this proposed rule for which changes are suggested, if applicable;

c. A description of the regulatory change(s) desired;

d. A statement explaining why each change is necessary;

e. Proposed wording changes; and

f. Any additional information that you believe will help the Board in evaluating the proposed change.

The Board immediately rejects proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § __ .24, subpart C (the regulations governing customary and traditional use determinations), and §§ __.25, __.27, and __.28 of subpart D (the general and specific regulations governing the subsistence take of fish and shellfish). If a proposal needs clarification, prior to being distributed for public review, the proponent may be contacted, and the proposal could be revised based on their input. Once a proposal is distributed for public review, no additional changes may be made as part of the original submission. During the January 2021 meeting, the Board may defer review and action on some proposals to allow time for cooperative planning efforts, or to acquire additional needed information. The Board may elect to defer taking action on any given proposal if the workload of staff, Regional Advisory Councils, or the Board becomes excessive. These deferrals may be based on recommendations by the affected Regional Advisory Council(s) or staff members, or on the basis of the Board's intention to do least harm to the subsistence user and the resource involved. A proponent of a proposal may withdraw the proposal provided it has not been considered, and a recommendation has not been made, by a Regional Advisory Council. The Board may consider and act on alternatives that address the intent of a proposal while differing in approach.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES.** If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R7–SM–2019–0092, or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Caron McKee, 907–786–3880, *subsistence@fws.gov,* or 800–877–8339 (TTY), seven business days prior to the meeting you would like to attend.

Tribal Consultation and Comment

As expressed in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political

relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 82 FR 4915 (January 17, 2017). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.''

The Alaska National Interest Lands Conservation Act does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule.

The Board will engage in outreach efforts for this proposed rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board provides a variety of opportunities for consultation: Proposing changes to the existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process. The Board will commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

Developing the 2021–22 and 2022–23 Fish and Shellfish Seasons and Harvest Limit Proposed Regulations

In titles 36 and 50 of the CFR, the subparts C and D regulations are subject to periodic review and revision. The Board currently completes the process of revising subsistence take of fish and shellfish regulations in odd-numbered years and wildlife regulations in even-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle.

The current subsistence program regulations form the starting point for consideration during each new rulemaking cycle. Consequently, in this rulemaking action pertaining to fish and shellfish, the Board will consider proposals to revise the regulations in any of the following sections of titles 36 and 50 of the CFR:

- § __.24: customary and traditional use determinations;
- § __.25: general provisions governing the subsistence take of wildlife, fish, and shellfish;
- § __.27: specific provisions governing the subsistence take of fish; and
- § __.28: specific provisions governing the subsistence take of shellfish.

As such, the text of the proposed 2021–23 subparts C and D subsistence regulations in titles 36 and 50 is the combined text of previously issued rules that revised these sections of the regulations. The following **Federal Register** citations show when these CFR sections were last revised. Therefore, the regulations established by these three final rules constitute the text of this proposed rule:

The text of the proposed amendments to 36 CFR 242.24 and 242.27 and 50 CFR 100.24 and 100.27 is the final rule for the 2019–2021 regulatory period for fish (84 FR 39744; August 12, 2019).

The text of the proposed amendments to 36 CFR 242.25 and 50 CFR 100.25 is the final rule for the 2018–20 regulatory period for wildlife (83 FR 50758; October 9, 2018).

The text of the proposed amendments to 36 CFR 242.28 and 50 CFR 100.28 is the final rule for the 2011–13 regulatory period for fish and shellfish (76 FR 12564; March 8, 2011).

These regulations will remain in effect until subsequent Board action changes elements as a result of the public review process outlined above in this document and a final rule is published.

Compliance With Statutory and Regulatory Authorities

National Environmental Policy Act

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of the subsistence program regulations was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the regulations will not reach the ''may significantly restrict'' threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act (PRA)

This proposed rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval under the PRA (44 U.S.C. 3501 *et seq.*). OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018–0075 (expires January 31, 2020, and, in accordance with 5 CFR 1320.10, the Service may continue to sponsor the collection while the renewal is pending

at OMB). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this proposed rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, this amount would equate to about $6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Executive Order 13771

This rule is not an Executive Order (E.O.) 13771 (''Reducing Regulation and Controlling Regulatory Costs'') (82 FR 9339, February 3, 2017) regulatory action because this rule is not significant under E.O. 12866.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this proposed rule is not a major rule. It will not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these proposed regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act, Title VIII, does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule. Consultations with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.''

The Secretaries, through the Board, will provide a variety of opportunities for consultation: Commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted this proposed rule under the guidance of Thomas C.J. Doolittle of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Bruce Seppi, Alaska State Office, Bureau of Land Management;
- Joshua Ream, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Carol Damberg, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, USDA—Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

■ For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 for the 2021–22 and 2022–23 regulatory years.

The text of the proposed amendments to 36 CFR 242.24 and 242.27 and 50 CFR 100.24 and 100.27 is the final rule for the 2019–2021 regulatory period for fish (84 FR 39744; August 12, 2019).

The text of the proposed amendments to 36 CFR 242.25 and 50 CFR 100.25 is the final rule for the 2018–20 regulatory period for wildlife (83 FR 50758; October 9, 2018).

The text of the proposed amendments to 36 CFR 242.28 and 50 CFR 100.28 is the final rule for the 2011–13 regulatory period for fish and shellfish (76 FR 12564; March 8, 2011).

Thomas C.J. Doolittle,

Acting Assistant Regional Director, U.S. Fish and Wildlife Service.

Thomas Whitford,

Subsistence Program Leader, USDA—Forest Service.

[FR Doc. 2020–03306 Filed 2–14–20; 4:15 pm]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 1 and 14

RIN 2900–Q81

Individuals Accredited by the Department of Veterans Affairs Using Veterans Benefits Administration Information Technology Systems To Access VBA Records Relevant to a Claim While Representing a Claimant Before the Agency

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its regulations addressing when VA will allow individuals and organizations who are assisting claimants in the preparation, presentation, and prosecution of their claims before VA to use Veterans Benefits Administration's (VBA) information technology (IT) systems to access VA records relevant to a claim. This rulemaking addresses who is permitted, and under what circumstances, to directly access VA's claim records through those IT systems during representation of a VA claimant in a claim for VA benefits, but is not intended to address the larger issues involving who may access VA records more generally.

Further, the proposed amendments would outline appropriate behavior while using VBA's IT systems to access VA records and the consequences of mishandling such access for attorneys, agents, or representatives of a VA-recognized service organization.

DATES: VA must receive comments on or before April 20, 2020.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov*; by mail or hand-delivery to: Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026. (This is not a toll-free telephone number.) Comments should indicate that they are submitted in response to ''RIN 2900–AQ81—Individuals Accredited by the Department of Veterans Affairs Using Veterans Benefits Administration Information Technology Systems to Access VBA Records Relevant to a Claim While Representing a Claimant Before the Agency.''

All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1064, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free telephone number.) In addition, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Glen Wallick, Senior Management and Program Analyst, Appeals Management Office, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–530–9408 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This proposed rule would amend 38 CFR parts 1 and 14 to clarify one of the methods that an individual providing representation on a claim may use to access a claimant's records now that VA has transitioned to primarily using electronic records relevant to a claim for VA benefits. Specifically, this proposed rule clarifies how attorneys, agents, or representatives of a VA-recognized service organization who are accredited pursuant to 38 CFR 14.629, as well as designated to provide representation in a claim pursuant to 38 CFR 14.631, may access records relevant to their client's claim through VBA's IT systems. The purpose of this rulemaking is to ensure that claimants for VA benefits receive responsible, qualified services from VA-accredited attorneys, agents, or representatives of a VA-recognized service organization when seeking VA benefits, including ensuring that those individuals providing representation have appropriate access to VA records relating to their client's claim; that VA claimants understand who may access their claim records when they designate an attorney, agent or service organization to provide representation; that attorneys, agents, or representatives of a VA-recognized service organization before VA take care to adequately protect their client's privacy; and that VA meets its IT security obligations while providing access to its information systems to individuals who are not VA employees or contractors (non-VA users). The statutory authority for proposed §§ 1.600 through 1.603 is 38 U.S.C. 5721 through 5728. Because the ''security of Department information and information systems is vital to the success of the mission of the Department,'' it is statutorily mandated that VA ''establish and maintain a comprehensive Department-wide information security program to provide for the development and maintenance of cost-effective security controls needed to protect Department information, in any media or format, and Department information systems.'' 38 U.S.C. 5722(a). In establishing its Department-wide information security program, Congress has entrusted to the VA information owners that oversee the system or systems to ''determin[e] who has access to the system or systems containing sensitive personal information, including types of privileges and access rights.'' 38 U.S.C. 5723(d)(2).

Veteran and claimant information may be closely associated, such as when the Veteran is also the claimant, but not all claimants before VA are Veterans, such as a Veteran's surviving spouse or child who may be entitled to VA benefits in some circumstances. These non-Veteran dependent claimants may file benefit claims under the claim number VA assigned to the Veteran whose military service renders them potentially eligible for benefits. Accordingly, this proposed rule addresses the requirements for IT systems access regardless of whether the representation is in a claim for VA benefits submitted by a Veteran, survivor, or family member, provided that the claim record is maintained electronically in a system that is configured for external access.

Under 38 U.S.C. 5701(a) and (b), ''files, records, reports, and other papers and documents pertaining to any claim'' before VA are generally ''confidential and privileged,'' but VA ''shall make

disclosure'' of the same ''[t]o a claimant or duly authorized agent or representative of a claimant'' in most circumstances. *See also* 5 U.S.C. 552a (Privacy Act). Under 38 U.S.C. 501(a), VA has authority ''to prescribe all rules and regulations that are necessary or appropriate to carry out the laws'' it administers.

The information security requirements to which VA must adhere are complex and rigorous, and drawn from such sources as 38 U.S.C. Chapter 57, Subchapter III, Information Security; the Federal Information Security Modernization Act of 2014 (FISMA), 44 U.S.C. Chapter 35, Subchapters II and III; the E-Government Act of 2002, 44 U.S.C. Chapters 1 and 36; VA Handbook 6500, Risk Management Framework for VA Information Systems—Tier 3: VA Information Security Program; VA Directive 6500, VA Cybersecurity Program; OMB Circular A–130, Managing Information as a Strategic Resource; and the National Institute of Standards and Technology, Special Publication 800–53.

VA's effort to modernize the claims processing system has required a change to storing records relevant to benefit claims before the agency and processing such claims in electronic form, currently utilizing the Veterans Benefits Management System (VBMS) information system, from storing claimant's records in paper files. Other systems, such as Caseflow, are not document repositories, but may provide information regarding the current status of the claim or appeal, such as whether it is pending the development of evidence, pending a decision, etc. In an effort to provide increased access to claimant's records, VA must change its policies and procedures to ensure compliance with Federal IT system security and privacy safeguards applicable to VA. This rule-making addresses non-VA users, and how and when attorneys, agents, or representatives of a VA-recognized service organization may directly access VBA information systems rather than an offline copy of those records on behalf of their clients, as provided under 38 CFR part 1 implementation of 38 U.S.C. 5701, 38 U.S.C. 7332, and 5 U.S.C. 552 and 552a. The experiences of VA claimants, the individuals providing representation before VA, and the agency during the years since the transition to VBMS warrants a reexamination and clarification of the terms and processes related to how attorneys, agents, or representatives of a VA-recognized service organization may have direct system access to VBA's claim records. Indeed, a VA-accredited attorney petitioned VA to initiate a rulemaking for purposes of clarifying whether attorney support staff could gain access to VBMS in the same manner as the attorney of record in the claim. Noting an inconsistency between current 38 CFR 1.600 through 1.603, which prescribe VA's longstanding policy on access to certain IT systems for purposes of representing a claimant before the VBA, and a note to current 38 CFR 14.629 stating that certain support staff may qualify for access, VA agreed to initiate this rulemaking.

VA has a duty to protect the privacy of VA claimants, ensure the security, confidentiality, integrity, and availability of its information systems and ensure that VA claimants receive competent and qualified representation on their benefits claims. It additionally endeavors to provide attorneys, agents, or representatives of a VA-recognized service organization more convenient access to the records they need to adequately represent claimants. Therefore, VA proposes to amend certain regulations in 38 CFR parts 1 and 14 to strike an appropriate balance between these duties and goals and seeks public comment on those amendments.

Part 1—General Provisions

Section 1.600 Purpose

The proposed amendments to 38 CFR 1.600, 1.601, 1.602, and 1.603 would clarify how an individual who has been accredited by VA as an attorney, agent, or representative of a VA-recognized service organization may directly use VBA IT systems to access the VA records for claimants who have designated that service organization, attorney, or agent to provide representation on their claim. These proposed changes are important because, as VA has enhanced its IT capabilities, claims folders are becoming increasingly digital rather than paper based. VA currently allows attorneys, agents, and representatives of a VA-recognized service organization to use internal VBA IT systems to access VA records relevant to their client's claims in some cases. In an effort to ensure that non-public Veteran information is protected in new electronic media, VA proposes to update its regulations governing direct use of VBA's IT systems that contain claimants' records. Accordingly, the proposed amendments outline the limitations on and qualifications for direct access to VBA's IT systems, proper use of such access, and revocation of direct access if an individual misuses it.

Current 38 CFR 1.600 prescribes the purpose of §§ 1.601 to 1.603, which is to provide when and under what circumstances VA will allow accredited attorneys, agents, or representatives of a VA-recognized service organization access to certain VBA IT claim systems. VA proposes to clarify existing regulatory text and to update these regulations to ensure that they reflect current VA policy and are correctly phrased to govern access to VBA's current and future IT systems via which VA may provide records access to attorneys, agents, or representatives of a VA-recognized service organization. Further, VA proposes to confirm the general policy in current § 1.600 through 1.603, which limits external access to VBA's IT systems to the attorneys, agents, or representatives of a VA-recognized service organization designated to provide representation on the claim. This limitation continues to be necessary because the individuals are provided direct access to VBA IT systems in at least some circumstances, and via those systems to the claimant's electronically stored records. While VA has concluded that this level of access is appropriate for those who assist claimants in their complex VA benefit claims, it also must comply with legal obligations to protect claimant privacy and maintain secure and reliable information systems. As such, VA proposes to continue limiting read-only electronic access to claim records to the attorney or agent that is designated by the claimant as the attorney or agent of record, or, if a claimant designates a service organization to provide representation on the claim, to the representatives of that service organization. VA proposes to not grant access to any individual who is not accredited by VA and is not designated to provide representation pursuant to 38 CFR 14.631. While it is undeniable that continuing a policy of allowing direct electronic access to VA systems for any individual poses privacy and security risk, which VA must carefully manage, VA views limiting access to only those individuals who are accredited by VA and designated to provide representation pursuant to § 14.631 as striking an appropriate balance between ensuring that claimants have the claims assistance they need and maintaining private information in secure, reliable information systems.

VA holds accredited representatives, attorneys and agents to a high standard of conduct when they hold power of attorney for a claimant. When a claimant designates an accredited individual they give VA permission to

disclose private information to that person or organization. Under § 14.632 VA requires that accredited attorneys, agents and representatives maintain a claimants privacy by not disclosing, without the claimant's authorization, any information provided by VA for purposes of representation. This, in addition to the requirements for continuing education and/or training on a regular basis, character and fitness assessments, and other certifications found in § 14.629, gives VA the assurance that these individuals will maintain the claimants' privacy while also minimizing the risk to the security of VA's IT systems.

Limiting access to this group of individuals also gives VA a means to remediate any mishandling of claimant information or misuse of the systems access through termination of accreditation, which may include notifying all agencies, courts, and bars to which an agent or attorney is admitted to practice pursuant to § 14.633.

VA also proposes to update § 1.600 through 1.603 by deleting the unnecessary reference to ''remote'' access to records in electronic systems in the undesignated center heading preceding these regulatory sections in the Code of Federal Regulations, as such external access is by nature remote. The requirements of § 1.600 *et seq.* will apply to any direct online system access to VBA information systems by an attorney, agent, or representative of a VA-recognized service organization, whether via the internet or while utilizing a point of access located in a VA facility. VA also proposes to replace the reference to ''disqualification'' in § 1.600(a)(3) with ''denial'' and ''revocation,'' which more closely reflects the rules proposed in § 1.603. Denial would refer to VA's decision to not grant an applicant privileges to directly access VBA IT systems or not to permit access to a specific claimant's claims file. Revocation would refer to the removal of access privileges to VBA's IT systems or the removal of the ability to access a specific claimant's claims file.

Paragraph (b)(4) would be revised to clarify that an attorney, agent, or representative of a VA-recognized service organization may be able to upload information and evidence regarding a claimant to VA's electronic records system for that claimant, with proper authorization to do so. However, the IT systems into which an attorney, agent, or representative of a VA-recognized service organization may upload records do not allow a record to be modified once submitted and, even if that ability were mistakenly provided, attorneys, agents, or representatives of a VA-recognized service organization are not allowed to modify existing records pursuant to the proposed rule. Hence, VA may continue to correctly speak of ''read only'' access to the VA claims.

The proposed rule would also revise most of § 1.600(c) to remove references to antiquated IT systems and commands. To ensure VA's regulations stay current regardless of future IT developments, and to allow VA flexibility to provide access to only those IT systems which are necessary to providing representation while minimizing risk to IT system integrity and privacy should VA develop new systems in the future, VA proposes to describe affected IT systems more generally in paragraph (c).

Section 1.601 Qualifications for Access

As noted above, VA proposes to continue the policy prescribed in current § 1.601, which limits electronic access to VA's claims records directly through VBA's IT systems to individuals who are both accredited and designated to provide representation on the claim. In this regard, VA proposes no change to the general qualifications for VBA IT systems access in current § 1.601 except adding that the applicant must comply with all security requirements deemed necessary by VA to ensure the integrity and confidentiality of the data and VBA's information technology systems, which may include personal identity verification and passing a background suitability investigation. When an individual directly accesses a VBA IT system to access VA information as provided under these regulations, they are a user of VA information and information systems. Title 38 U.S.C. 5723(f)(1) requires that all users of VA information or information systems comply with all Department information security program policies, procedures, and practices. VA is required to implement NIST Federal Information Processing Standard 201, Personal Identity Verification (PIV) of Federal Employees and Contractors, which establishes the minimum requirements for a Federal personal identity verification system that meets the control and security objectives of Homeland Security Presidential Directive-12 [HSPD–12], including identity proofing, registration, and issuance. NIST Special Publication 800–63–3, Digital Identity Guidelines, applies the requirements of HSPD–12 to all transactions for which digital identity or authentication are required, regardless of the constituency (*e.g.* citizens, business partners, government entities).

VA proposes to remove current § 1.601(a)(2) regarding systems access during representation before a Federal appellate court because these court proceedings occur outside of VA's administrative process and the record in an appeal is compiled according to the rules of the court. *See, e.g.,* Court of Appeals for Veterans Claims, Rules of Practice and Procedure 10. VA's longstanding practice is that the attorney representing VA on the appeal before the Court of Appeals for Veterans Claims will disclose the record directly to the claimant's attorney pursuant to the claimant's authorization and work with the claimant's attorney regarding any dispute that may arise as to the preparation of that record pursuant to rules of that court. As such, attorneys representing before the Court of Appeals for Veterans Claims do not need access to VBA IT systems. Granting such access would unnecessarily expand VA's IT security risk because VA cannot readily limit the access within the IT systems to only those claims records relevant to the appeal. An unaccredited attorney representing solely before a Federal court lies outside of the processes through which VA accredits individuals and associates them with their respective claimants. In rare instances that unaccredited attorneys might dispute the record before the court and ask to review the complete claims folder, VA's Office of General Counsel would coordinate within VA to ensure compliance with any court order.

VA also proposes to amend paragraph (b) by striking references to ''hardware, modem, and software,'' and replacing these terms with a more general advance VA approval requirement that is less subject to technical obsolescence.

Finally, VA proposes to amend paragraph (c) by requiring an attorney, agent, or representative of a VA-recognized service organization with access privileges to VBA IT systems to acknowledge, among other things prescribed in the current paragraph, VA's Rules of Behavior and the consequences of breach of the requirements. As noted above, VA also proposes to replace the term ''disqualification'' in paragraph (c) with ''revocation,'' to better reflect the text of § 1.603 regarding revocation of access.

Section 1.602 Utilization of Access

Current § 1.602 prescribes the rules applicable to attorneys, agents, or representatives of a VA-recognized service organization who are authorized by VA to access VA systems for purposes of claims assistance, to

include specific usage, training, and inspection requirements. VA proposes to generally maintain these rules with updates to reflect current systems and practice. Proposed amendments include clarifying that access to the ''automated claims records'' referenced in current § 1.602 is more accurately described as ''read-only electronic access to the VA records.'' VA also proposes to replace ''password'' with ''account'' or ''logon credentials'' throughout the regulation.

In paragraph (b), VA proposes to clarify that VA must approve the annual training required to gain access to, or continue to access, VBA's IT systems. Also, consistent with the limitation on access to only the attorney or agent of record, or to the representatives of the service organization of record, VA proposes to clarify that references in current regulations to ''individual or organization'' mean those individuals who are accredited by VA to provide claims assistance as an attorney, agent, or representative of a VA-recognized service organization.

Section 1.603 Revocation and Reconsideration

Current § 1.603 prescribes the circumstances under which VA may ''revoke'' access to VBA IT systems for an attorney, agent, or representative of a VA-recognized service organization and specifically delegates this authority to a VA Regional Office Director. Current provisions recognize that claimants who cancel or supplant the delegation of a service organization, service organization representative, attorney, or agent remove the entitlement of access to their records as a matter of law under the Privacy Act, 5 U.S.C. 552a, and 38 U.S.C. 5701 and 7332. However, VA must notify the attorney, agent, or representative of a VA-recognized service organization, as well as the representative's service organization if VA revokes access, unless VA must first temporarily suspend such access prior to a final determination because VA believes it necessary to protect its systems or the data therein. The current regulation also requires VA personnel to report a revocation to a state licensing authority, such as an attorney's state bar or other licensing authority, if warranted by the conduct of the attorney, agent, or representative of a VA-recognized service organization. VA proposes to amend § 1.603 to generally update the regulation consistent with current practice and systems and clarify the circumstances under which VA may deny or revoke privileges of an attorney, agent, or representative of a VA-recognized service organization to access VBA's IT systems or deny or revoke access to a specific claimant's claims records.

As noted above, VA proposes to revise the section's title, currently ''Disqualification,'' to read ''Revocation and reconsideration,'' which more closely reflects its topic and text in proposed § 1.603. Given the national oversight of access to VA systems and the national practice of many attorneys, agents, or representatives of a VA-recognized service organization, VA also proposes to modify references in § 1.603 to ''Regional Office'' and ''Regional Office Director,'' and instead prescribe the actions that may be taken by VA in circumstances that warrant potential revocation in a manner that acknowledge others within the agency may be required to respond. VA would also remove paragraph (b)(3) because, as proposed, § 1.600 through 1.603 would no longer name the types of records or data that an attorney, agent, or representative of a VA-recognized service organization may access. VA proposes to revise paragraph (b)(4) to clarify that records might belong to claimants who seek to receive benefits, and not, as currently stated, beneficiaries who, by definition, are already receiving VA benefits.

VA proposes to amend paragraph (c) to cover both denials and revocations. Specifically, VA proposes to add subparagraphs (1) through (5), which discuss the framework for requesting reconsideration of denials or revocations of access. Electronic access to claimant records is not a right and any request for such access is not a benefit claim that is subject to appeal. Proposed § 1.600(d)(3) would generally restate and continue current § 1.600(d)(2), which provides, ''Sections 1.600 through 1.603 are not intended to, and do not . . . [c]reate, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law against the United States or the Department of Veterans Affairs.'' However, VA will reconsider initial denials or revocations of electronic access upon written requests by affected attorneys, agents, or representatives of VA-recognized service organizations. Such individuals would have 30 days from VA's notice of denial or revocation to submit such requests with any information they believe relevant to VA's decision to deny or revoke access. The Director of the VA regional office or center with jurisdiction would review the denial or revocation, any new information submitted by the individual seeking access, describe the relevant facts, make a new decision, and provide written notification to the affected individual, as well as the Office of General Counsel.

In addition, we are proposing a technical correction to §§ 1.600 through 1.603. Consistent with direction from the Office of **Federal Register**, VA has proposed to place the statutory authorities for §§ 1.600 through 1.603 in the introductory portion of 38 CFR part 1 as opposed to a parenthetical immediately following each individual section. Finally, regarding the reporting requirements in current paragraph (d), VA proposes to amend these provisions to require reporting to VA's Office of General Counsel when the facts and circumstances regarding a denial or revocation of access indicate potential misconduct of the attorney, agent, or representative of a VA-recognized service organization that may call into question his or her competence or qualifications for VA accreditation.

PART 14—Legal Services, General Counsel, and Miscellaneous Claims

Section 14.629 Requirements for Accreditation of Service Organization Representatives; Agents; and Attorneys

Current § 14.629 implements VA's authority under 38 U.S.C. 5902 and 5904 to accredit attorneys, agents, or representatives of VA-recognized service organizations for the purpose of assisting claimants in the preparation, presentation, and prosecution of veterans benefits claims. VA does not propose any substantive changes to the accreditation provisions in this section. However, current § 14.629(c) addresses who is permitted, and under what circumstances, to assist an attorney of record in providing representation on a claim. Subparagraph (c)(3) specifically indicates that legal interns, law students, and paralegals may assist the attorney of record in the representation of a claimant before VA pursuant to the claimant's consent. The attorney of record may also disclose information obtained from VA for the purpose of representation to the legal interns, law students, and paralegals pursuant to the claimant's consent, *see* 38 CFR 14.632(c)(10), but a note that follows current § 14.629 goes further than that and states that legal interns, law students, and paralegals, as well as veterans service organization support staff, may ''qualify for read-only access to pertinent Veterans Benefits Administration automated claims records'' under § 1.600 through 1.603 of this chapter. VA added this note in a 2003 final rule stating only that it was intended to ''promote consistency with regulations and practice'' at the time, specifically with respect to individuals

working under the supervision of the claimant's designated representative.'' 68 FR 8541, 8543. It is notable that VA IT systems did not include electronic copies of evidence at the time of the 2003 **Federal Register** notice.

This note has never meant that VA would always provide support staff at a service organization or legal interns, law students, or paralegals with access to VBA IT systems. Nevertheless, the note may have caused confusion and contributed to inconsistent application of current § 1.600 through 1.603 as VA has transitioned to primarily keeping claimant records in electronic form rather than paper. Accordingly, VA proposes to remove this note, consistent with the clarification of its policy under this proposed rule. Indeed, VA's proposed regulations and current practice of limiting systems access to claimants' accredited attorneys, agents, or representatives of a VA-recognized service organization, would be inconsistent with allowing support staff at service organizations or legal interns, law students, or paralegals to electronically access VA records. Under this proposed rule, VA would ensure that only accredited attorneys, agents, or representatives of a VA-recognized service organization have privileges to access VBA's IT systems. Furthermore, a VA-accredited attorney or agent would have access to records only if the claimant appointed that individual as the attorney of record or agent of record for his or her claim. In the case of a service organization, VA would provide access only to the representatives of that service organization. VA would only grant access to the attorney of record, the agent of record, or the representatives of the service organization of record regardless of whether any other individuals are assisting the attorney of record in the representation of the claimant's case, or are serving on the support staff of the attorney, agent, or veterans service organization.

Although general access to inspect or receive a copy of a claimant's record is governed by privacy laws and regulations applicable to VA and to the Federal government more generally, there is no statute or regulation creating a right to electronically access VA's internal IT systems or mandating that individuals who may view a record must be allowed to do so via any particular IT system. This is consistent with current § 1.600(d), which VA proposes to modify in this rulemaking. VA's policy of limiting access to VA's IT systems to VA-accredited attorneys, agents, or representatives of a VA-recognized service organization, and limiting access within those systems only to the claims files in which the attorney or agent has been designated to provide representation under 38 CFR 14.631, or to the representative of a service organization that has been designated to provide representation pursuant to the claimant's power of attorney under 38 CFR 14.631, is reasonable given VA's overarching responsibility to protect Veterans' privacy, maintain IT security according to Federal requirements, and control administrative burden and costs.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.'' This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule might have an insignificant economic impact on an insubstantial number of small entities, generally law firms that have individual attorneys who are accredited by VA for purposes of representing VA benefit claimants. VA believes the impact to be minimal because, as stated in the preamble, its overarching policy and practice has been to grant access to designated representatives, as opposed to supporting staff, and access to VA systems is optional and not a prerequisite to representing any claimant before the Department. VA's proposed rule simply clarifies this longstanding practice. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking would be exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any 1 year. This rule would have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

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

List of Subjects

38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Crime, Flags, Freedom of information, Government contracts, Government employees, Government property, Infants and children, Inventions and patents, Parking, Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

38 CFR Part 14

Administrative practice and procedure, Claims, Courts, Foreign relations, Government employees, Lawyers, Legal services, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Surety bonds, Trusts and trustees, Veterans.

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Pamela Powers, Chief of Staff, Department of Veterans

Affairs, approved this document on November 5, 2019, for publication.

Jeffrey M. Martin,

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

For the reasons set forth in the preamble, VA proposes to amend 38 CFR parts 1 and 14 as follows:

PART 1—GENERAL PROVISIONS

■ 1. The authority citation for part 1, is amended to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections. Sections 1.600–1.603 Also issued under 38 U.S.C. 5721–5728.

■ 2. Amend the undesignated center heading preceding § 1.600 by removing the word ''Remote''.

■ 3. Amend § 1.600 by:

■ a. Revising paragraph (a)(1).

■ b. Amending paragraph (a)(2) by removing ''claimants''' and adding in its place ''service organization,'' and adding after ''representatives'' the words, ''attorneys and agents.''

■ c. Revising paragraph (a)(3).

■ d. Revising paragraphs (b), (c),(d)(1) and (2).

■ e. Adding paragraph (d)(3).

The revisions and addition read as follows:

§ 1.600 Purpose.

(a) * * *

(1) When, and under what circumstances, VA will grant attorneys, agents, and representatives of a VA-recognized service organization the ability to access records through Veterans Benefits Administration's (VBA) electronic information technology (IT) systems that contain information regarding the claimants whom they represent before VA;

(2) * * *

(3) The bases and procedures for denial or revocation of access privileges to VBA IT systems of an attorney, agent, or representative of a VA-recognized service organization for violating any of the requirements for access.

(b) VBA will provide access to VBA IT systems under the following conditions. VBA will provide access:

(1) Only to an attorney, agent, or representative of a VA-recognized service organization who is accredited pursuant to part 14 of this chapter and who is approved to access VBA IT systems under §§ 1.600 through 1.603;

(2)(i) For a representative of a VA-recognized service organization, only to the records of VA claimants who appointed the service organization as the organization of record to provide representation on their claims, or

(ii) For an attorney or agent, only to the records of VA claimants who appointed the attorney or agent as the attorney or agent of record on their claims;

(3) Solely for the purpose of representing the individual claimant whose records are accessed in a claim for benefits administered by VA; and

(4) On a read-only basis, an attorney, agent, or representative of a VA-recognized service organization authorized to access VBA IT systems under §§ 1.600 through 1.603 will not be permitted to modify the data, to include modifying any existing record. However, such an attorney, agent, or representative of a VA-recognized service organization may upload documents as permitted by VA IT policy regarding submittal of new documents.

(c) Privileges to access VBA IT systems may be granted by VBA only for the purpose of accessing a represented claimant's electronically stored claims files pursuant to applicable privacy laws and regulations, and as authorized by a claimant's power of attorney under 38 CFR 14.631.

(d) * * *

(1) Waive the sovereign immunity of the United States;

(2) Create, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law against the United States or the Department of Veterans Affairs; or

(3) Create or establish a right to electronic access.

■ 4. Revise § 1.601 to read as follows:

§ 1.601 Qualifications for access.

(a)(1) An applicant for access to VBA IT systems for the purpose of providing representation must be:

(i) A representative of a VA-recognized service organization who is accredited by VA under § 14.629(a) of this chapter through a service organization and whose service organization holds power of attorney for one or more claimants under § 14.631 of this chapter; or

(ii) An attorney or agent who is accredited by VA under § 14.629(b) of this chapter and who holds power of attorney for one or more claimants under § 14.631 of this chapter.

(2) To qualify for access to VBA IT systems, the applicant must comply with all security requirements deemed necessary by VA to ensure the integrity and confidentiality of the data and VBA IT systems, which may include passing a background suitability investigation for issuance of a personal identity verification badge.

(3) VA may deny access to VBA IT systems if the requirements of paragraphs (a)(1) or (2) of this section are not met.

(b) The method of access, including security software and work-site location of the attorney, agent, or representative of a VA-recognized service organization, must be approved in advance by VA.

(c) Each attorney, agent, or representative of a VA-recognized service organization approved for access must complete, sign, and return a notice provided by VA. The notice will specify any applicable operational and security requirements for access, in addition to the applicable VA Rules of Behavior, and an acknowledgment that the breach of any of these requirements is grounds for revocation of access.

■ 5. Revise § 1.602 to read as follows:

§ 1.602 Utilization of access.

(a) Once VA issues to an attorney, agent, or representative of a VA-recognized service organization the necessary logon credentials to obtain read-only access to the VA records regarding the claimants represented, access will be exercised in accordance with the following requirements. The attorney, agent, or representative of a VA-recognized service organization:

(1) Will electronically access VA records through VBA IT systems only by the method of access approved in advance by VA;

(2) Will use only his or her assigned logon credentials to obtain access;

(3) Will not reveal his or her logon credentials to anyone else, or allow anyone else to use his or her logon credentials;

(4) Will access via VBA IT systems only the records of claimants who he or she represents;

(5) Will access via VBA IT systems a claimant's record solely for the purpose of representing that claimant in a claim for benefits administered by VA;

(6) Is responsible for the security of the logon credentials and, upon receipt of the logon credentials, will destroy the hard copy so that no written or printed record is retained;

(7) Will comply with all security requirements VA deems necessary to ensure the integrity and confidentiality of the data and VBA IT systems; and

(8) Will comply with each of the standards of conduct for accredited individuals prescribed in § 14.632 of this chapter.

(b)(1) A service organization shall ensure that all its representatives provided access in accordance with these regulations receive annual training approved by VA on proper security or annually complete VA's Privacy and Security Training.

(2) An attorney or agent who is granted access will annually

acknowledge review of the security requirements for the system as set forth in these regulations, VA's Rules of Behavior, and any additional materials provided by VA.

(c) VBA may, at any time without notice:

(1) Inspect the computer hardware and software utilized to obtain access and their location;

(2) Review the security practices and training of any attorney, agent, or representative of a VA-recognized service organization granted access under these regulations; and

(3) Monitor the access activities of an attorney, agent, or representative of a VA-recognized service organization. By applying for, and exercising, the access privileges under § 1.600 through 1.603, the attorney, agent, or representative of a VA-recognized service organization expressly consents to VBA monitoring access activities at any time for the purpose of auditing system security.

■ 6. Amend § 1.603 by:

■ a. Revising the section heading

■ b. Revising paragraph (a).

■ c. Revising paragraphs (b) introductory text and (b)(2).

■ d. Removing paragraph (b)(3).

■ e. Redesignating paragraph (b)(4) as (b)(3) and revising the newly redesignated (b)(3).

■ f. Redesignating paragraph (b)(5) as (b)(4).

■ g. Redesignating paragraph (b)(6) as (b)(5) and revising the newly redesignated (b)(5).

■ h. Amend paragraph (c) and by adding paragraphs (c)(1) through (5).

■ i. Revising paragraph (d).

■ j. Removing paragraph (e).

The revisions read as follows:

§ 1.603 Revocation and reconsideration.

(a) VA may revoke access of an attorney, agent, or representative of a VA-recognized service organization to a particular claimant's records because the individual or organization no longer represents the claimant, and, therefore, the claimant's consent is no longer in effect.

(b) VA may revoke the access privileges of an attorney, agent, or representative of a VA-recognized service organization either to an individual claimant's records or to all claimants' records via the VBA IT systems, if the individual:

(1) * * *

(2) Accesses or attempts to access data for a purpose other than representation of an individual claimant;

(3) Accesses or attempts to access data on a claimant who he, she, or the service organization does not represent;

(4) Accesses or attempts to access a VBA IT system by a method that has not been approved by VA; or

(5) Modifies or attempts to modify data in the VBA IT systems without authorization.

(c) VA will notify the attorney, agent, or representative of a VA-recognized service organization of the denial of access under § 1.601(a)(3) or revocation of access under paragraph (b) of this section. If VA denies or revokes access privileges for a service organization representative, VA will notify the service organization(s) through which the representative is accredited of the denial or revocation of access.

(1) The denial or revocation of access by a VBA regional office or center of jurisdiction is a final decision. The attorney, agent, or representative of a VA-recognized service organization may request reconsideration of a denial or revocation of access by submitting a written request to VBA. VBA will consider the request if it is received by VBA not later than 30 days after the date that VA notified the attorney, agent, or representative of a VA-recognized service organization of its decision.

(2) The attorney, agent, or representative of a VA-recognized service organization may submit additional information not previously considered by VA, provided that the additional information is submitted with the written request and it is pertinent to the prohibition of access.

(3) VA will close the record regarding reconsideration at the end of the 30-day period described in paragraph (c)(1) of this section and furnish the request, including any new information, submitted by the attorney, agent, or representative to the Director of the VA regional office or center with jurisdiction over the final decision.

(4) VA will reconsider access based upon a review of the information of record as of the date of its prior denial or revocation, with any new information submitted with the request. The decision will:

(i) Identify the attorney, agent, or representative of a VA-recognized service organization,

(ii) Identify the date of VA's prior decision,

(iii) Describe in detail the facts found as a result of VA's review of its decision with any new information submitted with the reconsideration request, and

(iv) State the reasons for VA's final decision, which may affirm, modify, or overturn its prior decision.

(5) VA will provide written notice of its final decision on access to:

(i) The attorney, agent, or representative of a VA-recognized service organization requesting reconsideration, and

(ii) if the conduct that resulted in denial or revocation of the authority of an attorney, agent, or representative of a VA-recognized service organization to access VBA electronic IT systems merits potential inquiry into the individual's conduct or competence pursuant to § 14.633 of this chapter, the VBA regional office or center of jurisdiction will immediately inform VA's Office of General Counsel in writing of the fact that it has revoked the individual's access privileges and provide the reasons why.

(d) VA may immediately suspend access privileges prior to any determination on the merits of a revocation where VA determines that such immediate suspension is necessary to protect, from a reasonably foreseeable compromise, the integrity of the system or confidentiality of the data in VBA IT systems.

PART 14—LEGAL SERVICES, GENERAL COUNSEL, AND MISCELLANEOUS CLAIMS

■ 7. The authority citation for part 14 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2671–2680; 38 U.S.C. 501(a), 512, 515, 5502, 5901–5905; 28 CFR part 14, appendix to part 14, unless otherwise noted.

§ 14.629 [Amended]

■ 8. Amend § 14.629 by removing the Note.

[FR Doc. 2020–03196 Filed 2–18–20; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

42 CFR Part 88

[NIOSH Docket 094]

World Trade Center Health Program; Petition 025—Parkinson's Disease and Parkinsonism, Including Heavy Metal-Induced Parkinsonism; Finding of Insufficient Evidence

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Denial of petition for addition of a health condition.

SUMMARY: On October 15, 2019, the Administrator of the World Trade Center (WTC) Health Program received a petition (Petition 025) to add ''Parkinson's disease'' to the List of

WTC-Related Health Conditions (List). Upon reviewing the scientific and medical literature, including information provided by the petitioner, the Administrator has determined that there is insufficient evidence available to support taking further action at this time regarding Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism. The Administrator also finds that insufficient evidence exists to request a recommendation of the WTC Health Program Scientific/Technical Advisory Committee (STAC), to publish a proposed rule, or to publish a determination not to publish a proposed rule.

DATES: The Administrator of the WTC Health Program is denying this petition for the addition of a health condition as of February 19, 2020.

ADDRESSES: Visit the WTC Health Program website at *https://www.cdc.gov/wtc/received.html* to review Petition 025.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst, 1090 Tusculum Avenue, MS: C–48, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov.*

SUPPLEMENTARY INFORMATION:

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A. WTC Health Program Statutory Authority
B. Procedures for Evaluating a Petition
C. Petition 025
D. Review of Scientific and Medical Information and Administrator Determination
E. Administrator's Final Decision on Whether To Propose the Addition of Parkinson's Disease and Parkinsonism, Including Heavy Metal-Induced Parkinsonism, to the List
F. Approval To Submit Document to the Office of the Federal Register

A. WTC Health Program Statutory Authority

Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347, as amended by Pub. L. 114–113 and Pub. L. 116–59), added Title XXXIII to the Public Health Service (PHS) Act,[1] establishing the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits for health conditions on the List[2] to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders). The Program also provides benefits to eligible persons who were present in the dust or dust cloud on September 11, 2001, or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area[3] (survivors).

All references to the Administrator of the WTC Health Program (Administrator) in this document mean the Director of the National Institute for Occupational Safety and Health (NIOSH) or his designee.

Pursuant to section 3312(a)(6)(B) of the PHS Act, interested parties may petition the Administrator to add a health condition to the List in 42 CFR 88.15. Within 90 days after receipt of a valid petition to add a condition to the List, the Administrator must take one of the following four actions described in section 3312(a)(6)(B) of the PHS Act and § 88.16(a)(2) of the Program regulations: (1) Request a recommendation of the STAC; (2) publish a proposed rule in the **Federal Register** to add such health condition; (3) publish in the **Federal Register** the Administrator's determination not to publish such a proposed rule and the basis for such determination; or (4) publish in the **Federal Register** a determination that insufficient evidence exists to take action under (1) through (3) above.

More information about the WTC Health Program, including the List and the petition process, is available at *www.cdc.gov/wtc/.*

B. Procedures for Evaluating a Petition

In addition to the regulatory provisions, the WTC Health Program has developed policies to guide the review of submissions and petitions,[4] as well as the analysis of evidence supporting the potential addition of a non-cancer health condition to the List.[5]

A valid petition must include sufficient medical basis for the association between the September 11, 2001, terrorist attacks and the health condition to be added. In accordance with WTC Health Program policy, reference to a peer-reviewed, published, epidemiologic study about the health condition among 9/11-exposed populations or to clinical case reports of health conditions in WTC responders or survivors may demonstrate the required medical basis.[6] Studies linking 9/11 agents or hazards[7] to the petitioned health condition may also provide sufficient medical basis for a valid petition.

After the Program has determined that a petition is valid, the Administrator must direct the Program to conduct a review of the scientific literature to determine if the available scientific information has the potential to provide a basis for a decision on whether to add the health condition to the List.[8] The literature review is a keyword search of relevant scientific databases intended to identify peer-reviewed, published, epidemiologic studies about the health condition among 9/11-exposed populations. The Program evaluates the scientific quality of each peer-reviewed, published, epidemiologic study of the health condition identified in the literature search; the Program then compiles the scientific results of each study to assess whether a causal relationship between 9/11 exposures and the health condition is supported and evaluates whether the results of the studies are representative of the 9/11-exposed population of responders and survivors. A health condition may be added to the List if peer-reviewed, published, epidemiologic studies provide support that the health condition is substantially likely[9] to be causally associated with 9/11 exposures. If the evaluation of evidence provided

[1] Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm–61. Those portions of the James Zadroga 9/11 Health and Compensation Act of 2010 found in Titles II and III of Public Law 111–347 do not pertain to the WTC Health Program and are codified elsewhere.

[2] The List of WTC-Related Health Conditions is established in 42 U.S.C. 300mm–22(a)(3)–(4) and 300mm–32(b); additional conditions may be added through rulemaking and the complete list is provided in WTC Health Program regulations at 42 CFR 88.15.

[3] *See* 42 U.S.C. 300mm–5(7); 42 CFR 88.1.

[4] *See* WTC Health Program [2014], *Policy and Procedures for Handling Submissions and Petitions to Add a Health Condition to the List of WTC-Related Health Conditions,* May 14, 2014, *http://www.cdc.gov/wtc/pdfs/WTCHPPPPetitionHandlingProcedures14May2014.pdf.*

[5] *See* WTC Health Program [2017], *Policy and Procedures for Adding Non-Cancer Conditions to the List of WTC-Related Health Conditions,* February 14, 2017, *https://www.cdc.gov/wtc/pdfs/policies/WTCHP_PP_Adding_NonCancers_14_February_2017-508.pdf.*

[6] *See supra* note 4.

[7] 9/11 agents are chemical, physical, biological, or other hazards reported in a published, peer-reviewed exposure assessment study of responders, recovery workers, or survivors who were present in the New York City disaster area, or at the Pentagon site, or the Shanksville, Pennsylvania site, as those locations are defined in 42 CFR 88.1, as well as those hazards not identified in a published, peer-reviewed exposure assessment study, but which are reasonably assumed to have been present at any of the three sites. *See* WTC Health Program [2018], *Development of the Inventory of 9/11 Agents,* July 17, 2018, *https://wwwn.cdc.gov/ResearchGateway/Content/pdfs/Development_of_the_Inventory_of_9-11_Agents_20180717.pdf.*

[8] *See supra* note 5.

[9] The ''substantially likely'' standard is met when the scientific evidence, taken as a whole, demonstrates a strong relationship between the 9/11 exposures and the health condition.

in peer-reviewed, published, epidemiologic studies of the health condition in 9/11 populations demonstrates a high, but not substantial, likelihood of a causal association between the 9/11 exposures and the health condition, then the Administrator may consider additional highly relevant scientific evidence regarding exposures to 9/11 agents from sources using non-9/11-exposed populations. If that additional assessment establishes that the health condition is substantially likely to be causally associated with 9/11 exposures among 9/11-exposed populations, the health condition may be added to the List.

More information about the WTC Health Program, including the List and the petition process, is available at *www.cdc.gov/wtc/.*

C. Petition 025

On October 15, 2019, the Administrator received a petition (Petition 025) requesting the addition of ''Parkinson's disease'' to the List.[10] The Program has determined that the scope of the Petition 025 review should include not only ''Parkinson's disease'' but also ''parkinsonism, including heavy metal-induced parkinsonism,''[11] because the references provided in the petition address the association between copper, iron, and manganese and the health condition, as described below.

The petition's validity was established by references to four web articles[12] which, in turn, referenced six peer-reviewed, published epidemiologic studies and literature reviews identifying a positive association between 9/11 agents and Parkinson's disease and/or parkinsonism (although none of the studies were conducted in the 9/11-exposed population). A quote provided in the petition is attributed to a seventh peer-reviewed, published epidemiologic study. Because the web articles reference scientific sources identifying a positive association between 9/11 agents and the petitioned condition, the petition provides the necessary medical basis to require the Administrator to conduct an evaluation of the petition. The referenced studies and literature reviews each individually establishing a medical basis are as follows:

▪ *Heavy Metals and the Etiology of Parkinson's Disease and Other Movement Disorders,* by Montgomery [1994],[13] is a peer-reviewed, published literature review discussing the role of heavy metals (iron and manganese) in Parkinson's disease and speculating on possible mechanisms of pathogenesis.

▪ **Metals, Oxidative Stress and Neurodegenerative Disorders,* by Jomova *et al.* [2010],[14] is a peer-reviewed, published review article discussing the role of iron, copper, and zinc in the oxidative stress-related etiology of Parkinson's disease (the theory that heavy metals cause oxidative stress, which in turn leads to the neurodegeneration that characterizes Parkinson's disease).

▪ **Metal Emissions and Urban Incident Parkinson Disease: A Community Health Study of Medicare Beneficiaries by Using Geographic Information Systems,* by Willis *et al.* [2010],[15] is a peer-reviewed, published epidemiologic study demonstrating increased Parkinson's disease incidence in urban counties with high levels of environmental copper or manganese.

▪ **Association of Parkinson's Disease with Altered Serum Levels of Lead and Transition Metals among South Indian Subjects,* by Kumudini *et al.* [2014],[16] is a peer-reviewed, published epidemiologic (case-control) study demonstrating the positive association of Parkinson's disease with plasma levels of iron and copper in urban and rural populations in India. The authors speculate that increased iron levels induce oxidative stress which leads to Parkinson's disease.

▪ **A Revised Picture of the Cu (II)–α-Synuclein Complex: The Role of N-Terminal Acetylation,* by Moriarty *et al.* [2014],[17] is a peer-reviewed, published *in vitro* study suggesting new avenues of investigation into copper-mediated neurodegeneration in Parkinson's disease pathology.

▪ **Inflammasomes: An Emerging Mechanism Translating Environmental Toxicant Exposure into Neuroinflammation in Parkinson's Disease,* by Anderson *et al.* [2018],[18] is a peer-reviewed, published literature review positing that exposure to heavy metals, which are known to cause cellular stress, may do so by triggering intracellular inflammasomes (cytosolic assemblies of proteins) which in turn lead to neurodegeneration and Parkinson's disease.

▪ **Manganese Promotes the Aggregation and Prion-Like Cell-to-Cell Exosomal Transmission of α-Synuclein,* by Harischandra *et al.* [2019],[19] is a peer-reviewed, published experimental study demonstrating in cell cultures and animal models that manganese exposure promotes the pathological propagation of α-synuclein (a neuronal protein found in the brain) leading to Parkinson's disease through neuroinflammation and neurodegeneration.

These seven studies suggest a potential association between exposure to 9/11 agents (specifically copper, iron, and manganese) and Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism, and thus provided a sufficient medical basis to consider the submission a valid petition. Because the medical basis provided by the petitioner included studies concerning parkinsonism

[10] *See* Petition 025, *WTC Health Program: Petitions Received, http://www.cdc.gov/wtc/received.html.*

[11] ''The general term 'Parkinsonism' refers to a category of neurological diseases exhibiting disturbance in the dopamine systems of the basal ganglia, which leads to the symptoms characterizing the disease: Tremors, slowness of movement, and stiffness. Classic (idiopathic) Parkinson's disease is the most common and treatable form of parkinsonism; non-idiopathic types are considered atypical and referred to by the more general term '''parkinsonism.' One type of atypical parkinsonism, manganese-induced parkinsonism, has been found to be caused by elevated and prolonged exposure to manganese.'' *World Trade Center Health Program; Petitions 016 and 017—Parkinson's Disease and Parkinsonism, Including Manganese-Induced Parkinsonism; Finding of Insufficient Evidence,* 82 FR 32312 at 32313, July 13, 2017.

[12] Adams C. [2018], *Parkinson's Disease Linked to Exposure to Heavy Metals, https://www.realnatural.org/parkinsons-disease-linked-to-exposure-to-heavy-metals/;* The Parkinson's Plan [2018], *Heavy Metals, Neurotoxins, and Parkinson's Disease, https://www.theparkinsonsplan.com/blog/heavy-metals-and-parkinsons-disease/;* Iowa State University News Service [2019], *Researchers Explore Link Between Metal Exposure and Parkinson's Symptoms, https://www.news.iastate.edu/news/2019/03/12/manganeseparkinsons;* Wilson L [2019], *Parkinson's Disease, https://drlwilson.com/Articles/PARKINSON.htm.>*

[13] Montgomery EB [1994], *Heavy Metals and the Etiology of Parkinson's Disease and Other Movement Disorders,* Toxicology 97(1), *https://doi.org/10.1016/0300-483X(94)02962-T.*

[14] Jomova K, Vondrakova D, Lawson M, Valko M [2010], *Metals, Oxidative Stress and Neurodegenerative Disorders,* Mol Cell Biochem 345(1–2), 91–104.

[15] Willis AW, Evanoff BA, Lian M, Galarza A, Wegrzyn A, Schootman M, Racette BA [2010], *Metal Emissions and Urban Incident Parkinson Disease: A Community Health Study of Medicare Beneficiaries by Using Geographic Information Systems,* Am J Epidemiol 172(12):1357–1363.

[16] Kumudini N, Uma A, Devi YP, Naushad SM, Mridula R, Borgohain R, Kutala VK [2014], *Association of Parkinson's Disease with Altered Serum Levels of Lead and Transition Metals among South Indian Subjects,* Indian J Biochem Biophys 51(2):121–126.

[17] Moriarty GM, Minetti CA, Remeta DP, Baum J [2014], *A Revised Picture of the Cu (II)—α-Synuclein Complex: The Role of N-Terminal Acetylation,* Biochemistry 53(17), 2815–2817.

[18] Anderson FL, Coffey MM, Berwin BL, Havrda MC [2018], *Inflammasomes: An Emerging Mechanism Translating Environmental Toxicant Exposure into Neuroinflammation in Parkinson's Disease,* Toxicol Sci 166(1), 3–15.

[19] Harischandra DS, Rokad D, Neal ML, Ghaisas S, Manne S, Sarkar S, Panicker N, Zenitsky G, Jin H, Lewis M, Huang X, Anantharam V, Kanthasamy A, Kanthasamy AG [2019], *Manganese Promotes the Aggregation and Prion-Like Cell-to-Cell Exosomal Transmission of α-Synuclein,* Sci Signal 12(572).

induced by copper, iron, and manganese, the Administrator determined that the petitioner requested the addition of both Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism.

D. Review of Scientific and Medical Information and Administrator Determination

In response to Petition 025, and pursuant to the Program policy on the addition of non-cancer health conditions to the List, the Program conducted a review of the scientific literature on Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism, to identify peer-reviewed, published, epidemiologic studies of the health condition in the 9/11-exposed population.[20]

Neither the references provided in the petitions, including those described above, nor the literature search conducted by the Program identified any peer-reviewed, published, epidemiologic studies of either Parkinson's disease or parkinsonism, including heavy metal-induced parkinsonism, in 9/11-exposed populations. Pursuant to the WTC Health Program's policy on the evaluation of petitions,[21] since no peer-reviewed, published, epidemiologic studies of Parkinson's disease or parkinsonism, including heavy metal-induced parkinsonism, in 9/11 populations were identified, the Program was unable to conduct an evaluation of scientific evidence to determine the likelihood of a causal association between 9/11 exposures and the petitioned health conditions.

E. Administrator's Final Decision on Whether To Propose the Addition of Parkinson's Disease and Parkinsonism, Including Heavy Metal-Induced Parkinsonism, to the List

Pursuant to PHS Act, sec. 3312(a)(6)(B)(iv) and 42 CFR 88.16(a)(2)(iv), the Administrator has determined that insufficient evidence is available to take further action at this time, including proposing the addition of Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism, to the List (pursuant to PHS Act, sec. 3312(a)(6)(B)(ii) and 42 CFR 88.16(a)(2)(ii)) or publishing a determination not to publish a proposed rule in the **Federal Register** (pursuant to PHS Act, sec. 3312(a)(6)(B)(iii) and 42 CFR 88.16(a)(2)(iii)). The Administrator has also determined that requesting a recommendation from the STAC (pursuant to PHS Act, sec. 3312(a)(6)(B)(i) and 42 CFR 88.16(a)(2)(i)) is unwarranted.

For the reasons discussed above, the Petition 025 request to add Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism, to the List of WTC-Related Health Conditions is denied.

F. Approval To Submit Document to the Office of the Federal Register

The Secretary, HHS, or his designee, the Director, Centers for Disease Control and Prevention (CDC) and Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), authorized the undersigned, the Administrator of the WTC Health Program, to sign and submit the document to the Office of the Federal Register for publication as an official document of the WTC Health Program. Robert Redfield M.D., Director, CDC, and Administrator, ATSDR, approved this document for publication on February 3, 2020.

John J. Howard,

Administrator, World Trade Center Health Program and Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2020–02991 Filed 2–18–20; 8:45 am]

BILLING CODE 4163–18–P

[20] Databases searched include: CINAHL, Embase, NIOSHTIC–2, ProQuest Health & Safety, PsycINFO, PubMed, Scopus, Toxicology Abstracts, TOXLINE, and the WTCHP Research Compendium Endnote Database. Keywords/phrases used to conduct the search include: World Trade Center; WTC; September 11; parkinsonian disorders; parkinson*; manganism; supranuclear palsy, progressive; progressive supranuclear palsy; multiple system atrophy; multiple system atrophy; Lewy body disease; dementia with Lewy bodies; corticobasal degeneration; hypokinesia; bradykinesia; tremor; tremors; slow movement; stiffness; muscle rigidity; rigidity; masked face; micrographia; monotonous speech; loss of postural reflex; cock-walk gait; asymmetric dystonia; levodopa; basal ganglia; and basal ganglia nuclei. The literature search was conducted in English-language journals on December 27, 2019.

[21] *See supra* note 5.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 12–375; DA 20–127; FRS 16478]

Wireline Competition Bureau Seeks To Refresh the Record on Ancillary Service Charges Related to Inmate Calling Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; solicitation of comments.

SUMMARY: In this document, the Wireline Competition Bureau (Bureau) seeks to refresh the record on ancillary service charges imposed in connection with inmate calling services (ICS) in response to a remand from the United States Court of Appeals for the District of Columbia Circuit.

DATES: Comments are due March 20, 2020. Reply Comments are due April 6, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554

FOR FURTHER INFORMATION CONTACT: Minsoo Kim, Wireline Competition Bureau, Pricing Policy Division, via phone at 202–418–1739 or via email at *Minsoo.Kim@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Public Notice that the Federal Communications Commission's Wireline Competition Bureau released on February 4, 2020. A full-text version of the Public Notice is available at the following internet address: *https://docs.fcc.gov/public/attachments/DA-20-127A1.pdf*.

In this document, the Wireline Competition Bureau (Bureau) seeks to refresh the record on ancillary service charges imposed in connection with inmate calling services (ICS). In the *2015 ICS Order,* the Commission adopted rules limiting the ancillary services for which ICS providers could assess fees and capping the permissible charges for these ancillary services.

In *Global Tel*Link* v. *FCC,* the United States Court of Appeals for the District of Columbia Circuit affirmed the Commission's plenary authority to cap ancillary service charges for interstate ICS, but held that, based on the record before the Court, the Commission lacked authority to regulate ancillary service charges for intrastate ICS. Because the Court could not ''discern from the record whether ancillary fees can be segregated between interstate and intrastate calls,'' the Court remanded the issue to the Commission for further consideration. The Bureau seeks to refresh the record on ancillary service charges in response to the D.C. Circuit's remand.

The *2015 ICS Order* did not address whether any particular ancillary service charge could be segregated between interstate and intrastate calls given the Commission's imposition of identical rate caps for interstate and intrastate calls alike. The Bureau now seeks specific comment on whether each permitted ICS ancillary service charge may be segregated between interstate and intrastate calls and, if so, how. The Bureau asks commenters to explain in

detail the basis for any claim that an ancillary service charge may be segregated, including addressing the range of different functions that might be associated with each charge where relevant. For example, a ''Live Agent Fee'' can be assessed when an ICS consumer uses an optional live operator to complete different types of ICS-related transactions. To the extent these individual transactions jurisdictionally differ (*e.g.,* if a live operator is used by an ICS consumer to complete either an interstate or intrastate ICS call as well as to assist that same consumer with paper billing), how should the Commission factor that transaction into applying the Live Agent Fee cap?

The Bureau also seeks comment on how the Commission should proceed in the event any permitted ancillary service is ''jurisdictionally mixed'' and cannot be segregated between interstate and intrastate calls. Jurisdictionally mixed services are ''[s]ervices that are capable of communications both between intrastate end points and between interstate end points.'' Jurisdictionally mixed services ''are generally subject to dual federal/state jurisdiction, except where it is impossible or impractical to separate the service's intrastate from interstate components and the state regulation of the intrastate component interferes with valid federal rules or policies.''

To the extent any permitted ancillary service charge or associated function is jurisdictionally mixed, the Bureau seeks comment on how best to apply the prescribed cap to that ancillary service or function pursuant to section 201(b) of the Communications Act of 1934, as amended. Should the Bureau simply apply the cap to jurisdictionally mixed services? Is it possible or practical to allow higher rates on only a portion of such ancillary services? How would such a rule apply here? Is it possible to separate the interstate and intrastate aspects of each such ancillary service charge or function? If so, how? If not, can the Commission proceed to regulate the entire ancillary service charge to the extent it is not jurisdictionally severable? One court has interpreted *GTL* v. *FCC* to hold that the Commission may not cap interstate ancillary fees ''except to the extent those for interstate calls 'can be segregated' from intrastate calls.'' Given the holdings of the Supreme Court and federal appellate courts on the issue, is that interpretation correct?

Finally, the Bureau asks commenters to (1) suggest specific rule language responsive to the D.C. Circuit's remand, and (2) propose any additional steps the Commission should take to ensure, consistent with the D.C. Circuit's opinion, that its actions on remand ''properly reflect[]'' the reforms adopted in 2015 and that providers of interstate ICS do not circumvent or frustrate the Commission's ancillary service charge rules. For example, should the Commission prohibit an ICS provider that generates separate paper bills for interstate and intrastate ICS (merely to impose two separate paper bill charges on ICS consumers) from imposing a $2.00 charge for the interstate paper bill and an additional charge for the intrastate bill? Alternatively, should the Commission lower the cap for any separate paper bills for interstate ICS to $0.00 if an ICS provider charges $2.00 or more for paper bills for intrastate services?

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates set forth in the **Federal Register** notice of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://www.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Ex Parte Rules. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) List all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation.

If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Additional Information. For further information, contact Minsoo Kim of the Wireline Competition Bureau at (202) 418–1739 or *Minsoo.Kim@fcc.gov.*

Federal Communications Commission.

Daniel Kahn,

Associate Bureau Chief, Wireline Competition Bureau.

[FR Doc. 2020–03110 Filed 2–18–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 20–31; FCC 20–10; FRS 16469]

Implementation of Provisions of the Television Viewer Protection Act of 2019 Governing Negotiation of Retransmission Consent Between Qualified Multichannel Video Programming Distributor Buying Groups and Large Station Groups

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) proposes revisions to its rules governing good faith negotiation of retransmission consent, to implement provisions of the Television Viewer Protection Act of 2019 governing negotiations between qualified multichannel video programming distributor buying groups and large broadcast station groups.

DATES: Comments are due on or before March 5, 2020; reply comments are due on or before March 16, 2020.

ADDRESSES: You may submit comments, identified by MB Docket No. 20–31, by any of the following methods:

- *Federal Communications Commission's Website: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Raelynn Remy of the Policy Division, Media Bureau at *Raelynn.Remy@fcc.gov,* or (202) 418–2936.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), FCC 20–10, adopted and released on January 31, 2020. The full text is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *https://docs.fcc.gov/public/attachments/FCC-20-10A1.docx.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. In this Notice of Proposed Rulemaking (NPRM), we propose revisions to section 76.65 of our rules, which governs good faith negotiation of retransmission consent, to implement provisions in section 1003 of the Television Viewer Protection Act of 2019 (TVPA).[1] Section 1003 principally directs the Commission to adopt rules that provide for negotiation of retransmission consent between ''qualified multichannel video programming distributor [MVPD] buying group[s]'' and ''large [broadcast] station group[s]'' as those terms are defined in the TVPA. As discussed below, we propose to adopt rules defining: (i) The term ''large station group'' as used in section 1003 of the TVPA to mean, in relevant part, an entity whose individual television station members *collectively* have a national audience reach of more than 20 percent; and (ii) the term ''qualified MVPD buying group'' as used in section 1003 to mean, in relevant part, an entity that negotiates on behalf of MVPDs that collectively serve no more than 25 percent of all households receiving service from *any* MVPD in a given local market. In addition, we propose to codify in section 76.65 the provisions governing negotiation of retransmission consent between qualified MVPD buying groups and large station groups, as well as the definitions of ''local market'' and ''multichannel video programming distributor'' set forth in section 1003(b)(3). Finally, we propose to make minor conforming changes to section 76.65. We seek comment on these proposals.[2]

I. Background

2. The TVPA, enacted on December 20, 2019, is the latest in a series of statutes that have amended the Communications Act to establish parameters for the carriage of television broadcast stations by MVPDs. As relevant to this NPRM, section 1003 of the TVPA revised section 325(b) of the Act principally by allowing smaller MVPDs to negotiate collectively as a buying group for retransmission consent with large broadcast station groups. In particular, section 1003(a)(3) of the TVPA amends section 325(b)(3)(C) of the Act by adding new subsection 325(b)(3)(C)(vi), which, read as part of section 325(b)(3)(C) as a whole, requires the Commission to commence a rulemaking proceeding to revise its

[1] The Television Viewer Protection Act of 2019, Public Law 116–94, 133 Stat. 2534, 3198 (2019) (amendments to be codified at 47 U.S.C. 325). Through this NPRM, we satisfy Congress's directive in section 325(b)(3)(C) of the Communications Act of 1934, as amended by section 1003(a)(3) of the TVPA, to commence a rulemaking proceeding to revise the Commission's rules to specify that ''certain small MVPDs can meet the obligation to negotiate [retransmission consent] in good faith . . . by negotiating with a large station group through a qualified MVPD buying group.'' Section 325(b)(3)(C), as amended, requires that the Commission specify such rules ''not later than 90 days after the date of enactment of the TVPA,'' or March 19, 2020.

[2] This NPRM proposes rule revisions that implement only section 1003 of the TVPA; TVPA provisions not covered herein will be implemented in separate proceedings. In view of the 90-day deadline established in section 325(b)(3)(C) of the Act, as amended by section 1003(a)(3) of the TVPA, we find that establishing the abbreviated pleading cycle set forth above is necessary to meet our statutory responsibility and serves the public interest.

retransmission consent rules to specify that:

(I) A [MVPD] may satisfy its obligation to negotiate [retransmission consent] in good faith under [section 325(b)(3)(C)(iii)] . . . with a large [broadcast] station group by designating a qualified MVPD buying group to negotiate on its behalf, so long as the qualified MVPD buying group itself negotiates in good faith in accordance with such clause;

(II) It is a violation of the obligation to negotiate in good faith under [section 325(b)(3)(C)(iii)] for the qualified MVPD buying group to disclose the prices, terms, or conditions of an ongoing negotiation or the final terms of a negotiation to a member of [such] . . . group that is not intending, or is unlikely, to enter into the final terms negotiated by the . . . group; and

(III) A large [broadcast] station group has an obligation to negotiate [retransmission consent] in good faith under [section 325(b)(3)(C)(ii)] with respect to a negotiation . . . with a qualified MVPD buying group.

3. Moreover, section 1003(b) of the TVPA amended section 325(b)(7) of the Act principally by adding new subsections 325(b)(7)(C) and (D), which define the terms ''qualified MVPD buying group'' and ''large station group,'' respectively, for the purpose of applying the new good faith negotiation provisions of section 325(b)(3)(C)(vi). In particular, section 325(b)(7)(C) of the Act, as added by the TVPA, defines ''qualified MVPD buying group,'' in relevant part, as an entity that:

(i) Negotiates [retransmission consent] on behalf of two or more multichannel video programming distributors—

(I) None of which is a [MVPD] that serves more than 500,000 subscribers nationally; and

(II) That do not collectively serve more than 25 percent of all households served by a [MVPD] in any single local market in which the applicable large station group operates.

4. In addition, section 325(b)(7)(D) of the Act, as added by the TVPA, defines ''large station group'' as a group of television broadcast stations that:

(i) Are directly or indirectly under common de jure control permitted by the regulations of the Commission;

(ii) Generally negotiate agreements for retransmission consent . . . as a single entity; and

(iii) Include only television broadcast stations that have a national audience reach of more than 20 percent.

5. There are ambiguities in the statutory definitions of ''large station group'' and ''qualified MVPD buying group.'' With respect to ''large station group,'' this term could mean a group of television broadcast stations whose members *collectively* have over 20 percent national audience reach, or it could mean that each station in the group individually has such coverage. Similarly, the term ''qualified MVPD buying group'' could mean an entity that negotiates on behalf of MVPDs that collectively serve no more than 25 percent of all households receiving service from *any* MVPD in any single local market in which the large station group operates. Or it could be referring to an entity that negotiates on behalf of MVPDs that collectively serve no more than 25 percent of all households receiving service from a *single* MVPD in any single local market in which the large station group operates. We initiate this proceeding to clarify these terms in order to permit applicable parties to utilize the new TVPA protections promptly, as reflected in the expedited deadline specified in the new statute.

II. Discussion

6. We propose to implement section 1003 of the TVPA by revising section 76.65 of our rules: (i) To define the term ''large station group'' as, among other things, an entity whose individual television station members collectively have a national audience reach of more than 20 percent; and (ii) to define the term ''qualified MVPD buying group'' as, among other things, an entity that negotiates on behalf of MVPDs that do not collectively serve more than 25 percent of all households served by MVPDs in any single local market in which the applicable large station group or television broadcast station operates.

7. We tentatively conclude that this interpretation of the term ''large station group'' finds support in the text and structure of the TVPA, and would best effectuate Congressional intent.[3] First, we note that the text of the first two clauses in the definition of ''large station group'' require, respectively, that stations comprising a ''large station group'' be under ''common de jure control'' and negotiate agreements as a ''single entity.'' We tentatively find that these two requirements properly characterize only stations that collectively comprise a group, rather than individual stations, and that the third clause of the definition thus should be interpreted as imposing a requirement that must be true of the stations collectively. Second, we note that the TVPA contemplates that ''qualified MVPD buying groups'' and ''large station groups'' would be counterparties in a retransmission consent negotiation. Because the former term imposes a market share cap of 25 percent on the MVPDs ''collectively,'' we tentatively conclude that the 20 percent market share threshold for ''large station groups'' similarly should be construed to apply to the stations collectively.[4] Third, given that a key purpose of the new good faith negotiation provisions is to level the playing field by ''allow[ing] smaller MVPDs to collectively negotiate as a buying group [with large station groups] for retransmission consent,'' we tentatively find that Congress could not have intended to create a collective negotiation mechanism to address the growing bargaining power of large station groups but then defined those groups in a way that would render the mechanism unavailable as a practical matter. Significantly, a contrary interpretation, whereby each station in the group individually must have at least a 20 percent national audience reach, would be illogical given that there are currently no stations that meet this threshold.[5]

8. We also propose to construe the phrase ''all households served by a [MVPD]'' in the statutory definition of ''qualified MVPD buying group'' to mean all households that receive service from *any* MVPD, rather than all households served by a *specific* MVPD in a given local market. Because the percentage of households that subscribe to a particular MVPD (or class of MVPDs) relative to the total number of households that subscribe to any MVPD in a given market is a competition metric that the Commission historically has utilized, we tentatively conclude that this is the most reasonable reading of the relevant phrase. We also believe that adopting the alternative interpretation would create practical problems given that the statute provides no guidance as to which MVPD in a given market should serve as the benchmark for the relevant threshold. We seek comment on these proposals and tentative conclusions.

9. We also propose to implement section 1003 by: (i) Codifying in section 76.65 of our rules the provisions governing negotiation of retransmission consent between qualified MVPD buying groups and large station groups required by section 1003(a)(3) of the

[3] Our proposed interpretation also is harmonious with the Commission's ownership restrictions.

[4] We note that the term ''collective'' is absent from the statutory definition of ''large station group,'' whereas it is included in the definition of ''qualified MVPD buying group.'' We seek comment on whether this has any relevance to the interpretation of this term.

[5] Indeed, no individual broadcast station even meets the 20 percent national audience threshold. We note that the largest Designated Market Area (DMA) is New York, which covers roughly six percent of U.S. television households.

TVPA [6] and the definitions of ''local market'' and ''multichannel video programming distributor'' set forth in section 1003(b)(3); and (ii) deleting the phrase ''as defined in 17 U.S.C. 122(j)'' in section 76.65(viii) and (ix). We seek comment on these proposed rule revisions and on whether other revisions are needed to implement section 1003 of the TVPA.

Initial Paperwork Reduction Act Analysis

10. This document does not contain proposed new or revised information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, therefore, it does not contain any new or modified ''information burden for small business concerns with fewer than 25 employees'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Ex Parte Rules

11. Permit-But-Disclose. The proceeding this NPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Filing Requirements

12. Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

• *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

13. Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

14. *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional Information

15. For additional information on this proceeding, contact Raelynn Remy of the Media Bureau, Policy Division, at *Raelynn.Remy@fcc.gov* or (202) 418–2936.

Initial Regulatory Flexibility Act Analysis

16. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) concerning the possible significant economic impact on small entities by the rules proposed in the Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

17. In this NPRM, pursuant to section 325(b)(3)(C) of the Act, as amended by section 1003 of the Television Viewer Protection Act of 2019, we commence a rulemaking proceeding to revise our retransmission consent rules to specify, among other things, that certain small multichannel video programming distributors (MVPDs) may satisfy their obligation to negotiate retransmission consent in good faith by negotiating with a large broadcast station group through a qualified MVPD buying group. In particular, we propose to revise section 76.65 of our rules to define: (i) The term ''large station group'' as used in section 1003 of the TVPA to mean, in relevant part, an entity whose individual television station members *collectively* have a national audience reach of more than 20 percent; and (ii) the term ''qualified MVPD buying group'' as used in section 1003 to mean, in relevant part, an entity that negotiates on behalf of MVPDs that

[6] Our proposed rule makes minor, non-substantive changes to this statutory provision, such as revising the statutory phrase ''may satisfy its obligation to negotiate in good faith under clause (iii) with respect to a negotiation for retransmission consent under this section with a large station group'' to read ''may satisfy its obligation to negotiate in good faith for retransmission consent with a large station group.''

collectively serve no more than 25 percent of all households receiving service from *any* MVPD in a given local market. In addition, we propose to codify in section 76.65 the provisions governing negotiation of retransmission consent between qualified MVPD buying groups and large station groups, as well as the definitions of ''local market'' and ''multichannel video programming distributor'' set forth in section 1003(b)(3). We also propose to make minor conforming changes to section 76.65.[7] The NPRM seeks comment on these proposals and on whether other rule revisions are needed to implement section 1003 of the TVPA.

B. Legal Basis

18. The proposed action is authorized pursuant to sections 4(i), 4(j), 303(r), and 325 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), and 325, and section 1003 of the Television Viewer Protection Act of 2019.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

19. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[8] Below is a list of such small entities.

- Cable Companies and Systems
- Cable System Operators
- Open Video Services
- Satellite Master Antenna Television (SMATV) Systems
- Direct Broadcast Satellite (DBS) Service
- Television Broadcasting

[7] For example, consistent with the statute, the proposed rules delete the phrase ''as defined in 17 U.S.C. 122(j)'' in section 76.65(viii) and (ix). Section 1003(c)(2) of the TVPA directs the Commission to strike this phrase from section 325(b)(3)(C) of the Act.

[8] 15 U.S.C. 632.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

20. The NPRM does not propose to adopt any reporting or recordkeeping requirements. The NPRM proposes to revise the Commission's rules to permit certain small MVPDs to meet their statutory obligation to negotiate retransmission consent in good faith by designating a qualified MVPD buying group to negotiate on their behalf with a large broadcast station group. In particular, the NPRM proposes to revise such rules by, among other things, clarifying the meaning of the statutory terms ''large station group'' and ''qualified MVPD buying group'' so as to facilitate smaller MVPDs' use of the new collective bargaining provisions consistent with Congressional intent. The proposed rule revisions would impose no new regulatory compliance burdens on small television broadcast stations.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

21. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.''

22. Through this NPRM, the Commission seeks to implement section 1003 of the TVPA in a way that reduces burdens on smaller MVPDs that negotiate retransmission consent against large broadcast station groups with greater bargaining leverage by allowing them to negotiate collectively as a buying group for retransmission consent with such groups. As noted, the proposals in the NPRM, if adopted, likely would not have an adverse economic impact on any small entities, and would have a positive economic impact on smaller MVPDs that choose to avail themselves of the TVPA's new collective bargaining provisions to negotiate against large broadcast station groups that have significant market power. We invite comment on the economic impact of our proposals on small entities, and on how the Commission could minimize any potential burdens on such entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

23. None.

24. We adopt this NPRM pursuant to the authority found in sections 4(i), 4(j), 303(r), and 325 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), and 325, and section 1003 of the Television Viewer Protection Act of 2019.

List of Subjects in 47 CFR Part 76

Cable television, Communications.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend Part 76 of Title 47 of the Code of Federal Regulations (CFR) as set forth below:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for Part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Amend § 76.65 by revising paragraphs (b)(1)(viii) and (ix) and (b)(2), and adding paragraphs (b)(3), and (b)(4) to read as follows:

§ 76.65 Good faith and exclusive retransmission consent complaints.

* * * * *

(b) * * * (1) * * *

(viii) Coordination of negotiations or negotiation on a joint basis by two or more television broadcast stations in the same local market to grant retransmission consent to a multichannel video programming distributor, unless such stations are directly or indirectly under common de jure control permitted under the regulations of the Commission.

(ix) The imposition by a television broadcast station of limitations on the ability of a multichannel video programming distributor to carry into the local market of such station a television signal that has been deemed significantly viewed, within the meaning of § 76.54 of this part, or any successor regulation, or any other television broadcast signal such

distributor is authorized to carry under 47 U.S.C. 338, 339, 340 or 534, unless such stations are directly or indirectly under common de jure control permitted by the Commission.

(2) *Negotiation of retransmission consent between qualified multichannel video programming distributor buying groups and large station groups.* (i) A multichannel video programming distributor may satisfy its obligation to negotiate in good faith for retransmission consent with a large station group by designating a qualified MVPD buying group to negotiate on its behalf, so long as the qualified MVPD buying group itself negotiates in good faith in accordance with this section.

(ii) It is a violation of the obligation to negotiate in good faith for a qualified MVPD buying group to disclose the prices, terms, or conditions of an ongoing negotiation or the final terms of a negotiation to a member of the qualified MVPD buying group that is not intending, or is unlikely, to enter into the final terms negotiated by the qualified MVPD buying group.

(iii) A large station group has an obligation to negotiate in good faith for retransmission consent with a qualified MVPD buying group.

(A) ''Qualified MVPD buying group'' means an entity that, with respect to a negotiation with a large station group for retransmission consent—

(*1*) Negotiates on behalf of two or more multichannel video programming distributors—

(*i*) None of which is a multichannel video programming distributor that serves more than 500,000 subscribers nationally; and

(*ii*) That do not collectively serve more than 25 percent of all households served by multichannel video programming distributors in any single local market in which the applicable large station group operates; and

(*2*) Negotiates agreements for such retransmission consent—

(*i*) That contain standardized contract provisions, including billing structures and technical quality standards, for each multichannel video programming distributor on behalf of which the entity negotiates; and

(*ii*) Under which the entity assumes liability to remit to the applicable large station group all fees received from the multichannel video programming distributors on behalf of which the entity negotiates.

(B) ''Large station group'' means a group of television broadcast stations that—

(*1*) Are directly or indirectly under common de jure control permitted by the regulations of the Commission;

(*2*) Generally negotiate agreements for retransmission consent under this section as a single entity; and

(*3*) Include only television broadcast stations that collectively have a national audience reach of more than 20 percent;

(3) *Definitions.* For purposes of this section and § 76.64, the following definitions apply:

(i) ''Local market'' has the meaning given such term in 17 U.S.C. 122(j); and

(ii) ''Multichannel video programming distributor'' has the meaning given such term in 47 U.S.C. 522.

(4) *Totality of the circumstances.* In addition to the standards set forth in paragraph (b)(1) of this section, a Negotiating Entity may demonstrate, based on the totality of the circumstances of a particular retransmission consent negotiation, that a television broadcast station or multichannel video programming distributor breached its duty to negotiate in good faith as set forth in paragraph (a) of this section.

* * * * *

[FR Doc. 2020–02923 Filed 2–18–20; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 85, No. 33

Wednesday, February 19, 2020

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

February 13, 2020.

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 March 20, 2020 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

30-Day Federal Register Notice

Food and Nutrition Service

Title: Summer Food Service Program Integrity Study.

OMB Control Number: 0584–NEW.

Summary of Collection: The Summer Food Service Program (SFSP) ensures that low-income children continue to receive nutritious meals when school is not in session and they do not have access to free or low-cost meals through the National School Lunch and School Breakfast Programs. The Improper Payments Elimination and Recovery Act of 2010 (Pub. L. 111–204) and the Improper Payments Elimination and Recovery Improvement Act of 2012 (Pub. L. 112–248) require Federal agencies to review programs and activities every three years to identify those that may be vulnerable to significant improper payments. Previous assessments have shown that the SFSP is at a low risk for improper payments but recent efforts to address summer food insecurity through improving access to SFSP have increased program expenditures, which may lead to increased risk of improper payments. SFSP also presents unique challenges to ensuring program integrity and measuring improper payments. FNS is conducting the Summer Food Service Program Integrity Study to obtain information about the administration and oversight of the SFSP and to identify potential barriers to ensuring the integrity and effective management of the SFSP.

Need and Use of the Information: This study will collect data from State Child Nutrition Agency directors, State Agency key staff, local SFSP sponsor directors, sponsor key staff, and SFSP site supervisors, and business SFSP sponsor directors, sponsor key staff, and SFSP site supervisors using web-based surveys and telephone interviews. FNS will use the data to describe how State agencies, sponsors, and sites monitor the SFSP and ensure program integrity, to develop resources, training, and technical assistance, and to shape future efforts to estimate improper payment rates in the SFSP.

Description of Respondents: State, Local, or Tribal Government; and Profit/Non-Profit Businesses.

Number of Respondents: 617.

Frequency of Responses: Reporting: On occasion; Once.

Total Burden Hours: 379.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–03236 Filed 2–18–20; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Docket No. FCIC–20–0001]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: This notice announces a public comment period on the information collection requests (ICRs) associated with the Area Risk Protection Insurance.

DATES: Comments that we receive on this notice will be accepted until close of business April 20, 2020.

ADDRESSES: We invite you to submit comments on this information collection request. In your comments, include the date, volume, and page number of this issue of the **Federal Register**, and the title of rule. You may submit comments by any of the following methods, although FCIC prefers that you submit comments electronically through the Federal eRulemaking Portal:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for Docket ID FCIC–20–0001. Follow the online instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change and publicly available on *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Francie Tolle; telephone (816) 926–7829; email *francie.tolle@usda.gov.* Persons with disabilities who require

alternative means of communication should contact the USDA Target Center at (202) 720–2600 (voice).

ADDRESSES: We invite you to submit comments on this rule. In your comments, include the date, volume, and page number of this issue of the **Federal Register**, and the title of rule. You may submit comments by any of the following methods, although FCIC prefers that you submit comments electronically through the Federal eRulemaking Portal:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for Docket ID FCIC–20–0001. Follow the online instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change and publicly available on *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Francie Tolle; telephone (816) 926–7829; email *francie.tolle@usda.gov.* Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Title: Area Risk Protection Insurance.

OMB Number: 0563–0083.

Expiration Date of Approval: July 31, 2020.

Type of Request: Extension of a currently approved information collection.

Abstract: The information collection requirements for this renewal package are necessary to administer the Area Risk Protection Insurance (ARPI) Basic Provisions and affected Crop Provisions to determine insurance coverage, premiums, subsidies, payments and indemnities. ARPI is an insurance plan that provides coverage based on the experience of an entire county. Producers are required to report specific data when they apply for ARPI such as acreage and yields. Insurance companies accept applications; issue policies; establish and provide insurance coverage; compute liability, premium, subsidies, and losses; indemnify producers; and report specific data to FCIC as required in Appendix III/M13 Handbook. Commodities for which ARPI is available are included in this information collection package.

FCIC is requesting the Office of Management and Budget (OMB) to extend the approval of this information collection for an additional 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses).

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 0.67 of an hour per response.

Respondents/Affected Entities: Producers and insurance providers reinsured by FCIC.

Estimated Annual Number of Respondents: 18,634.

Estimated Annual Number of Responses per Respondent: 7.5.

Estimated Annual Number of Responses: 139,671.

Estimated Total Annual Burden on Respondents: 94,261.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Martin R. Barbre,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2020–03161 Filed 2–18–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Docket No. FCIC–20–0002]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: This notice announces a public comment period on the information collection requests (ICRs) associated with the Subpart U—Ineligibility for Programs under the Federal Crop Insurance Act.

DATES: Comments that we receive on this notice will be accepted until close of business April 20, 2020.

ADDRESSES: We invite you to submit comments on this information collection request (ICR). In your comments, include the date, volume, and page number of this issue of the **Federal Register** and the title of ICR. You may submit comments by any of the following methods, although FCIC prefers that you submit comments electronically through the Federal eRulemaking Portal:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for Docket ID FCIC–20–0002. Follow the online instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change and publicly available on *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Francie Tolle; telephone (816) 926–7829; email *francie.tolle@usda.gov.* Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Title: 7 CFR, part 400, subpart U—Ineligibility for Programs under the Federal Crop Insurance Act.

OMB Control Number: 0563–0085.

Type of Request: Notice of Request for Extension of a Currently Approved Information Collection.

Abstract: The following mandates require FCIC to identify persons who are ineligible to participate in the Federal crop insurance program administered under the Federal Crop Insurance Act.

(1) Section 1764 of the Food Security Act of 1985 (Pub. L. 99–198);

(2) 21 U.S.C., Chapter 13;

(3) Section 14211 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246);

(4) Executive Order 12549; and

(5) 7 U.S.C. 1515.

The FCIC and Approved Insurance Providers (AIPs) use the information collected to determine whether persons seeking to obtain Federal crop insurance coverage are ineligible for such coverage according to the aforementioned mandates. The purpose of collecting the information is to ensure persons that are ineligible for benefits under the Federal crop insurance program are accurately

identified as such and do not obtain benefits to which they are not eligible.

FCIC and RMA do not obtain information used to identify a person as ineligible for benefits under the Federal crop insurance program directly from the ineligible person. AIPs notify RMA of persons with a delinquent debt electronically through a secure automated system. RMA (1) sends written notification to the person informing them they are ineligible for benefits under the Federal crop insurance program; and (2) places that person on the RMA Ineligible Tracking System until the person regains eligibility for such benefits.

RMA's Office of General Counsel notifies RMA in writing of persons convicted of controlled substance violations. RMA (1) sends written notification to the person informing them they are ineligible for benefits under the Federal crop insurance program; and (2) places that person on RMA's Ineligible Tracking System until the person regains eligibility for such benefits.

Persons debarred, suspended or disqualified by RMA are (1) notified, in writing, they are ineligible for benefits under the Federal crop insurance program; and (2) placed on RMA's Ineligible Tracking System until the person regains eligibility for such benefits.

Information identifying persons who are ineligible for benefits under the Federal crop insurance program is made available to all AIPs through RMA's Ineligible Tracking System. The Ineligible Tracking System is an electronic system, maintained by RMA, which identifies persons who are ineligible to participate in the Federal crop insurance program. The information must be made available to all AIPs to ensure ineligible persons cannot circumvent the mandates by switching from one AIP to another.

In addition, information identifying persons who are debarred, suspended or disqualified by RMA is provided to the General Services Administration to be included in the Excluded Parties List System, an electronic system maintained by the General Services Administration that provides current information about persons who are excluded or disqualified from covered transactions.

Estimate of burden: Reporting burden for the collection and transmission of information by AIPs, including reporting for late payment of debt for AIP reinstatement and Administrator reinstatement, is estimated to average 19 minutes per response.

Respondents: Approved Insurance Providers.

Estimated number of respondents: 14 AIPs.

Estimated number of forms per respondent: All information is obtained electronically from AIPs.

Estimated total annual responses: 8,428 from all respondents.

Estimated total annual respondent burden: 2,647 from all respondents.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agencies, including whether the information will have practical utility;

(2) evaluate the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used;

(3) enhance the quality, utility and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Martin R. Barbre,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2020–03162 Filed 2–18–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Program Regulations—Reporting and Record-Keeping Burden

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved information collection in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for the reporting and record-keeping burdens associated with the WIC Program regulations.

DATES: Written comments must be received on or before April 20, 2020.

ADDRESSES: Comments may be sent to: Lisa Southworth, Food and Nutrition Service, U.S. Department of Agriculture, Braddock Metro Center II, 1320 Braddock Place, Room 328, Alexandria, VA 22314. Comments may also be submitted via email to *Lisa.Southworth@usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Lisa Southworth at 703–305–2086.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Program Regulations—Reporting and Record-keeping Burden.

Form Number: N/A.

OMB Number: 0584–0043.

Expiration Date: August 31, 2020.

Type of Request: Revision of a currently approved collection.

Abstract: The purpose of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is to provide supplemental foods, nutrition education, and health care referrals to low income, nutritionally at-risk pregnant, breastfeeding and postpartum women, infants, and children up to age five. Currently, WIC operates through State health departments in 50 States, 33 Indian Tribal Organizations, American Samoa, District of Columbia, Guam, Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin

Islands. The Federal regulations governing the WIC Program (7 CFR part 246) require that certain program-related information be collected and that full and complete records concerning WIC operations are maintained. The information reporting and record-keeping burdens are necessary to ensure appropriate and efficient management of the WIC program.

The reporting and record-keeping burdens covered by this information collection include requirements that involve the certification of WIC participants; the nutrition education that is provided to participants; the authorization, training and monitoring of vendors; and the collection of vendor pricing information in order to comply with the Federal regulations regarding WIC cost containment. State Plans are the principal source of information about how each State agency operates its WIC Program. Information collected from participants and local agencies is collected through State-developed forms or Management Information Systems. The information collected is used by the Department of Agriculture to manage, plan, evaluate, make decisions, and report on WIC program operations. This information collection is requesting a revision in the burden hours due to adjustments that primarily reflect expected changes in the number of WIC participants; WIC authorized vendors; and WIC State and local agencies. The revisions decreased the approved reporting burden by 317,028 hours and decreased the total approved record-keeping burden by 69,358 hours.

Reporting Burden

Affected Public: Individual/Households; Business or Other for Profit; and State, Local and Tribal Government. Respondent groups include WIC participants (women, infants, and children), WIC retail vendors, and WIC State and local agencies (including Indian Tribal Organizations and those in U.S. territories).

Estimated Number of Respondents: The total estimated number of respondents is 6,913,189. This includes: 1,897 State and local agencies; 6,870,128 WIC participants; and 41,164 Retail Vendors.

Estimated Number of Responses per Respondent: The estimated number of responses per respondent is 3.07.

Estimated Total Annual Responses: The estimated total for annual responses is 21,254,756.

Estimated Time per Response: The average estimated time per response for all participants is .13 hours. The estimated time of response varies from 1 minute to 160 hours, depending on the activity and the respondent group, as shown in the table below.

Estimated Total Annual Reporting Burden Hours: The estimated total annual reporting burden hours is 2,848,015. See the table below for the estimated total annual burden for each type of respondent.

Current OMB Inventory: 3,165,043.

Difference (Burden Revisions Requested): −317,028.

Record-Keeping Burden

Affected Public: State, Local, and Tribal Government. The respondent groups include the WIC State and local agencies and WIC clinics (including Indian Tribal Organizations and those in U.S. territories).

Estimated Number of Record-keepers: The estimated number of record-keepers is 11,897.

Estimated Number of Records per Respondent: The estimated number of records is 2,315.

Total Estimated Annual Records: The total estimated number of annual records is 27,544,044.

Estimated Annual Hours per Record-keeper: The average estimated annual hours per record-keeper is .02. The estimated time of response varies from 1 minute to 50 hours, depending on the activity, as shown in the table below.

Estimated Total Record-keeping Burden Hours: The estimated total record-keeping burden hours is 538,197. See the table below for the estimated total annual burden.

Current OMB Inventory: 607,555.

Difference (Burden Revisions Requested): −69,358.

Estimated Grand Total for Reporting and Record-keeping Burden: The estimated grand total for reporting and record-keeping is 3,386,212.

REPORTING

Type of respondent	Total number of respondents	Average responses per respondent	Total estimated annual responses	Number of burden hours per response (hours)	Estimated burden hours
STATE, LOCAL, & INDIAN TRIBAL GOVERNMENTS (89 WIC State agencies; 1,808 WIC local agencies)	1,897	5,609	10,640,409	0.20	2,154,666
BUSINESS OR OTHER FOR-PROFIT (41,164 WIC authorized vendors)	41,164	2.20	90,742	1.85	167,511
INDIVIDUALS/HOUSEHOLDS (6,870,128 WIC participants)	6,870,128	1.53	10,523,605	0.05	525,838
Total Reporting Burden	6,913,189		21,254,756		2,848,015

RECORDKEEPING

Type of respondent	Total number of record-keepers	Average responses per respondent	Total estimated annual responses	Number of burden hours per response (hours)	Estimated burden hours
STATE, LOCAL, & INDIAN TRIBAL GOVERNMENTS (89 WIC State agencies; 1,808 WIC local agencies, 10,000 WIC clinics)	11,897	2,315	27,544,044	0.02	538,197

Dated: February 6, 2020.

Pamilyn Miller,

Administrator, Food and Nutrition Service, USDA.

[FR Doc. 2020–03245 Filed 2–18–20; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Publication of Depreciation Rates

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of depreciation rates for telecommunications plant.

SUMMARY: The United States Department of Agriculture (USDA) Rural Utilities Service (RUS) administers rural utilities programs, including the Telecommunications Program. RUS

announces the depreciation rates for telecommunications plant for the period ending December 31, 2018.

DATES: These rates are effective immediately and will remain in effect until rates are available for the period ending December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Chad Parker, Assistant Administrator, Telecommunications Program, Rural Utilities Service, STOP 1590—Room 5151, 1400 Independence Avenue SW, Washington, DC 20250–1590. Telephone: (202) 720–9556.

SUPPLEMENTARY INFORMATION: In 7 CFR part 1737, Pre-Loan Policies and Procedures Common to Insured and Guaranteed Telecommunications Loans, § 1737.70(e) explains the depreciation rates that are used by RUS in its feasibility studies. Given that approved depreciation rates per § 1737.70(e)(1) do not exist, RUS is publishing its annual median depreciation rates for all borrowers, in accordance with § 1737.70(e)(2). RUS also notes that the rates have changed only minimally from the previous year. The following chart provides those rates, compiled by RUS, for the reporting period ending December 31, 2018:

MEDIAN DEPRECIATION RATES OF RURAL UTILITIES SERVICE BORROWERS

[By equipment category for period ending December 31, 2018]

Telecommunications plant category	Depreciation rate
1. Land and Support Assets:	
a. Motor vehicles	16.67
b. Aircraft	10.10
c. Special purpose vehicles	12.00
d. Garage and other work equipment	10.00
e. Buildings	3.30
f. Furniture and office equipment	10.00
g. General purpose computers	20.00
2. Central Office Switching:	
a. Digital	9.30
b. Analog & Electro-mechanical	9.80
c. Operator Systems	9.32
3. Central Office Transmission:	
a. Radio Systems	10.00
b. Circuit equipment	10.00
4. Information origination/termination:	
a. Station apparatus	11.95
b. Customer premises wiring	10.00
c. Large private branch exchanges	11.40
d. Public telephone terminal	11.65
e. Other terminal equipment	10.00
5. Cable and wire facilities:	
a. Aerial cable—poles	6.00
b. Aerial cable—metal	6.00
c. Aerial cable—fiber	5.10
d. Underground cable—metal	5.00
e. Underground cable—fiber	5.00
f. Buried cable—metal	5.15
g. Buried cable—fiber	5.00
h. Conduit systems	4.00
i. Other	5.00

Chad Rupe,

Administrator, Rural Utilities Service.

[FR Doc. 2020–03234 Filed 2–18–20; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Utah Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Utah Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Mountain Time) Friday, March 27, 2020. The purpose of this meeting is for the Committee to review a draft of their gender wage gap report.

DATES: The meeting will be held on Friday, March 27, 2020 at 12:00 p.m. MT.

Public Call Information: Dial: 800–367–2403. Conference ID: 9391688.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–367–2403, conference ID number: 9391688. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit

within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzltAAA.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approve Minutes from January 31, 2020 Meeting
III. Review Draft of Gender Wage Gap Report
  a. Findings and Recommendations
IV. Public Comment
V. Adjournment

Dated: February 12, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–03194 Filed 2–18–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Under Secretary for Economic Affairs

RIN 0691–XC110

American Workforce Policy Advisory Board; Meeting

AGENCY: Office of the Under Secretary for Economic Affairs, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Office of the Under Secretary for Economic Affairs announces the fifth meeting of the American Workforce Policy Advisory Board (Advisory Board). Discussions of the Advisory Board will include its progress toward achieving the goals set at its inaugural meeting on March 6, 2019, as well as other Advisory Board matters. The meeting will take place in Mount Vernon, OH on March 19, 2020.

DATES: The Advisory Board will meet on March 19, 2020; the meeting will begin at 9:30 a.m. (EDT) and end at approximately 12:00 p.m. (EDT).

ADDRESSES: The meeting will be held at Ariel Corporation, 35 Blackjack Road, Mount Vernon, OH 43050. The meeting is open to the public via audio conference technology. Audio instructions will be prominently posted on the Advisory Board homepage at: *https://www.commerce.gov/americanworker/american-workforce-policy-advisory-board.* Please note: The Advisory Board website will maintain the most current information on the meeting agenda, schedule, and location. These items may be updated without further notice in the **Federal Register**.

The public may also submit statements or questions via the Advisory Board email address, *American WorkforcePolicyAdvisoryBoard@doc.gov* (please use the subject line ''March 2020 Advisory Board Meeting Public Comment''), or by letter to Sabrina Montes, c/o Office of Under Secretary for Economic Affairs, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. If you wish the Advisory Board to consider your statement or question during the meeting, we must receive your written statement or question no later than 5 p.m. (EDT) four business days prior to the meeting. We will provide all statements or questions received after the deadline to the members; however, they may not consider them during the meeting.

FOR FURTHER INFORMATION CONTACT: Sabrina Montes, c/o Office of Under Secretary for Economic Affairs, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, (301) 278–9268, or *sabrina.montes@bea.gov.*

SUPPLEMENTARY INFORMATION: The Secretary of Commerce and the Advisor to the President overseeing the Office of Economic Initiatives serve as the co-chairs of the Advisory Board. In addition to the co-chairs, the Advisory Board comprises 25 members that represent various sectors of the economy. The Board advises the National Council for the American Worker.

The March meeting will include updates on implementation of recommendations from the previous meetings and discussions of new recommendations under each of the four main goals of the Advisory Board:

- *Develop a Campaign to Promote Multiple Pathways to Career Success.* Companies, workers, parents, and policymakers have traditionally assumed that a university degree is the best, or only, path to a middle-class career. Employers and job seekers should be aware of multiple career pathways and skill development opportunities outside of traditional 4-year degrees.
- *Increase Data Transparency to Better Match American Workers with American Jobs.* High-quality, transparent, and timely data can significantly improve the ability of employers, students, job seekers, education providers, and policymakers to make informed choices about education and employment—especially for matching education and training programs to in-demand jobs and the skills needed to fill them.
- *Modernize Candidate Recruitment and Training Practices.* Employers often struggle to fill job vacancies, yet their hiring practices may actually reduce the pool of qualified job applicants. To acquire a talented workforce, employers must better identify the skills needed for specific jobs and communicate those needs to education providers, job seekers, and students.
- *Measure and Encourage Employer-led Training Investments.* The size, scope, and impacts of education and skills training investments are still not fully understood. There is a lack of consistent data on company balance sheets and in federal statistics. Business and policy makers need to know how much is spent on training, the types of workers receiving training, and the long-term value of the money and time spent in classroom and on-the-job training.

Sabrina L. Montes,

Designated Federal Official, American Workforce Policy Advisory Board, Bureau of Economic Analysis.

[FR Doc. 2020–03211 Filed 2–18–20; 8:45 am]

BILLING CODE 3510–MN–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–08–2020]

Foreign-Trade Zone (FTZ) 277—Glendale, Arizona; Notification of Proposed Production Activity; Andersen Regional Manufacturing, Inc. (Windows for Residential and Commercial Buildings); Goodyear, Arizona

Andersen Regional Manufacturing, Inc. (Andersen Regional) submitted a

notification of proposed production activity to the FTZ Board for its facility in Goodyear, Arizona. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 23, 2020.

The Andersen Regional facility is located within FTZ 277. The facility will be used for production of windows for residential and commercial buildings. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials/components and finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Andersen Regional from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Andersen Regional would be able to choose the duty rates during customs entry procedures that apply to windows for residential and commercial buildings (duty rate 5.3%). Andersen Regional would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Stainless steel and carbon steel screws; die cast zinc and injection molded polypropylene lock covers; aluminum extruded reinforcement bars; carbon steel gusset plates; stainless steel jamb clips; injection molded PVC and brass roller assemblies; injection molded glass reinforced nylon sash cams; injection molded polypropylene shipping protection caps; and, zinc plated steel washers (duty rate ranges from 3.5 to 6.2%). The request indicates that certain materials/components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is March 30, 2020.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: February 12, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–03218 Filed 2–18–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 18, 2019, the United States Court of International Trade (CIT) entered final judgment sustaining the final results of redetermination pertaining to the sixth administrative review of the antidumping duty order on certain steel nails (steel nails) from the People's Republic of China (China). The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony final results of the administrative review covering the period of review (POR) August 1, 2013 through July 31, 2014, and that Commerce is amending the final results with respect to the dumping margin assigned to Shandong Oriental Cherry Hardware Group Co., Ltd. (Oriental Cherry).

DATES: Applicable October 28, 2019.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2243.

SUPPLEMENTARY INFORMATION:

Background

In the *Preliminary Results,*[1] which remained unchanged in the *Final Results,*[2] Commerce treated Oriental Cherry and its affiliated companies as a single entity.[3] Commerce also determined that Oriental Cherry's responses were deficient, and that the use of facts otherwise available, pursuant to section 776(a) of the Tariff Act of 1930, as amended (the Act), was necessary.[4] As a result, Commerce determined that Oriental Cherry was not eligible for separate rate status and treated it as part of the China-wide entity, subject to a dumping margin of 118.04 percent.

On January 2, 2018, the CIT remanded the *Final Results* with respect to our decision to deny Oriental Cherry a separate rate.[5] The CIT remanded the *Final Results* to Commerce to reevaluate the evidence on the record regarding Oriental Cherry's eligibility for a separate rate, and to assign a separate rate to Oriental Cherry, if appropriate.

On April 20, 2018, Commerce issued the *First Remand Results.*[6] On remand, Commerce determined that Oriental Cherry was eligible for a separate rate, because the record supported the finding that Oriental Cherry demonstrated an absence of *de jure* and *de facto* government control.[7] Commerce did not, however, determine a rate using any of the production and sales information that Oriental Cherry had placed on the record in response to its questionnaires. Rather, Commerce further explained its findings from the *Final Results,* continuing to find that such information was missing from the record and that Oriental Cherry did not cooperate to the best of its ability to provide such information, and, thus, assigned Oriental Cherry the rate of 118.04 percent as the total adverse facts available (AFA) rate pursuant to section 776(b) of the Act, *i.e.,* the highest rate on the record of this proceeding.[8]

On June 12, 2019, the CIT remanded the *First Remand Results.* The CIT held that Commerce's application of total

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[1] *See Certain Steel Nails from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2013–2014,* 80 FR 53490 (September 4, 2015) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum at 11–12.

[2] *See Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 81 FR 14092 (March 16, 2016) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM), amended by *Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 81 FR 19136 (April 4, 2016).

[3] The Shandong Oriental Cherry Entity is comprised of: Oriental Cherry, Shandong Oriental Cherry Hardware Import & Export Co., Ltd., Heze Products Co., Ltd., Jining Huarong Hardware Products Co., Ltd., Jining Dragon Fasteners Co., Ltd., and Jining Yonggu Metal Products Co., Ltd.

[4] *See Final Results* IDM at 60–63.

[5] *See National Nail Corp. et al.* v. *United States,* 279 F. Supp. 3d 1372 (January 2, 2018), Slip Op. 18–1, CIT Court No. 16–00052.

[6] *See Final Results of Redetermination Pursuant to Remand Order in National Nail Corp.* v. *United States,* Consol. Ct. No. 16–00052 (April 20, 2018) (*First Remand Results*).

[7] *Id.* at 8–12.

[8] *Id.* at 12 and 15–18.

AFA in the *First Remand Results* was neither supported by substantial evidence, nor in accordance with law.[9] Specifically, the CIT held that ''neither the law nor the facts support the Department's findings that: (1) None of Oriental Cherry's factors of production or its U.S. sales information was usable; (2) Oriental Cherry failed to comply with Commerce's requests for production and sales information to the best of its ability; and (3) a rate of 118.04 percent was legally and factually justified.'' [10] As such, the CIT ordered that: (1) Commerce calculate a rate for Oriental Cherry using the factors of production and U.S. sales information submitted by Oriental Cherry in the underlying review; [11] and (2) with respect to shooting nails supplied by Oriental Cherry's affiliate, Jining Dragon, Commerce use facts available in filling in missing necessary information, and (3) Commerce may draw an adverse inference with respect to information regarding the sales of shooting nails during the period of review.[12] On September 5, 2019, Commerce issued its *Second Remand Results.*[13]

Timken Notice

In its decision in *Timken,*[14] as clarified by *Diamond Sawblades,*[15] the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's October 18, 2019, judgment sustaining the *Second Remand Results* constitutes a final decision of the Court that is not in harmony with Commerce's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court decision, Commerce is amending the Final Results with respect to Oriental Cherry. The revised weighted-average dumping margin for Oriental Cherry for the period August 1, 2013 through July 31, 2014 is as follows:

Exporter	Weighted-average margin (percent)
The Shandong Oriental Cherry Entity	61.05

The CIT's ruling was not appealed and thus represents a final and conclusive court decision. Commerce will therefore instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by Oriental Cherry using the appropriate assessment rates.

Cash Deposit Requirements

The cash deposit rate for Oriental Cherry has been superseded by cash deposit rates calculated in intervening administrative reviews of the antidumping duty order on certain steel nails from China. Thus, we will not alter its cash deposit rate.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: February 11, 2020.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–03215 Filed 2–18–20; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See National Nail Corp. et al.* v. *United States,* Slip Op. 19–71 (June 12, 2019), CIT Court No. 16–00052 (*Second Remand Order*) at 32–42 and 47.

[10] *Id.* at 6 and 47.

[11] *Id.* at 47–48.

[12] *Id.* at 48.

[13] *See Final Results of Redetermination Pursuant to Remand Order in National Nail Corp.* v. *United States,* Consol. Ct. No. 16–00052 (September 5, 2019) (*Second Remand Results*).

[14] *See Timken Co.,* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[15] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–114]

Certain Glass Containers From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 19, 2020.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or Aleksandras Nakutis, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6412 or (202) 482–3147, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2019, the Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of certain glass containers (glass containers) from the People's Republic of China.[1] Currently, the preliminary determination is due no later than March 3, 2020.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request to postpone 25 days or more before the scheduled date of the preliminary determination and must state the reasons for postponement. Commerce will grant the request unless it finds compelling reasons to deny the request.

On February 3, 2020, the petitioner [2] submitted a timely request that Commerce postpone the preliminary determination in this LTFV investigation.[3] The petitioner stated that it requests postponement ''to allow all parties ample time to fully analyze the enormous volume of critical information relevant prior to the preliminary determination in this case.'' [4]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.,* 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its

[1] *See Certain Glass Containers from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 84 FR 56174 (October 21, 2019).

[2] The petitioner is the American Glass Packaging Coalition.

[3] *See* Petitioner's Letter ''Certain Glass Containers from the People's Republic of China: Request to Postpone Preliminary Determination,'' dated February 3, 2020.

[4] *Id.*

preliminary determination no later than April 22, 2020. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination in this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: February 12, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–03227 Filed 2–18–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results and Partial Rescission of Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that it is appropriate to rescind this administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (China) with respect to three of the four companies involved in this review because they had no *bona fide* (*i.e.,* reviewable) sales to the United States during the period of review (POR), June 1, 2017 through May 31, 2018. Further, Commerce finds that the fourth respondent is not eligible for a separate rate.

DATES: Applicable February 19, 2020.

FOR FURTHER INFORMATION CONTACT: Alex Wood or Whitley Herndon, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1959 or (202) 482–6274, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* on August 15, 2019.[1] Subsequent to the *Preliminary Results,* we received a case brief from Shandong Aokai Bearing Co., Ltd. (Aokai), a mandatory respondent in this review. On December 10, 2019, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing the final results until February 11, 2020.[2]

Scope of the Order

Imports covered by the order are shipments of tapered roller bearings and parts thereof, finished and unfinished, from China; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. These products are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 8482.20.00, 8482.91.00.50, 8482.99.15, 8482.99.45, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.70.6060, 8708.99.2300, 8708.99.4850, 8708.99.6890, 8708.99.8115, and 8708.99.8180. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Analysis of Comments Received

In the Issues and Decision Memorandum,[3] we address the issues raised in Aokai's case brief. The Appendix to this notice includes a list of the issues Aokai raised. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and ACCESS is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Partial Rescission of the Review

We received no comments from Hangzhou Xiaoshan Dingli Machinery Co., Ltd. (Dingli) or Zhejiang Jingli Bearing Technology Co. Ltd. (Jingli). Further, with respect to Aokai, as addressed in the Issues and Decision Memorandum, we continue to find that it did not have a *bona fide* sale to serve as the basis for our review. Thus, consistent with our preliminary determination, we find that Aokai, Dingli, and Jingli did not have *bona fide* sales during the POR and we are rescinding this administrative review with respect to all three companies.

Final Results of Review

We also received no comments pertaining to Taizhou Zson Bearing Technology Co., Ltd. (Zson), and therefore we continue to find Zson to be ineligible for a separate rate and, thus, Zson is part of the China-wide entity. The rate previously established for the China-wide entity is 92.84 percent and is not subject to change as a result of this review, as no party requested a review of the China-wide entity.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Because Commerce determined that Zson did not qualify for a separate rate, we will instruct CBP to assess antidumping duties on Zson's entries of subject merchandise at the rate of 92.84 percent, the current rate established for the China-wide entity. Because Commerce is rescinding this administrative for Aokai, Dingli, and Jingli, we will instruct CBP to assess their entries at the rate entered.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this

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[1] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Preliminary Results and Intent to Rescind the Review in Part; 2017–2018,* 84 FR 41701 (August 15, 2019) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Extension of Deadline for the Final Results of Antidumping Duty Administrative,'' dated December 10, 2019.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China; 2017–2018,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have a separate rate, the cash deposit rate will continue to be equal to the exporter-specific weighted-average dumping margin published for the most recently-completed segment of this proceeding; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the cash deposit rate established for the China-wide entity, 92.84 percent; and (3) for all exporters of subject merchandise which are not located in China and which are not eligible for a separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 11, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues
Comment 1: Whether "*Bona Fides*" Testing is Applicable in Administrative Reviews
Comment 2: Whether Record Evidence Confirms that Aokai's Sale Was Not *Bona Fide*
Comment 3: Whether Rescinding the Administrative Review Is Appropriate
V. Recommendation

[FR Doc. 2020–03216 Filed 2–18–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Chicago Argonne LLC, et al.; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). On December 9, 2019, the Department of Commerce published a notice in the **Federal Register** requesting public comment on whether instruments of equivalent scientific value, for the purposes for which the instruments identified in the docket(s) below are intended to be used, are being manufactured in the United States. *See Application(s) for Duty-Free Entry of Scientific Instruments, 84 FR 67257–58 (December 9, 2019) (Notice).* We received no public comments. Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Ave. NW, Washington, DC

Docket Number: 19–011. Applicant: University of Chicago Argonne LLC, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL 60439–4873. Instrument: Q1 Magnets. Manufacturer: Danfysik A/S, Denmark. Intended Use: See *Notice* at 84 FR 67257–58, December 9, 2019. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that were being manufactured in the United States at the time of order. Reasons: According to the applicant, the instrument is a component of a 4th generation synchrotron accelerator, *i.e.* the Advanced Photon Source Upgrade (APSU) accelerator, which is one of the most technologically complex machines in the world. APSU is a non-profit research facility that will provide ultra-bright, high-energy x-ray beams to more than 5000 (and growing) scientists from across the United States. APSU provides x-ray beams of a broad parameters that allows scientists to collect data in unprecedented detail and in short time frames. The research results users achieve through APS constantly make real and positive impact on our technologies, health, economy, and fundamental understandings of the materials that make up our world.

Docket Number: 19–014. Applicant: University of Chicago Argonne LLC, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL 60439–4873. Instrument: Q2 Magnets. Manufacturer: SigmaPhi, France. Intended Use: See *Notice* at 84 FR 67257–58. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that were being manufactured in the United States at the time of order. Reasons: According to the applicant, the instrument is a component of a 4th generation synchrotron accelerator, *i.e.,* the Advanced Photon Source Upgrade (APSU) which will be used to study ultra-bright, high-energy x-ray beams to more than 5000 (and growing) scientists from across the United States. APSU provides x-ray beams of a broad parameters that allow scientists to collect data in unprecedented detail and in amazingly short time frames. The research results our users achieved through APS constantly make real and positive impact on our technologies, health, economy, and fundamental understandings of the materials that make up our world.

Dated: February 11, 2020.

Gregory W. Campbell,

Director, Subsidies Enforcement.

[FR Doc. 2020–03214 Filed 2–18–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2019–0019; OMB Control Number 0750–0001]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Performance-Based Payments—Representation; Submission for OMB Review; Comment Request

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System 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 March 20, 2020.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Performance-Based Payments—Representation; OMB Control Number 0750–0001.

Affected Public: Businesses or other for-profit and not-for- profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Type of Request: New submission.

Number of Respondents: 144.

Responses per Respondent: 1.

Annual Responses: 144.

Average Burden per Response: Approximately .1 hours.

Annual Burden Hours: 15.

Needs and Uses: This information collection is a result of a new DFARS requirement to implement section 831 the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, which amends 10 U.S.C. 2307. The rule adds a new provision with a reporting requirement that will require an entry in the annual representations and certifications with regard to whether the offeror's financial statements are in compliance with Generally Accepted Accounting Principles. This provision is for use in solicitations where the resulting contract may include performance-based payments. This representation will be included in the annual representations and certifications in the System for Award Management. (See DFARS Case 2019–D002, proposed rule published at 84 FR 18221 on April 30, 2019.)

Comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection

You may also submit comments, identified by docket number and title, by the following method: *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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.*

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2020–03259 Filed 2–18–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decisions Under the Randolph-Sheppard Act

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: This notice lists arbitration panel decisions under the Randolph-Sheppard Act issued from July 1, 2018 to December 31, 2018. This notice also lists any older decisions that the Department of Education (Department) has made publicly available in accessible electronic format during that period. The full text of all decisions is available on the Department's website and by request.

FOR FURTHER INFORMATION CONTACT: James McCarthy, U.S. Department of Education, 400 Maryland Avenue SW, Room 5064D, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–6703. Email: *james.mccarthy@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: For the purpose of providing individuals who are blind with remunerative employment, enlarging their economic opportunities, and stimulating greater efforts to make themselves self-supporting, the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.* (Act), authorizes individuals who are blind to operate vending facilities on Federal property and provides them with a priority for doing so. The vending facilities include, among other things, cafeterias, snack bars, and automatic vending machines. The Department administers the Act and designates an agency in each State—the State Licensing Agency (SLA)—to license individuals who are blind to operate vending facilities on Federal and other property in the State.

The Act provides for arbitration of disputes between SLAs and vendors who are blind and between SLAs and Federal agencies before three-person panels convened by the Department whose decisions constitute final agency action. 20 U.S.C. 107d–1. The Act also makes these decisions matters of public record and requires their publication in the **Federal Register**. 20 U.S.C. 107d–2(c).

The Department publishes lists of Randolph-Sheppard Act arbitration panel decisions in the **Federal Register** and the full text of the decisions listed are available on the Department's website or by request (see 82 FR 41941). Older, archived decisions are also added to the Department's website as they are digitized.

In the third and fourth quarters of 2018, Randolph-Sheppard arbitration panels issued the following decisions.

Case name	Case No.	Date	State
Jerry Bird v. *Oregon Commission for the Blind*	R–S/11–05	7/19/2018	Oregon.
California Department of Rehabilitation v. *United States Department of the Navy*	R–S/15–20	10/08/2018	California.
California Vendors Policy Committee v. *California Department of Rehabilitation*	R–S/10–09	10/15/2018	California.

These decisions and other decisions that we have already posted are searchable by key terms, are accessible under Section 508 of the Rehabilitation Act, and are available in Portable Document Format (PDF) at *www.ed.gov/programs/rsarsp/arbitration-decisions.html* or by request to the

person listed under **FOR FURTHER INFORMATION CONTACT**.

At the same site, we have posted the following older, archived decision from 2013.

Case name	Case No.	Date	State
Michael Jones v. *The Pennsylvania Office of Vocational Rehabilitation*	R–S/10–04	12/7/2013	Pennsylvania.

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 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.

Mark Schultz,

Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2020–03207 Filed 2–18–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0028]

Agency Information Collection Activities; Comment Request; IDEA Part C State Performance Plan (SPP) and Annual Performance Report (APR)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 20, 2020.

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–2020–SCC–0028. 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 Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W–208D, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Walawender, 202–245–7399.

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: IDEA Part C State Performance Plan (SPP) and Annual Performance Report (APR).

OMB Control Number: 1820–0578.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 61,320.

Abstract: The Individuals with Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became Public Law 108–446. In accordance with 20 U.S.C. 1416(b)(1) and 20 U.S.C. 1442, not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), each Lead Agency must have in place a performance plan that evaluates the Lead Agency's efforts to implement the requirements and purposes of Part C and describe how the Lead Agency will improve such implementation. This plan is called the Part C State Performance Plan (Part C—SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) and 20 U.S.C. 1442 the Lead Agency shall report annually to the public on the performance of each Part C program located in the State on the targets in the Lead Agency's performance plan. The Lead Agency shall report annually to the Secretary on the performance of the State under the Lead Agency's performance plan. This report is called the Part C Annual Performance Report (Part C—APR). Consistent with 20 U.S.C. 1416(d)(A), the Secretary uses this information to make annual determinations on the extent to which the Lead Agency meets the requirements and purposes of IDEA.

The Department is proposing to make minor changes to the approved information collection, and to establish a new 6-year SPP cycle (FFY 2020

through FFY 2025). The proposed changes to the Part C SPP/APR, which would go into effect with States' FFY 2020 SPP/APR to be submitted in February 2022, are focused on clarifying existing reporting within the parameters of the current IDEA statutory and regulatory requirements, and aligning the SPP/APR with the Secretary's priorities, such as elevating parent voice.

Dated: February 12, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–03167 Filed 2–18–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0030]

Agency Information Collection Activities; Comment Request; IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 20, 2020.

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–2020–SCC–0030. 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 Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W–208D, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Walawender, 202–245–7399.

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: IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR).

OMB Control Number: 1820–0624.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Federal Government.

Total Estimated Number of Annual Responses: 60.

Total Estimated Number of Annual Burden Hours: 101,400.

Abstract: In accordance with 20 U.S.C. 1416(b)(1), not later than 1 year after the date of enactment of the Individuals with Disabilities Education, as revised in 2004 (IDEA), each State must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part B and describe how the State will improve such implementation. This plan is called the Part B State Performance Plan (Part B—SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) the State shall report annually to the public on the performance of each local educational agency located in the State on the targets in the State's performance plan. The State also shall report annually to the Secretary on the performance of the State under the State's performance plan. This report is called the Part B Annual Performance Report (Part B—APR). Information Collection 1820–0624 corresponds to 34 CFR 300.600–300.602. Consistent with 20 U.S.C. 1416(d)(A), the Secretary uses this information to make annual determinations on the extent to which the Lead Agency meets the requirements and purposes of IDEA.

The Department is proposing to make revisions to the approved information collection, and to establish a new 6-year SPP cycle (FFY 2020 through FFY 2025). The proposed revisions to the Part B SPP/APR, which would go into effect with States' FFY 2018 SPP/APR to be submitted in February 2022, are focused on ensuring improved outcomes for children with disabilities, and aligning the SPP/APR with the Secretary's priorities, including elevating parent voice.

Dated: February 12, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–03168 Filed 2–18–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–408–A]

Application to Export Electric Energy; Nalcor Energy Marketing Corporation

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Nalcor Energy Marketing Corporation (Applicant or NEMC) has applied to renew its authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before March 20, 2020.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be

transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to (202) 586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On May 22, 2015, DOE issued Order EA–408, which authorized NEMC to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities appropriate for open access. The authorization expires on May 22, 2020. On February 3, 2020, NEMC filed an application (Application or App.) with DOE for renewal of the export authorization contained in Order No. EA–408–A for an additional five-year term. App. at 4. NEMC states that it ''is a wholly owned subsidiary of NEMC, which is a Crown corporation wholly owned by the Province of Newfoundland and Labrador, and responsible for the management of the Province's energy resources'' and that ''NEMC will purchase electric energy from wholesale energy markets operated by NYISO, ISO–NE, MISO or other organized electric markets in which NEMC holds status as a market participant, as well as through bilateral, voluntary agreements with electric or municipal utilities, cooperatives and federal power marketing agencies (as applicable).'' *Id.* At 2. The Applicant further states that ''the electric energy that NEMC will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supple in the United States.'' *Id.* at 4. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Two (2) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning NEMC application to export electric energy to Canada should be clearly marked with OE Docket No. EA–408–A. Additional copies are to be provided directly to Greg Jones, Nalcor Energy Marketing Corporation, 500 Columbus Drive—Hydro Place, P.O. Box 15200, St. John's NL, A1B0P5, Canada and to Joseph B. Nelson, Van Ness Feldman, LLP, 1050 Thomas Jefferson St. NW, Washington, DC 20007.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Matthew Aronoff at *matthew.aronoff@hq.doe.gov.*

Signed in Washington, DC, on February 10, 2020.

Christopher Lawrence,

Management and Program Analyst, Transmission Permitting and Technical Assistance, Office of Electricity.

[FR Doc. 2020–03229 Filed 2–18–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Stakeholder Meetings To Receive Input on the U.S. Department of Energy (DOE) Energy Storage Grand Challenge (ESGC) Initiative

AGENCY: Office of Electricity, DOE.

ACTION: Notice of stakeholder meetings.

SUMMARY: The ESGC is a cross-cutting initiative to utilize resources from across DOE to accelerate research & development (R&D), commercialization, and implementation of cutting-edge energy storage technologies to promote United States global leadership in the energy storage technologies of the future. The U.S. DOE Research and Technology Investment Committee (RTIC) Energy Storage Subcommittee intends to hold Stakeholder Meetings to receive input on the approaches and activities for the ESGC initiative.

DATES: The locations and dates of these meetings are as follows:

- Seattle, WA on March 6, 2020. Please express your interest to attend by February 27.
- Austin, TX on March 10, 2020. Please express your interest to attend by March 2.
- Chicago, IL on March 17, 2020. Please express your interest to attend by March 2.
- Washington, DC on March 26, 2020. Please express your interest to attend by March 11.

ADDRESSES:

The Stakeholder Meetings will take place from 8:30 a.m. to 5:00 p.m. local time. The meeting times may change to accommodate Workshop business.

For the Seattle, WA Meeting:

The Westin Seattle, 1900 5th Ave., Seattle, WA 98101.

For the Austin, TX Meeting:

The University of Texas at Austin, Thompson Conference Center, 2405 Robert Dedman Dr., Austin, Texas 78712.

For the Chicago, IL Meeting:

Argonne in the City, 5235 S. Harper Court, Chicago, Ill 60651.

For the Washington, DC Meeting:

DoubleTree Crystal City, 300 Army Navy Drive, Arlington, VA 22202.

Due to space constraints, there will be limited seating available; therefore, the public meeting will be open to a limited number of parties. If you are interested in attending any of these meetings, please express interest at *www.energy.gov/energy-storage-grand-challenge/events.* Additionally, if you are a foreign national and wish to participate, please inform DOE of this fact as soon as possible by contacting Ms. Stacy Byrd at *Stacy.Byrd@hq.doe.gov* so that the necessary procedures can be completed.

You will be notified via email at least 4 days before the date of the meeting if you were confirmed as an attendee.

FOR FURTHER INFORMATION CONTACT:

Vinod Siberry, U.S. Department of Energy, Office of Electricity, 1000 Independence Avenue SW, Washington, DC 20585–0121, (202) 586–1207, or *rticstorage@hq.doe.gov.* Please include ''Further Information'' in the email's subject line. In the body of the email, please include your name, organization, and contact information, in addition to your question or inquiry.

SUPPLEMENTARY INFORMATION:

The ESGC intends to create a cross-cutting strategy for U.S. leadership in energy storage by focusing efforts across five tracks:

(1.) *Technology Development:* Establish ambitious, achievable

performance goals, and a comprehensive R&D portfolio to achieve them;

(2.) *Technology Transition:* Accelerate the technology pipeline from research to system design to private sector adoption through rigorous system evaluation, performance validation, siting tools, and targeted collaborations;

(3.) *Policy and Valuation:* Develop best-in-class models, data, and analysis to inform the most effective value proposition and use cases for storage technologies;

(4.) *Manufacturing and Supply Chain:* Design new technologies to strengthen U.S. manufacturing and recyclability, and to reduce dependence on foreign sources of critical minerals; and

(5.) *Workforce:* Train the next generation of American workers to meet the needs of the 21st century electric grid and energy storage value chain.

All of these meetings will address the Technology Development Track, with a potential sub-focus in one or more of the other tracks.

Signed in Washington, DC, on February 13, 2020.

Bruce J. Walker,

Assistant Secretary, Office of Electricity, U.S. Department of Energy.

[FR Doc. 2020–03231 Filed 2–18–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Defense Programs Advisory Committee

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces a closed meeting of the Defense Programs Advisory Committee (DPAC). The Federal Advisory Committee Act requires that public notice of meetings be announced in the **Federal Register**. Due to national security considerations the meeting will be closed to the public and matters to be discussed are exempt from public disclosure under Executive Order 13526 and the Atomic Energy Act of 1954.

DATES: April 23, 2020; 8:30 a.m. to 5 p.m.

ADDRESSES: 1000 Independence Ave. SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Rachel Barnhill, Office of RDT&E (NA–11), National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, (202) 586–7183.

SUPPLEMENTARY INFORMATION:

Background: The DPAC provides advice and recommendations to the Deputy Administrator for Defense Programs on the stewardship and maintenance of the Nation's nuclear deterrent.

Purpose of the Meeting: The purpose of this meeting is to finalize DPAC recommendations to the Stockpile Responsiveness Program and discuss the path ahead on new topics.

Type of Meeting: In the interest of national security, the meeting will be closed to the public. The Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(d), and the Federal Advisory Committee Management Regulation, 41 CFR 102–3.155, incorporate by reference the Government in the Sunshine Act, 5 U.S.C. 552b, which, at 552b(c)(1) and (c)(3) permits closure of meetings where restricted data or other classified matters will be discussed. Such data and matters will be discussed at this meeting.

Tentative Agenda: Welcome; reading of final draft of report; discussion of report, as necessary; (tentative) acceptance of report; discussion of next charges; conclusion.

Public Participation: There will be no public participation in this closed meeting. Due to national security considerations, under section 10(d) of the Act and 5 U.S.C. 552b(c), the meeting will be closed to the public and matters to be discussed are exempt from public disclosure under Executive Order 13526 and the Atomic Energy Act of 1954, 42 U.S.C. 2161 and 2162, as amended. Those wishing to provide written comments or statements to the Committee are invited to send them to Rachel Barnhill at the address listed above.

Minutes: The minutes of the meeting will not be available.

Signed in Washington, DC, on February 12, 2020.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2020–03228 Filed 2–18–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: February 20, 2020, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda. **Note*—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's website at *http://ferc.capitolconnection.org/* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1065TH—MEETING

[Open meeting; February 20, 2020, 10:00 a.m.]

Item No.	Docket No.	Company
	Administrative	
A–1	AD20–1–000	Agency Administrative Matters.
A–2	AD20–2–000	Customer Matters, Reliability, Security and Market Operations.
	Electric	
E–1	ER19–1939–000	Arizona Public Service Company.

1065TH—MEETING—Continued

[Open meeting; February 20, 2020, 10:00 a.m.]

Item No.	Docket No.	Company
E–2	ER19–1950–000	California Independent System Operator Corporation.
E–3	ER19–1956–000; ER19–1956–001	Cube Yadkin Transmission LLC.
E–4	ER19–1902–001	Deseret Generation & Transmission Co-operative, Inc.
E–5	ER19–1953–000	El Paso Electric Company.
E–6	ER19–1916–000; ER19–1916–001	Louisville Gas and Electric Company.
E–7	ER19–1949–000	New York Independent System Operator, Inc.
E–8	EL13–62–001; EL13–62–002	*Independent Power Producers of New York, Inc.* v. *New York Independent System Operator, Inc.*
E–9	EL19–86–000	*New York State Public Service Commission and New York State Energy Research and Development Authority* v. *New York Independent System Operator, Inc.*
E–10	EL16–92–001	*New York State Public Service Commission, New York Power Authority, Long Island Power Authority, New York State Energy Research and Development Authority, City of New York, Advanced Energy Management Alliance, and Natural Resources Defense Council* v. *New York Independent System Operator, Inc.*
	ER17–996–000	New York Independent System Operator, Inc.
E–11	ER16–1404–000	New York Independent System Operator, Inc.
E–12	EL15–67–002; EL15–67–003	*Linden VFT, LLC* v. *PJM Interconnection, L.L.C.*
	ER15–2562–002; ER14–972–005; ER14–972–006.	PJM Interconnection, L.L.C.
	EL15–18–003; EL15–18–004	*Consolidated Edison Company of New York, Inc.* v. *PJM Interconnection, L.L.C.*
E–13	EL17–68–000	*Linden VFT, LLC* v. *PJM Interconnection, L.L.C.*
E–14	ER17–950–000; ER17–950–001; ER17–950–002; ER17–950–003.	PJM Interconnection, L.L.C.
E–15	ER16–1341–004	Southwest Power Pool, Inc.
E–16	ER16–1341–003; ER16–1341–004	Southwest Power Pool, Inc.
	EL17–21–001	*Kansas Electric Power Cooperative, Inc.* v. *Southwest Power Pool, Inc.*
	EL18–9–001	*Xcel Energy Services Inc.* v. *Southwest Power Pool, Inc.*
	EL19–75–000	*EDF Renewables, Inc., Enel Green Power North America, Inc., NextEra Energy Resources, LLC, and Southern Power Company* v. *Southwest Power Pool, Inc.*
	EL19–77–000	*Oklahoma Gas & Electric Company* v. *Southwest Power Pool, Inc.*
	ER18–1702–002	Southwest Power Pool, Inc.
E–17	ER15–2028–003	Southwest Power Pool, Inc.
E–18	ER15–2115–004	Southwest Power Pool, Inc.
E–19	RM20–8–000	Virtualization and Cloud Computing Services.
E–20	RM19–2–001	Refinements to Horizontal Market Power Analysis for Sellers in Certain Regional Transmission Organization and Independent System Operator Markets.
E–21	RM16–17–001	Data Collection for Analytics and Surveillance and Market-Based Rate Purposes.
E–22	RD20–2–000	North American Electric Reliability Corporation.
E–23	ER19–1945–000	Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company.
E–24	ER19–260–001	Duke Energy Carolinas, LLC.
E–25	OMITTED.	
E–26	ER19–538–001	California Independent System Operator Corporation.
E–27	ER20–308–000	ISO New England Inc.
	Gas	
G–1	OR14–35–003	*HollyFrontier Refining & Marketing LLC, Southwest Airlines Co., Tesoro Refining and Marketing Company, US Airways, Inc., Valero Marketing and Supply Company, and Western Refining Company, L.P.* v. *SFPP, L.P.*
	OR14–36–003	*Chevron Products Company* v. *SFPP, L.P.*
	OR19–21–000	*American Airlines, Inc., Chevron Products Company, HollyFrontier Refining & Marketing LLC, Southwest Airlines Co., and Valero Marketing and Supply Company* v. *SFPP, L.P.*
	OR19–33–000	*Tesoro Refining & Marketing Company LLC and Western Refining Company, L.P.* v. *SFPP, L.P.*
	OR19–37–000	*Phillips 66 Company* v. *SFPP, L.P.*
G–2	RM17–1–000	Revisions to Indexing Policies and Page 700 of FERC Form No. 6.
	RM15–19–000	Petition for a Rulemaking of the Liquids Shippers Group, Airlines for America, and the National Propane Gas Association.
	Hydro	
H–1	P–67–133; P–120–028; P–2085–020, P–2086–039; P–2174–017; P–2175–021.	Southern California Edison Company.
H–2	P–2514–188	Appalachian Power Company.
H–3	P–1494–447	Grand River Dam Authority.
	Certificates	
C–1	CP17–458–005	Midship Pipeline Company, LLC.

1065TH—MEETING—Continued

[Open meeting; February 20, 2020, 10:00 a.m.]

Item No.	Docket No.	Company
C–2	CP15–558–000	PennEast Pipeline Company, LLC.
C–3	OMITTED.	
C–4	CP16–116–001	Texas LNG Brownsville LLC.
C–5	CP16–480–001	Annova LNG Common Infrastructure, LLC, Annova LNG Brownsville A, LLC, Annova LNG Brownsville B, LLC, and Annova LNG Brownsville C, LLC.
C–6	CP19–7–000	Tennessee Gas Pipeline Company, L.L.C.
C–7	CP19–7–001	Tennessee Gas Pipeline Company, L.L.C.
C–8	CP17–495–000	Jordan Cove Energy Project L.P.
	CP17–494–000	Pacific Connector Gas Pipeline, LP.
C–9	CP16–9–009	Algonquin Gas Transmission, LLC.
C–10	CP19–11–000	Sabine Pass LNG, L.P.
C–11	CP19–479–000	Northern Natural Gas Company.
C–12	CP19–99–000	Natural Gas Pipeline Company of America LLC.

Issued: February 13, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

A free webcast of this event is available through *http://ferc.capitolconnection.org/.* Anyone with internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://ferc.capitolconnection.org/* or contact Shirley Al-Jarani at 703–993–3104.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2020–03385 Filed 2–14–20; 4:15 pm]

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: EC20–36–000.

Applicants: Tropico, LLC, Nicolis, LLC, Gulf Coast Solar Center I, LLC, Gulf Coast Solar Center II, LLC, Gulf Coast Solar Center III, LLC, Avalon Solar Partners, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Tropico, LLC, et al.

Filed Date: 2/11/20.

Accession Number: 20200211–5105.

Comments Due: 5 p.m. ET 3/3/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1355–008.

Applicants: Southern California Edison Company.

Description: Errata to January 30, 2020 Notification of Change in Status of Southern California Edison Company.

Filed Date: 2/11/20.

Accession Number: 20200211–5115.

Comments Due: 5 p.m. ET 3/3/20.

Docket Numbers: ER12–1933–011.

Applicants: Interstate Power and Light Company.

Description: Notification of Change in Status of Interstate Power and Light Company.

Filed Date: 2/10/20.

Accession Number: 20200210–5066.

Comments Due: 5 p.m. ET 3/2/20.

Docket Numbers: ER19–470–004.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Compliance filing: Revisions in Compliance with the Order No. 841 Order on Compliance to be effective 12/3/2019.

Filed Date: 2/10/20.

Accession Number: 20200210–5118.

Comments Due: 5 p.m. ET 3/2/20.

Docket Numbers: ER20–969–000.

Applicants: Energia Sierra Juarez U.S. Transmission, LLC.

Description: § 205(d) Rate Filing: Filing of Amended & Restated Facilities Agreement and Request for Waivers to be effective 6/1/2020.

Filed Date: 2/10/20.

Accession Number: 20200210–5117.

Comments Due: 5 p.m. ET 3/2/20.

Docket Numbers: ER20–970–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Filing of Rate Schedules FERC No. 265 and No. 266 to be effective 9/3/2019.

Filed Date: 2/10/20.

Accession Number: 20200210–5124.

Comments Due: 5 p.m. ET 3/2/20.

Docket Numbers: ER20–971–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2020–02–11_SA 3421 MEC-Heartland Divide Wind II GIA (J583) to be effective 1/28/2020.

Filed Date: 2/11/20.

Accession Number: 20200211–5060.

Comments Due: 5 p.m. ET 3/3/20.

Docket Numbers: ER20–972–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2020–02–11_SA 3422 ITC-Three Waters Wind Farm GIA (J720) to be effective 1/28/2020.

Filed Date: 2/11/20.

Accession Number: 20200211–5063.

Comments Due: 5 p.m. ET 3/3/20.

Docket Numbers: ER20–973–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Fourth Quarter 2019 Capital Budget Report.

Filed Date: 2/11/20.

Accession Number: 20200211–5065.

Comments Due: 5 p.m. ET 3/3/20.

Docket Numbers: ER20–974–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of ICSA, SA No. 3838; Queue No. X4–048/Y2–089/AA1–077 to be effective 1/31/2020.

Filed Date: 2/11/20.

Accession Number: 20200211–5116.

Comments Due: 5 p.m. ET 3/3/20.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RD20–3–000.

Applicants: North American Electric Reliability Corporation.

Description: Application of the North American Electric Reliability Corporation for approval of proposed Reliability Standard TPL–007–4.

Filed Date: 2/7/20.

Accession Number: 20200207–5203.

Comments Due: 5 p.m. ET 3/9/20.

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: February 11, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–03187 Filed 2–18–20; 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:

Docket Numbers: RP19–352–000.

Applicants: Sea Robin Pipeline Company, LLC.

Description: Report Filing: RP19–352 Rate Case Refund Report.

Filed Date: 2/10/20.

Accession Number: 20200210–5080.

Comments Due: 5 p.m. ET 2/24/20.

Docket Numbers: RP20–508–000.

Applicants: BBT AlaTenn, LLC.

Description: § 4(d) Rate Filing: Company name change normal to be effective 3/11/2020.

Filed Date: 2/10/20.

Accession Number: 20200210–5076.

Comments Due: 5 p.m. ET 2/24/20.

Docket Numbers: RP20–509–000.

Applicants: BBT Midla, LLC.

Description: § 4(d) Rate Filing: Company name change normal to be effective 3/11/2020.

Filed Date: 2/10/20.

Accession Number: 20200210–5078.

Comments Due: 5 p.m. ET 2/24/20.

Docket Numbers: RP20–510–000.

Applicants: BBT Trans-Union Interstate Pipeline, L.P.

Description: § 4(d) Rate Filing: Company name change to be effective 3/11/2020.

Filed Date: 2/10/20.

Accession Number: 20200210–5079.

Comments Due: 5 p.m. ET 2/24/20.

Docket Numbers: RP20–511–000.

Applicants: Talos Exploration, LLC,ILX Prospect Diller, LLC,ILX Prospect Marmalard, LLC,ILX Prospect MC79, LLC,ILX Prospect Niedermeyer, LLC,ILX Prospect Odd Job, LLC,ILX Prospect Caddis, LLC,ILX Prospect Crown & Anchor, LLC,ILX Prospect Dantzler, LLC,ILX Prospect Claiborne, LLC,ILX I Sales & Transport, LLC.

Description: Joint Petition For Limited Waiver, et al. of Talos Exploration, LLC, et al. under RP20–511.

Filed Date: 2/10/20.

Accession Number: 20200210–5143.

Comments Due: 5 p.m. ET 2/18/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 11, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–03188 Filed 2–18–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–47–000]

PennEast Pipeline Company, LLC; Notice of Application

Take notice that on January 30, 2020, PennEast Pipeline Company, LLC (PennEast), 835 Knitting Mills Way, Wyomissing, PA 19610, filed in Docket No. CP20–47–000 an application (2020 Amendment) pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for authorization to amend the certificate of public convenience and necessity for the PennEast Pipeline Project (Project) that was granted on January 19, 2018.[1] The Project comprises approximately 116 miles of 36-inch-diameter pipeline, three (3) lateral pipelines, one compressor station, and related appurtenances located in Pennsylvania and New Jersey. The certificated facilities will provide up to 1,107,000 dekatherms per day of new firm natural gas transportation capacity.

PennEast states that it has encountered delays in obtaining certain New Jersey governmental authorizations and in acquiring certain real property rights for the proposed Project facilities. Therefore, with the 2020 Amendment application PennEast requests authorization to construct, own, and operate the certificated Project in two phases. The facilities proposed to be located in Pennsylvania through approximate milepost (MP) 68 of the Certificated Route, including two of the compressor units at the Kidder Compressor Station, as well as new interconnection facilities in Pennsylvania, are included as part of Phase 1, which is independent of the New Jersey authorizations. The proposed facilities located downstream of approximately MP 68, including facilities proposed to be located in New Jersey, as well as the third compressor unit at the Kidder Compressor Station, are included as part of Phase 2. PennEast also requested authorization to charge its proposed initial recourse rate for service on the Phase 1 facilities, and its revised initial recourse rates for service on the entire Project following completion of Phase 2. PennEast anticipates to place the Phase 1 facilities into service on November 1, 2021, and to construct, own and operate the Phase 2 facilities upon receipt of the New

[1] *PennEast Pipeline Company, LLC,* 162 FERC 61,053 (2018); *order on reh'g,* 164 FERC 61,098 (2018).

Jersey authorizations, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Jeffrey D. England, Project Manager, PennEast Pipeline Company, LLC, 835 Knitting Mills Way, Wyomissing, PA 19610, by telephone at (610) 373–7999, by facsimile at (610) 374–1492, or by email at *jengland@ugies.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the environmental assessment (EA) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new NGA section 3 or section 7 proceeding.[2] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to show good cause why the time limitation should be waived, and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[3]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and three copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5 p.m. Eastern Time on March 4, 2020.

Dated: February 12, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–03222 Filed 2–18–20; 8:45 am]

BILLING CODE 6717–01–P

[2] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[3] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–48–000]

Iroquois Gas Transmission System, L.P.; Notice of Application

Take notice that on January 31, 2020, Iroquois Gas Transmission System, L.P. (Iroquois), One Corporate Drive, Suite 600, Shelton, Connecticut 06484, filed in Docket No. CP20–48–000, an application pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations requesting authorization to construct, own, operate, and maintain certain new natural gas compression and associated facilities to be located at four existing compressor stations in New York and Connecticut.

Specifically, Iroquois proposes to add 12,000 horsepower (hp) of new compression and associated facilities at its Athens Station (Greene County, NY) and Dover Station (Dutches County, NY). Iroquois proposes to add two new 12,000 hp units at its Brookfield Station (Fairfield County, CT) for a grand total of 48,000 hp of new compression facilities. Iroquois proposes to add cooling and related equipment only at its Milford Station (New Haven County, CT). The proposal, referred to as the Enhancement by Compression (ExC) Project, is designed to provide a total of 125,000 Dekatherms per day (Dth/d) of incremental firm transportation service to two existing customers of Iroquois, Consolidated Edison Company of New York, Inc. and KeySpan Gas East Corporation d/b/a National Grid all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to Kimberly

A.E. Pritchard, Director of Legal Services and Corporate Secretary, Iroquois Pipeline Operating Company, Iroquois Gas Transmission System, L.P., One Corporate Drive, Suite 600, Shelton, Connecticut 06484, by telephone at (203) 944–7032, or by email at *kimberly_pritchard@iroquois.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within ninety (90) days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within ninety (90) days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made with the Commission and must provide a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16- 4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to show good cause why the time limitation should be waived, and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: March 4, 2020.

Dated: February 12, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–03221 Filed 2–18–20; 8:45 am]

BILLING CODE 6717–01–P

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–682–000]

Thermo Cogeneration Partnership, L.P.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Thermo Cogeneration Partnership, L.P.'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 March 3, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC

Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 12, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–03220 Filed 2–18–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–681–000]

Tri-State Generation and Transmission Association, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Tri-State Generation and Transmission Association, Inc.'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 March 3, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 12, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–03223 Filed 2–18–20; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2020–N–5]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: Federal Home Loan Bank Capital Stock—60-day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Housing Finance Agency (FHFA) is seeking public comments concerning an information collection known as ''Federal Home Loan Bank Capital Stock,'' which has been assigned control number 2590–0002 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on April 30, 2020.

DATES: Interested persons may submit comments on or before April 20, 2020.

ADDRESSES: Submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'Federal Home Loan Bank Capital Stock, (No. 2020–N–5)' '' by any of the following methods:

- *Agency Website: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: ''Federal Home Loan Bank Capital Stock, (No. 2020–N–5).''

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA website at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public through the electronic comment docket for this PRA Notice also located on the FHFA website.

FOR FURTHER INFORMATION CONTACT: Jonathan F. Curtis, Financial Analyst, Division of Federal Home Loan Bank Regulation, *Jonathan.Curtis@fhfa.gov,* (202) 649–3321; or Eric Raudenbush, Associate General Counsel, *Eric.Raudenbush@fhfa.gov,* (202) 649–3084, (these are not toll-free numbers), Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Home Loan Bank System consists of eleven regional Federal Home Loan Banks (Banks) and the Office of Finance (a joint office that issues and services the Banks' debt securities). The Banks are wholesale financial institutions, organized under authority of the Federal Home Loan Bank Act (Bank Act) to serve the public interest by enhancing the availability of residential housing finance and community lending credit through their member institutions and, to a limited extent, through certain eligible nonmembers. Each Bank is structured as a regional cooperative that is owned and controlled by member institutions located within its district, which are also its primary customers. An institution that is eligible for membership in a particular Bank must purchase and hold a prescribed minimum amount of the Bank's capital stock in order to become and remain a member of that Bank. With limited exceptions, only an institution that is a member of a Bank may obtain access to low cost secured loans, known as advances, or other products provided by that Bank.

Section 6 of the Bank Act establishes capital requirements for the Banks and requires FHFA to issue regulations prescribing uniform capital standards applicable to all of the Banks.[1] Section 6 also establishes parameters relating to the Banks' capital structures and requires that each Bank adopt a ''capital structure plan'' (capital plan) to establish, within those statutory parameters, its own capital structure and to establish requirements for, and govern transactions in, the Bank's capital stock.[2] FHFA's regulations on Bank Capital Requirements, Capital Stock, and Capital Plans are located at 12 CFR part 1277.

B. Need For and Use of the Information Collection

Both the Bank Act and FHFA's regulations state that a Bank's capital plan must require its members to maintain a minimum investment in the Bank's capital stock, but both permit each Bank to determine for itself what that minimum investment is and how each member's required minimum investment is to be calculated.[3] Although each Bank's capital plan establishes a slightly different method for calculating the required minimum stock investment for its members, each Bank's method is tied to some degree to both the level of assets held by the member institution (typically referred to as a ''membership stock purchase requirement'') and the amount of advances or other business engaged in between the member and the Bank (typically referred to as an ''activity-based stock purchase requirement'').

A Bank must collect information from its members to determine the minimum capital stock investment each member is required to maintain at any point in time. Although the information needed to calculate a member's required minimum investment and the precise method through which it is collected differ somewhat from Bank to Bank, the Banks typically collect two types of information. First, in order to calculate and monitor compliance with its membership stock purchase requirement, a Bank typically requires each member to provide and/or confirm an annual report on the amount and types of assets held by that institution. Second, each time a Bank engages in a business transaction with a member, the Bank typically confirms with the member the amount of additional Bank capital stock, if any, the member must acquire in order to satisfy the Bank's activity-based stock purchase requirement and the method through which the member will acquire that stock.

The OMB number for the information collection is 2590–0002, which is due to expire on April 30, 2020. The likely respondents include current and former Bank members and institutions applying for Bank membership.

C. Burden Estimate

FHFA has analyzed the time burden imposed on respondents by the two collections under this control number and estimates that the average total annual hour burden imposed on all respondents over the next three years will be 15,045 hours. The estimate for each collection was calculated as follows:

1. Membership Stock Purchase Requirement Submissions

FHFA estimates that the average annual number of current and former members and applicants for membership required to report information needed to calculate a membership stock purchase requirement will be 6,950, and that each institution will submit one report per year, resulting in an estimated total of 6,950 submissions annually. The estimate for the average time required to prepare, review, and submit each report is 0.5 hours. Accordingly, the estimate for the annual hour burden associated with membership stock purchase requirement submissions is (6,950 reports × 0.5 hours per report) = 3,475 hours.

2. Activity-Based Stock Purchase Requirement Submissions

FHFA estimates that the average number of daily transactions between Banks and members that will require the exchange of information to confirm the member's activity-based stock purchase requirement will be 341, and that there will be an average of 261 working days per year, resulting in an estimated 89,001 submissions annually. The estimate for the average preparation time per submission is 0.13 hours. Accordingly, the estimate for the annual hour burden associated with activity-based stock purchase requirement submissions is (89,001 submissions × 0.13 hours per submission) = 11,570 hours.

D. Comment Request

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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.

Dated: February 11, 2020.

Kevin Winkler,

Chief Information Officer, Federal Housing Finance Agency.

[FR Doc. 2020–03242 Filed 2–18–20; 8:45 am]

BILLING CODE 8070–01–P

[1] *See* 12 U.S.C. 1426(a).

[2] *See* 12 U.S.C. 1426(b), (c).

[3] *See* 12 U.S.C. 1426(c)(1); 12 CFR 1277.22, 1277.28(a).

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, if any, 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)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 19, 2020.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Community Bancshares of Mississippi, Inc. Employee Stock Ownership Plan, Brandon, Mississippi;* to acquire additional voting shares, for a total of 18.75 percent of the voting

shares of Community Bancshares of Mississippi, Inc., Brandon, Mississippi, and thereby indirectly acquire shares of Community Bank of Mississippi, Forest, Mississippi.

Board of Governors of the Federal Reserve System, February 13, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–03233 Filed 2–18–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—DD15–0030601SUPP20, Using Longitudinal Data To Characterize the Natural History of Fragile X Syndrome To Improve Service; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—DD15–0030601SUPP20, Using Longitudinal Data to Characterize the Natural History of Fragile X Syndrome to Improve Service; April 2, 2020; 11 a.m.–5 p.m., (EDT). Teleconference, which was published in the **Federal Register** on Monday, February 3, 2020, Volume 85, Number 22, pages 5963–5964.

The meeting is being amended to change the title of the meeting to DD15–003, Using Longitudinal Data to Characterize the Natural History of Fragile X Syndrome to Improve Service. The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *kva5@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–03166 Filed 2–18–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10708]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by March 20, 2020.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Proposed Repetitive, Scheduled Non-Emergent Ambulance Transport (RSNAT) Prior Authorization Process and Requirements for a Potential National Model; *Use:* CMS is pursuing approval to potentially expand the RSNAT Prior Authorization Model nationally if the Secretary determines that the expansion criteria are met. The potential national model would follow the same design as the current RSNAT Prior Authorization Model, as described in the September 16, 2019, **Federal Register** (84 FR 48620) and may be implemented in multiple phases. If such a national model moves forward, the information that would be required under this collection would be used to determine proper payment for repetitive, scheduled non-emergent ambulance transports. The information required in a prior authorization request package would include all medical documents and information to show that the number and level of transports requested are reasonable and necessary for the beneficiary and meet other Medicare requirements. If an ambulance supplier does not submit a prior authorization request by the fourth

round trip in a 30-day period, and the claim is submitted to the Medicare Administrator Contractor (MAC) for payment, then the claim would be stopped for prepayment review and medical documentation will be requested.

Trained nurse reviewers from the MAC would review the information from the ambulance supplier to determine if the beneficiary meets Medicare's requirements for the transport and if the beneficiary needs the level of care requested. The MAC would also use the information to determine if the number of trips requested is reasonable and necessary. *Form Number:* CMS–10708 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profits, Not-for-profit institutions); *Number of Respondents:* 1,745; *Number of Responses:* 216,941; *Total Annual Hours:* 113,706. (For questions regarding this collection contact Angela Gaston at 410–786–7409.)

Dated: *February 14, 2020.*

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–03357 Filed 2–18–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Tick-Borne Disease Working Group

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As required by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the Tick-Borne Disease Working Group (TBDWG) will hold a meeting. The meeting will be open to the public. For this meeting, the TBDWG will be discussing and voting on recommendations for the 2020 TBDWG Report to the HHS Secretary and Congress. Most of the recommendations the TBDWG will consider are from the reports of eight TBDWG subcommittees, which were created to examine critical topic areas related to tick-borne diseases.

Additionally, the TBDWG created the Federal Inventory Subcommittee and Public Comment Subcommittee. The Federal Inventory Subcommittee will present an analysis of tick-borne disease research and funding within federal agencies. The Public Comment subcommittee will provide an update on key themes of the written comments to the TBDWG.

The 2020 report will address ongoing tick-borne disease research, including research related to causes, prevention, treatment, surveillance, diagnosis, diagnostics, duration of illness, and intervention for individuals with tick-borne diseases; advances made pursuant to such research; federal activities related to tick-borne diseases; and gaps in tick-borne disease research.

DATES: The meeting will be held on March 3–4, 2020, from 9:00 a.m. to 5:00 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the website for the TBDWG at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2020-3-3/index.html* when this information becomes available.

ADDRESSES: The meeting will be held at The College of Physicians of Philadelphia, 19 S 22nd St. Philadelphia, PA 19103. Members of the public may also attend the meeting via webcast. Instructions for attending via webcast will be posted about one week prior to the meeting at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2020-3-3/index.html.*

FOR FURTHER INFORMATION CONTACT: James Berger, Designated Federal Officer for the TBDWG; Office of Infectious Disease and HIV/AIDS Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services, Mary E. Switzer Building, 330 C Street SW, Suite L600, Washington, DC 20024. Email: *tickbornedisease@hhs.gov;* Phone: 202–795–7608.

SUPPLEMENTARY INFORMATION: In-person attendance at the meeting is limited to space available; therefore, preregistration for public members is advisable and can be accomplished by registering at *https://www.eventbrite.com/e/tick-borne-disease-working-group-meeting-march-3-4-2020-meeting-12-tickets-90354618095.* On the day of the meeting, seating will be provided first to persons who have preregistered. People who have not preregistered will be accommodated on a first come, first served basis if additional seats are still available 10 minutes before the meeting starts.

The public will have an opportunity to present their views orally to the TBDWG during the meeting's public comment session or by submitting a written public comment. Comments should be pertinent to the meeting discussion. Persons who wish to provide verbal or written public comment should review instructions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2020-3-3/index.html* and respond by midnight Thursday, February 20, 2020, ET. Verbal comments will be limited to three minutes each to accommodate as many speakers as possible during the two 30 minute sessions. Written public comments will be accessible to the public on the TBDWG web page prior to the meeting.

Background and Authority: The Tick-Borne Disease Working Group was established on August 10, 2017, in accordance with Section 2062 of the 21st Century Cures Act, and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to provide expertise and review federal efforts related to all tick-borne diseases, to help ensure interagency coordination and minimize overlap, and to examine research priorities. The TBDWG is required to submit a report to the HHS Secretary and Congress on their findings and any recommendations for the federal response to tick-borne disease every two years.

James Berger,

Designated Federal Officer, Tick-Borne Disease Working Group Office of Infectious Disease and HIV/AIDS Policy.

[FR Doc. 2020–03255 Filed 2–18–20; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Proposed Reorganization

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Human Genome Research Institute (NHGRI) of the National Institutes of Health (NIH) will host a public hearing to enable discussion of the Institute's proposal to reorganize the Division of Policy, Communications and Education. The proposed reorganization aims to enhance synergies in the areas of bioethics, policy, education, engagement, and communications.

DATES: The public hearing will take place February 19, 2020 at 2 p.m. E.T. using NHGRI's social media accounts. Any interested person may also file

written comments by sending an email to *NHGRIsocial@nih.gov* or prior or during the scheduled public hearing. The statement should include the individual's name, and when applicable, professional affiliation.

ADDRESSES: The following email address has been established for comments on the reorganization: *NHGRIsocial@nih.gov.* The social media platforms that will be used and monitored during this hearing are:

- *Twitter:* @NHGRI_Director and @genome_gov
- *Facebook: https://www.facebook.com/pg/genome.gov/*
- *LinkedIn: https://www.linkedin.com/company/2360728/*

FOR FURTHER INFORMATION CONTACT: Sarah Bates, National Human Genome Research Institute, National Institutes of Health, 31 Center Drive, Room 4B09, Bethesda, MD 20892–2153, (301) 642–8978, *NHGRIsocial@nih.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the NIH Reform Act of 2006 (42 U.S.C. Sec.281 (d)(4)), NHGRI will a public hearing to discuss the proposed reorganization plans. The hearing will include a video presentation with details on the proposed internal reorganization followed by one hour of open discussion with NHGRI leadership on social media. The public is encouraged to email *NHGRIsocial@nih.gov* or use the hashtag #NHGRIreorg on social media for comments and questions. More information can be found at *https://www.genome.gov/about-nhgri/Proposed-reorganization-of-DPCE.*

Dated: February 10, 2020.

Eric D. Green,

Director, National Human Genome Research Institute, National Institutes of Health.

[FR Doc. 2020–03173 Filed 2–18–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0029682; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Department of Anthropology, Southern Methodist University, Dallas, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, Southern Methodist University has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of Anthropology, Southern Methodist University. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Department of Anthropology, Southern Methodist University at the address in this notice by March 20, 2020.

ADDRESSES: B. Sunday Eiselt, Department of Anthropology, Southern Methodist University, 3225 Daniel Avenue, Heroy Hall #450, Dallas, TX 75205, telephone (214) 768–2915, email *seiselt@smu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of Anthropology, Southern Methodist University, Dallas, TX. The human remains were removed from the Paris Site (X41KR1/41KR94) in Kerr County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology, Southern Methodist University professional staff in consultation with representatives of the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

At an unknown time, human remains representing, at minimum, one individual were removed from site X41KR1/41KR94 (Paris Site) in Kerr County, TX. The human remains of one adult individual are present and are mostly complete. Two bones are labeled X41KR94/41KR415. No known individuals were identified. The 16 associated funerary object are 16 lithics.

Determinations Made by the Department of Anthropology, Southern Methodist University

Officials of the Department of Anthropology, Southern Methodist University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on provenience information.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 16 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Apache Tribe of Oklahoma; Comanche Nation, Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma (hereafter referred to as ''The Aboriginal Land Tribes'').
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to B. Sunday Eiselt, Department of Anthropology, Southern Methodist University, 3225 Daniel Avenue, Heroy Hall #450, Dallas, TX 75205, telephone (214) 768–2915, email *seiselt@smu.edu,* by March 20, 2020.

After that date, if no additional requestors have come forward, transfer of control of the human remains to The Aboriginal Land Tribes may proceed.

The Department of Anthropology, Southern Methodist University is responsible for notifying The Consulted Tribes and The Aboriginal Land Tribes that this notice has been published.

Dated: January 21, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–03225 Filed 2–18–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0029684; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, Southern Methodist University, Dallas, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, Southern Methodist University (SMU) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Department of Anthropology, Southern Methodist University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Department of Anthropology, Southern Methodist University at the address in this notice by March 20, 2020.

ADDRESSES: B. Sunday Eiselt, Department of Anthropology, Southern Methodist University, 3225 Daniel Avenue, Heroy Hall #450, Dallas, TX 75205, telephone (214) 768–2915, email *seiselt@smu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Department of Anthropology, Southern Methodist University, Dallas, TX. The human remains and associated funerary objects were removed from site 41MM11, known as the San Xavier Mission, in Milam County, Texas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology, Southern Methodist University professional staff in consultation with representatives of the Caddo Nation of Oklahoma and the Tonkawa Tribe of Indians of Oklahoma (hereafter referred to as ''The Tribes'').

History and Description of the Remains

In 1968, human remains representing, at minimum, 21 individuals were removed from the San Xavier Mission site in Milam County, TX. The site was investigated by Kathleen K. Gilmore, archeologist for the State Building Commission and SMU graduate student, under the supervision of Curtis Tunnell (State Archeologist). The financing for the San Xavier project came from the State Building Commission, and the work conducted by Gilmore was written up as her MA thesis at SMU.

As the Trench A, Feature 1 burial consists of a single human phalanx found commingled in faunal remains, the age and sex of the individual is indeterminate. Trench A, Feature 5 is a highly fragmented individual of indeterminate sex and age. Trench B, Feature 1, Individual 1 is an adult female. The fragmentary remains of Trench B, Feature 1, Individual 2 which were found commingled with those of Individual 1, consist of maxillary dentition and calcaneus fragments; age and sex are indeterminate. The human remains from Trench C, Feature 1 consist of several rib fragments; age and sex are indeterminate. Trench D, Feature 1 is an adult male. Trench E, Feature 1 is an adult female. Trench E, Feature 5 is an adult male. Trench E, Feature 9 consists of metatarsals and other assorted foot bones; age and sex are indeterminate. Trench E, Feature 11 is an adult male. Trench F, Feature 1, Individual 1 is an older adult male. In addition, the human remains of an infant (unnumbered) were found under the right foot of Individual 1. Trench F, Feature 1, Individual 2 consists of two phalanxes found commingled with faunal remains; sex and age are indeterminate. Trench F, Feature 2A, is an adult male whose remains were found underneath Trench F, Feature 2B, Individual 1, an adult female. (The head of Trench F, Feature 2A was located underneath the feet of Trench F, Feature 2B, Individual 1. Documentation from the excavation says that they were probably buried at the same time.) Trench F, Feature 2B, Individual 2 consists of four adult mandibular molars that were found commingled with Trench F, Feature 2B, Individual 1. Trench F, Feature 3 is an infant of indeterminate sex. The infant's poorly preserved remains consist of cranial and long bone fragments, were found underneath the right foot of Trench F, Feature 1. Trench F, Feature 4, Individual 1 is an older adult male. The human remains of Trench F, Feature 4, Individual 2 were found commingled with those of Trench F, Feature 4, Individual 1. The human remains consist of the left ilium of an adult female who was at least 35 years old. Likewise, the human remains of Trench F, Feature 4, Individual 3 were found commingled with those of Trench F, Feature 4, Individual 1. They belong to a child, and consist of a right femur broken into two pieces. Trench F, Feature 6 is a young adult female. Trench G, Features 1 & 2 are the human remains of a single adult individual. As the human remains consist only of cranial and long bone fragments, the sex of this individual cannot be determined. F4-Trench Cut-F1 is an adult of indeterminate sex (the human remains are fragmentary). As only the skull and some other skeletal fragments were removed in order to access the child burial in Trench E, Feature 6, the human remains of this adult individual were not completely excavated. (Missing from the SMU Collection is Trench E, Feature 6, a young child of indeterminate sex). No known individuals were identified. The 97 associated funerary objects are 56 beads,

10 ceramic fragments, nine glass shards, six bags of faunal remains, four bags of debitage, four lithic tools, one bag of mammal bone, one bag of beads, one bag of shells, one bag of lithic debitage, one projectile point, one bag of grave fill, one canister of thread, and one canister of gold thread.

The San Xavier Mission site dates to A.D. 1746–1755. Historical records documenting the mission clearly indicate the groups that were present during its occupation.

Determinations Made by the Department of Anthropology, Southern Methodist University

Officials of the Department of Anthropology, Southern Methodist University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 21 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 97 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to B. Sunday Eiselt, Department of Anthropology, Southern Methodist University, 3225 Daniel Avenue, Heroy Hall #450, Dallas, TX 75205, telephone (214) 768–2915, email *seiselt@smu.edu,* by March 20, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Department of Anthropology, Southern Methodist University is responsible for notifying The Tribes that this notice has been published.

Dated: January 21, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–03226 Filed 2–18–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0029683; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, Southern Methodist University, Dallas, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, Southern Methodist University has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of Anthropology, Southern Methodist University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Department of Anthropology, Southern Methodist University at the address in this notice by March 20, 2020.

ADDRESSES: B. Sunday Eiselt, Department of Anthropology, Southern Methodist University, 3225 Daniel Avenue, Heroy Hall #450, Dallas, TX 75205, telephone (214) 768–2915, email *seiselt@smu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Department of Anthropology, Southern Methodist University, Dallas, TX. The human remains were removed from 41TR162, known as the River Legacy Park site, Tarrant County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology, Southern Methodist University professional staff in consultation with representatives of the Apache Tribe of Oklahoma; Comanche Nation, Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At an unknown time, human remains representing, at minimum, one individual were removed from 41TR162, known as the River Legacy Park site, Tarrant County, TX. This site was identified from an auger test within the larger 'Arlington to TRA Trinity River Pipeline' mitigation survey. While a collection consisting of faunal remains, shell, and lithic material was used to identify the site, the 1997 survey did not identify a human tooth among the collection. The human remains consist of one human tooth. No known individuals were identified. No associated funerary objects are present.

A Late Prehistoric date for the site is based on previous stratigraphic studies of the area. Cultural affiliations are based on the groups who have expressed interest in materials from Tarrant County, TX.

Determinations Made by the Department of Anthropology, Southern Methodist University

Officials of the Department of Anthropology, Southern Methodist University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in

support of the request to B. Sunday Eiselt, Department of Anthropology, Southern Methodist University, 3225 Daniel Avenue, Heroy Hall #450, Dallas, TX 75205, telephone (214) 768–2915, email *seiselt@smu.edu,* by March 20, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Department of Anthropology, Southern Methodist University is responsible for notifying The Tribes that this notice has been published.

Dated: January 21, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–03224 Filed 2–18–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 201S180110; S2D2S SS08011000 SX064A000 20XS501520; OMB Control Number 1029–0116]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Revisions; Renewal; and Transfer, Assignment, or Sale of Permit Rights

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 20, 2020.

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 Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240; or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0116 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on October 2, 2018 (83 FR 49570). No comments were received.

We are again 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 OSMRE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the OSMRE 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: Sections 506 and 511 of Public Law 95–87 provide that persons seeking permit revisions, renewals, transfer, assignment, or sale of their permit rights for coal mining activities submit relevant information to the regulatory authority to allow the regulatory authority to determine whether the applicant meets the requirements for the action anticipated.

Title of Collection: Revisions; Renewals; and Transfer, Assignment, or Sale of Permit Rights.

OMB Control Number: 1029–0116.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Surface coal mining permit applicants and State regulatory authorities.

Total Estimated Number of Annual Respondents: Varies from 185 for sale of permit rights to 2,188 for revisions from permit applicants; and 182 for sale of permit rights to 2,101 for revisions from State regulatory authorities.

Total Estimated Number of Annual Responses: 3,619 responses from permit applicants and 3,511 responses from State regulatory authorities.

Estimated Completion Time per Response: Varies from 2 to 70 hours per response for permit applicants; and 2 to 90 hours per response for State regulatory authorities, depending on permitting action.

Total Estimated Number of Annual Burden Hours: 404,165 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $909,758.

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.*).

Dated: February 12, 2020.

Mark J. Gehlhar,

Information Collection Clearance Officer, Division of Regulatory Support.

[FR Doc. 2020–03169 Filed 2–18–20; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1100]

Certain Microfluidic Systems and Components Thereof and Products Containing Same; Commission's Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Order; and Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that there is a violation in the above-captioned investigation. The Commission has

further determined to issue a limited exclusion order and cease and desist order and to set a bond rate on the entered value of covered products imported during the period of Presidential review.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5453. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On February 21, 2018, the Commission instituted this investigation based on a complaint filed by 10X Genomics, Inc. of Pleasanton, CA. 83 FR 7491 (Feb. 21, 2018). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microfluidic systems and components thereof and products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 9,644,204 (''the '204 patent''); 9,689,024 (''the '024 patent''); 9,695,468 (''the '468 patent''); and 9,856,530 (''the '530 patent''). *Id.* The Commission's notice of investigation named as the sole respondent Bio-Rad Laboratories, Inc. of Hercules, CA. *Id.* The Office of Unfair Import Investigations (''OUII'') is participating in this investigation. *Id.*

On July 12, 2019, the administrative law judge (''ALJ'') issued the final initial determination (''ID''). The ID found a violation of section 337 by virtue of Bio-Rad's indirect infringement of the '024, the '468, and the '530 patents. The ID found that 10X had not established a violation with respect to the '204 patent. The ID also found that Bio-Rad failed to establish invalidity of any of the asserted claims of any patent. The ID further found that the domestic industry requirement was satisfied for each of the asserted patents. Finally, the ID found that Bio-Rad had not carried its burden with respect to various additional affirmative defenses, including improper inventorship and ownership.

On July 25, 2019, the ALJ issued her recommended determination on remedy and bonding. The ALJ recommended, upon a finding of violation, that the Commission issue a limited exclusion order, issue a cease and desist order, and impose a bond in the amount of twenty-five percent of the entered value of any covered products imported during the period of Presidential review.

On July 29, 2019, 10X, Bio-Rad, and OUII submitted petitions seeking review of the ID. On August 6, 2019, 10X, Bio-Rad, and OUII submitted responses to the others' petitions. On August 26, 2019, 10X and Bio-Rad submitted comments on the public interest pursuant to Commission Rule 210.50(a)(4).

On October 17, 2019, the Commission issued a notice indicating its determination to review the ID with respect to (1) all findings related to a violation based on the '024 patent; (2) all findings related to a violation based on the '468 patent; (3) noninfringement of the '204 patent; (4) all findings related to a violation based on the '530 patent; (5) Bio-Rad's inventorship and ownership defenses; and (6) a typographical error on page 91. The same notice also requested briefing from the parties on certain of those issues, and on remedy, bonding, and the public interest. The notice also included an extension of the target date to December 19, 2019.

The parties filed their initial responses to the Commission's questions on October 31, 2019, and their replies on November 7, 2019.

Upon review of the parties' submissions, the ID, RD, and evidence of record, the Commission has determined that Bio-Rad violated section 337 by reason of infringement of asserted claims 1, 5, 17, 19, and 22 of the '024 patent, claims 1, 6, 7, 9, and 21 of the '468 patent, and claims 1, 4, 11, 14, 19, 26, and 28 of the '530 patent. The Commission found no violation with respect to the '240 patent. The Commission has further determined to issue a limited exclusion order prohibiting further importation of Bio-Rad's infringing microfluidic systems and a cease and desist order against Bio-Rad. The Commission will set a bond of twenty-five percent of entered value on Bio-Rad's infringing microfluidic systems imported during the period of Presidential review.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR 210).

By order of the Commission.

Issued: February 12, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–03192 Filed 2–18–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–574]

Renewable Electricity: Potential Economic Effects of Increased Commitments in Massachusetts; Institution of Investigation and Scheduling of Hearing

AGENCY: United States International Trade Commission.

ACTION: Notice of investigation and scheduling of a public hearing.

SUMMARY: Following receipt on January 23, 2020, of a request from the Committee on Ways and Means (Committee) of the U.S. House of Representatives, under section 332(g) of the Tariff Act of 1930, the U.S. International Trade Commission (Commission) instituted Investigation No. 332–574, *Renewable Electricity: Potential Economic Effects of Increased Commitments in Massachusetts,* for the purpose of providing a report regarding the potential economic effects of increased renewable energy commitments in Massachusetts, and the role of renewable electricity imports in meeting these commitments.

DATES:

April 16, 2020: Deadline for filing requests to appear at the public hearing.

April 23, 2020: Deadline for filing prehearing briefs and statements.

May 7, 2020: Public hearing.

May 15, 2020: Deadline for filing post-hearing briefs and statements.

July 28, 2020: Deadline for filing all other written submissions.

January 25, 2021: Transmittal of Commission report to the Committee.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may

be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Project Leader Diana Friedman (202–205–3433 or *diana.friedman@usitc.gov*) or Deputy Project Leader Patricia Mueller (202–205–2599 or *patricia.mueller@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background: As requested by the Committee, the Commission will conduct an investigation and prepare a report that provides, to the extent practical, the following information:

(1) An overview of the current situation and recent trends in New England and Massachusetts electricity markets with regard to domestic and imported electricity sources and rates for residential and commercial uses, and the status of the transition from nuclear and fossil fuels to renewable sources. This overview will include a description of the Commonwealth's most recent renewable energy goals and commitments as compared to previous commitments and initiatives, as well as the renewable energy goals and commitments in other New England states, and the potential available resources to meet those goals;

(2) A quantitative analysis of the potential economic effects on the Commonwealth, and broader New England region, of Massachusetts reaching its goals and commitments for renewable electricity sourcing. The analysis should include, for example, the potential economic effects on residential and commercial consumers of electricity;

(3) A quantitative analysis of the likely effects on greenhouse gas emissions of meeting these goals and commitments; and

(4) Relevant case studies involving other states, regions, or countries that provide insights into the potential economic effects of imports of hydroelectricity, including on efforts to meet renewable energy targets, the rates paid by commercial and residential consumers, and on greenhouse gas emissions.

The Committee requested that the analysis not focus on proposed or pending renewable energy transmission projects. The Committee asked that the Commission deliver the report 12 months from the date of the letter, and the Commission expects to transmit its report by January 25, 2021. The Committee stated that it intends to make the Commission's report available to the public and asked that the report not include any confidential business information. The Committee noted that it had sent an earlier version of this letter and asked that the Commission accept the January 23, 2020 letter as a replacement for the Committee's letter of December 19, 2019.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on May 7, 2020. Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., April 16, 2020, in accordance with the requirements in the ''Written Submissions'' section below. All prehearing briefs and statements should be filed not later than 5:15 p.m., April 23, 2020, and all post-hearing briefs and statements should be filed not later than 5:15 p.m., May 15, 2020. Post-hearing briefs and statements should address matters raised at the hearing. In the event that, as of the close of business on April 23, 2020, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should contact the Office of the Secretary at 202–205–2000 after April 23, 2020, for information concerning whether the hearing will be held.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., July 28, 2020. All written submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8, as further explained in the Commission's Handbook on Filing Procedures, requires that interested parties file documents electronically on or before the filing deadline. Interested parties must submit eight (8) true paper copies by 12:00 p.m. Eastern Time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraphs for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Confidential Business Information. Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

As requested by the Committee, the Commission will not include any confidential business information in the report that it sends to the Committee. However, all information, including confidential business information, submitted in 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 (a) for cybersecurity purposes or (b) in monitoring user activity on U.S. government classified networks. The Commission will not otherwise disclose any confidential business information in a way that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: Persons wishing to have a summary of their position included in the report should include a summary with their written submission and should mark the summary as having been provided for that purpose. The summary should be

clearly marked as ''summary for inclusion in the report'' at the top of the page. The summary may not exceed 500 words, should be in MS Word format or a format that can be easily converted to MS Word, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: February 12, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–03191 Filed 2–18–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0052]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Applicant Information Form (1–783)

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until April 20, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gerry Lynn Brovey, Supervisory Information Liaison Specialist, Federal Bureau of Investigation, Criminal Justice Information Services Division, 1000 Custer Hollow Road; Clarksburg, West Virginia 26306; phone: 304–625–4320 or email *glbrovey@fbi.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Applicant Information Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* 1–783. The applicable component within the Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals. This collection is necessary for individuals to request a copy of their personal identification record to review it or to obtain a change, correction, or an update to the record.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Annually, the FBI receives 125,000 identification requests, therefore there are 125,000 respondents. The form requires 5 minutes to complete.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 10,417 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405B, Washington, DC 20530.

Dated: February 12, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–03174 Filed 2–18–20; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0016]

Agency Information Collection Activities: Proposed Collection; Comments Requested: Certification of Identity

AGENCY: Office of Information Policy, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Justice Management Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until April 20, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Evie Sassok, 145 N Street NW, Washington, DC 20530. Phone: 202–514–0022.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Certification of Identity.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form DOJ–361. Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: American Citizens. Other: Federal Government. The information collection will be used by the Department to identify individuals requesting certain records under the Privacy Act. Without this form an individual cannot obtain the information requested.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 70,000 respondents will complete each form within approximately 30 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated total of 35,000 annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 2E–502, Washington, DC 20530.

Dated: February 12, 2020.

Melody Braswell,

Department Clearance Officer for PRA, Department of Justice.

[FR Doc. 2020–03175 Filed 2–18–20; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Mining Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements'' to the Office of Management and Budget (OMB) for review and approval for continued use, with 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 March 20, 2020.

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=201910-1219-005* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or 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–MSHA, 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 revise PRA authority for the ''Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements'' information collection.

30 CFR part 49, subpart B—Mine Rescue Teams for Underground Coal Mines, sets standards related to the:

- Availability of mine rescue teams; alternate mine rescue capability for small and remote mines;
- inspection and maintenance records of mine rescue equipment and apparatus;
- physical requirements for mine rescue team members and alternates; and
- experience and training requirements for team members and alternates.

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 1219–0144. Please note that DOL staff is incorporating the requirements of another information collection (associated with OMB Control Number 1219–0078) into the requirements associated with OMB Control Number 1219–0144.

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 February 29, 2020. The DOL seeks to revise PRA authorization for this information collection for three (3) more

years, with revisions 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 December 5, 2019 (84 FR 66697).

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 1219–0144. 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–MSHA.

Title of Collection: Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements.

OMB Control Number: 1219–0144.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 577.

Total Estimated Number of Responses: 40,588.

Total Estimated Annual Time Burden: 13,107 hours.

Total Estimated Annual Other Costs Burden: $1,980,169.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: February 11, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–03253 Filed 2–18–20; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE:

10:00 a.m., Thursday, February 20, 2020.

Recess: 11:30 a.m.

11:45 a.m., Thursday, February 20, 2020

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC:

1. Board Briefing, Share Insurance Fund Quarterly Report.
2. NCUA Rules and Regulations, Corporate Credit Unions.
3. Interagency Policy Statement, Allowances for Credit Losses.
4. Board Briefing, Credit Union Mortgage Rates.

PORTIONS CLOSED TO THE PUBLIC:

1. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).
2. Board Appeal. Closed pursuant to Exemptions (6), and (8).
3. Board Appeal. Closed pursuant to Exemption (8).

CONTACT PERSON FOR MORE INFORMATION: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2020–03219 Filed 2–14–20; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by March 20, 2020. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 671), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2020–027

1. *Applicant:* Michael Hjorth, Head of Production, Albatros Expeditions US Ltd., 4770 Biscayne Boulevard PHR, Miami, FL 33137.

Activity for Which Permit is Requested: Waste Management. The applicant proposes to conduct waste management activities associated with the support of a marathon, conducted by Marathon Tours and Travel, on King George Island. Support of the marathon would include the operation of All Terrain Vehicles (ATVs) and Remotely Piloted Aircraft Systems (RPAS). Refueling of ATVs would be according to best practices by experienced staff. Any fuel spilled would be cleaned up immediately and reported to the station should there be any concern for residual. The RPAS consisting, in part, of a quadcopter equipped with cameras to collect commercial and educational footage of the Antarctic. The quadcopter would not be flown over concentrations of birds or mammals, or over Antarctic Specially Protected Areas or Historic Sites and Monuments. The RPAS would only be operated by pilots with extensive experience. Several measures would be taken to prevent against loss of the quadcopter including painting the them a highly visible color; only flying when the wind is less than 25 knots; flying for only 15 minutes at a time to preserve battery life; having prop guards

on propeller tips, a flotation device if operated over water, and an ''auto go home'' feature in case of loss of control link or low battery; having an observer on the lookout for wildlife, people, and other hazards; and ensuring that the separation between the operator and quadcopter does not exceed an operational range of 500 meters. The applicant is seeking a Waste Permit to cover any accidental releases that may result from operating the RPAS and ATVs. All waste materials produced during the marathon activity would be collected and mitigation measures would be in place to reduce the possibility of waste release. The applicant would provide temporary, portable toilet facilities to marathon participants. All human waste generated would be returned to the ship for disposal.

Location: King George Island, Antarctica.

Dates of Permitted Activities: March 23–April 10, 2020.

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2020–03165 Filed 2–18–20; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

The U.S. Nuclear Regulatory Commission (NRC) will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on March 30–31, 2020. A sample of agenda items to be discussed during the public session includes:

(1) A discussion on medical-related events; (2) a discussion on the ACMUI's recommendations regarding the definition of patient intervention and other actions exclusive of medical events; (3) a discussion on the U.S. Federal Drug Administration's regulatory process for drugs and devices; (4) a discussion on the overview of the NRC's Nuclear Material Events Database; (5) a discussion on the status of emerging and trending radiopharmaceuticals; and (6) a discussion on the ACMUI's recommendations on the need for an interventional radiologist representative position on the ACMUI.

The agenda is subject to change. The current agenda and any updates will be available at *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2020.html* or by emailing Ms. Kellee Jamerson at the contact information below.

Purpose: Discuss issues related to 10 CFR part 35 Medical Use of Byproduct Material.

Date and Time: March 30, 2020 from 8:30 a.m. to 2:45 p.m. and March 31, 2020 from 8:30 a.m. to 2:00 p.m. Eastern Standard Time.

Address for Public Meeting: U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T–2D30, 11545 Rockville Pike, Rockville, Maryland 20852.

Public Participation: Any member of the public who wishes to participate in the meeting in person or via phone should contact Ms. Jamerson using the information below. The meeting will also be webcast live from the NRC's Webcast Portal at *https://video.nrc.gov/. Contact Information:* Ms. Kellee Jamerson, email: *Kellee.Jamerson@nrc.gov,* telephone: (301) 415–7408.

Conduct of the Meeting

Darlene F. Metter, M.D. will chair the meeting. Dr. Metter will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Jamerson using the contact information listed above. All submittals must be received by March 25, 2020, three business days before the meeting, and must pertain to the topics on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the ACMUI Chairman.

3. The draft transcript and meeting summary will be available on the ACMUI's website *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2020.html* on or about May 12, 2020.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Jamerson of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in title 10 of the *Code of Federal Regulations,* Part 7.

Dated at Rockville, Maryland this 12th day of February, 2020.

For the U.S. Nuclear Regulatory Commission.

Russell E. Chazell,

Advisory Committee Management Officer.

[FR Doc. 2020–03177 Filed 2–18–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0110]

An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is re-issuing for public comment draft regulatory guide (DG), DG–1287, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications.'' This proposed Revision 2 of Regulatory Guide (RG) 1.177 includes guidance to develop risk-informed applications for technical specification (TS) changes that considers engineering issues and applies risk insights. This proposed revision also provides guidance acceptable to the staff for using risk information to evaluate changes to nuclear power plant TS completion times (CTs) and surveillance frequencies (SFs) and to assess the impact of such proposed changes on the risk associated with plant operation. This DG–1287 supplements the guidance provided in RG 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' Revision 3, issued January 2018.

DATES: Submit comments by April 20, 2020. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

Although a time limit is given for public comment, comments and suggestions in connection with items for inclusion in RGs currently being developed or improvements in all published RGs are encouraged at any time.

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–2012–0110. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges;

telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *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: Gary Wang, telephone: 301–415–1686, email: *Zeechung.Wang@nrc.gov;* or Harriet Karagiannis, telephone: 301–415–2493, email: *Harriet.Karagiannis@nrc.gov.* Both are staff of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2012–0110 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–2012–0110.

• *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 DG is electronically available in ADAMS under Accession No. ML19206A489.

• *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–2012–0110 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. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

This DG, identified by its task number, DG–1287, titled, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications,'' is a proposed Revision 2 of RG 1.177, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications.''

A previous version of DG–1287 (ADAMS Accession No. ML12017A054) was issued for public comment in 2012 (77 FR 29391). Commenters on the previous version are encouraged to review and comment on this version, but previously submitted comments will not be explicitly reconsidered for this revised draft guide because of the extent of the changes between this draft guide and the previously published version.

This Revision 2 of RG 1.177 updates the application of the defense-in-depth philosophy to be consistent with the philosophy described in RG 1.174, which was revised in 2018 to expand the meaning of, and the process for, assessing defense-in-depth considerations. Specifically, this revision of RG 1.177 references the defense-in-depth guidance in RG 1.174 in several staff regulatory positions. Additionally, the staff revised this guide to (1) adopt the term ''PRA acceptability,'' and related phrasing variants, instead of terms such as ''PRA quality,'' ''PRA technical adequacy,'' and ''technical adequacy'' to describe the appropriateness of the probabilistic risk analysis (PRA) used to support risk informed licensing submittals, (2) update Section 2.3, ''Evaluation of Risk Impact,'' of RG 1.177, and (3) delineate the difference between temporary CT extensions and permanent CT extensions of TS or maximum backstop CTs.

III. Backfitting, Issue Finality, and Forward Fitting

RG 1.177, Revision 2, would provide updated guidance for power reactor applicants and licensees regarding use of the defense-in-depth philosophy with other recently updated guidance, and would make other conforming changes to the use of PRA and other terminology. Issuance of this RG in final form would not constitute backfitting or forward fitting or affect issue finality as further discussed below.

Current or future applicants are not—with limited exceptions not applicable here—within the scope of the backfitting and issue finality regulations and forward fitting policy. Applicants are not, with certain exceptions, covered by either the Backfit Rule or any issue finality provisions under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR). This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions or a construction permit under 10 CFR part 50. The staff does not, at this time, intend to impose the positions represented in the draft RG (if finalized) in a manner that would constitute backfitting or affect the issue finality of a part 52 approval. If, in the future, the staff seeks to impose a position in the draft RG (if finalized) in a manner that constitutes backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff would need to address the Backfit Rule or the criteria for avoiding issue finality as described in the applicable issue finality provision.

The staff does not, at this time, intend to impose the positions represented in the draft RG (if finalized) in a manner

that would constitute forward fitting. If, in the future, the staff seeks to impose a position in the draft RG (if finalized) in a manner that constitutes forward fitting, then the staff would need to address the forward fitting criteria in Management Directive 8.4.

Dated at Rockville, Maryland, this 13th day of February, 2020.

For the Nuclear Regulatory Commission.

Robert G. Roche-Rivera,

Acting Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2020–03237 Filed 2–18–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–003, 50–247, 50–286, and 72–051; NRC–2020–0021]

Indian Point Nuclear Generating Unit Nos. 1, 2, and 3; Consideration of Approval of Transfer of Control of Licenses and Conforming Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for direct and indirect transfers of licenses; opportunity to comment, request a hearing, and petition for leave to intervene; extension of comment period.

SUMMARY: On January 23, 2020, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on an application for direct and indirect transfers of licenses in the **Federal Register**. The public comment period was originally scheduled to close on February 24, 2020. The NRC has decided to extend the public comment period until March 25, 2020, to allow more time for members of the public to develop and submit their comments.

DATES: The due date for comments requested in the document published on January 23, 2020 (85 FR 3947), is extended. Comments should be filed no later than March 25, 2020. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Web Site:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0021. 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.
- *Email comments to: Hearing.Docket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Richard V. Guzman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1030; email: *Richard.Guzman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0021 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 Web Site:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0021.
- *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–2020–0021 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. Discussion

On January 23, 2020, the NRC solicited comments on an application for direct and indirect transfers of licenses, dated November 21, 2019 (ADAMS Accession No. ML19326B953). The application was filed by Entergy Nuclear Operations, Inc. (ENOI), on behalf of itself; Entergy Nuclear Indian Point 2, LLC; Entergy Nuclear Indian Point 3, LLC; Holtec International; and Holtec Decommissioning International, LLC (HDI) (collectively, the applicants). The application is seeking NRC approval of the transfer of control of Provisional Operating License No. DPR–5 and Renewed Facility Operating License Nos. DPR–26 and DPR–64 for Indian Point Nuclear Generating, Unit Nos. 1, 2, and 3, respectively, as well as the general license for the Indian Point Energy Center Independent Spent Fuel Storage Installation (collectively, the licenses). Specifically, the application requests that the NRC consent to (1) the transfer of control of the licenses to Holtec subsidiaries to be known as Holtec Indian Point 2, LLC and Holtec Indian Point 3, LLC and (2) the transfer of ENOI's operating authority to HDI. The NRC is also considering amending the licenses for administrative purposes to reflect the proposed transfer. The public comment period on this action was originally scheduled to close on February 24, 2020. The NRC has decided to extend the public comment period until March 25, 2020, to allow

more time for members of the public to develop and submit their comments. The period to request a hearing and petition for leave to intervene is not being extended.

Dated at Rockville, Maryland, this 13th day of February, 2020.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–03258 Filed 2–18–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0026]

Standard Format and Content of License Applications for Receipt and Storage of Unirradiated Power Reactor Fuel and Associated Radioactive Material at a Nuclear Power Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–3036, ''Standard Format and Content of License Applications for Receipt and Storage of Unirradiated Power Reactor Fuel and Associated Radioactive Material at a Nuclear Power Plant.'' This regulatory guide (RG) describes the standard format and content that the NRC staff considers acceptable for license applications to authorize the receipt, possession, and storage of unirradiated fuel assemblies and associated radioactive materials at a nuclear power plant.

DATES: Submit comments by April 20, 2020. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

Although a time limit is given for public comment, comments and suggestions in connection with items for inclusion in RGs currently being developed or improvements in all published RGs are encouraged at any time.

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–2020–0026. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7A06, 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: Kevin Ramsey, Office of Nuclear Materials Safety and Safeguards, telephone: 301–415–7506, email: *Kevin.Ramsey@nrc.gov,* and Edward O'Donnell, Office of Nuclear Regulatory Research, telephone: 301–415–3317, email: *Edward.ODonnell@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0026 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0026.
- *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.* DG–3036 is available in ADAMS under Accession No. ML14161A621.
- *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–2020–0026 in your comment submission. The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at *https://www.regulations.gov* as well as enters 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 in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment a draft guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide, entitled ''Standard Format and Content of License Applications for Receipt and Storage of Unirradiated Power Reactor Fuel and Associated Radioactive Material at a Nuclear Power Plant,'' is temporarily identified by its task number, DG–3036. DG–3036 is proposed revision 2 of Regulatory Guide 3.15. The guide describes a method that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable for use in preparing license applications to authorize the receipt, possession, and storage of unirradiated fuel assemblies and associated radioactive materials at a nuclear power reactor for eventual use in that reactor and provides a format for a license application.

This revision of the guide (revision 2) updates references and reflects experience gained in licensing, operation, and subsequent decommissioning of unirradiated power reactor fuel storage sites since the guide was addresses new issues identified since the guide was originally issued in April 1983.

III. Backfitting, Issue Finality, and Forward Fitting

Issuance of this draft regulatory guide in final form would not constitute

backfitting as defined in title 10 of the *Code of Federal Regulations* (10 CFR) section 50.109, ''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting as that term is defined and described in Management Directive 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' As explained in the draft regulatory guide, licensees would not be required to comply with the positions set forth in this draft regulatory guide.

Dated at Rockville, Maryland, this 13th day of February, 2020.

For the Nuclear Regulatory Commission.

Robert G. Roche-Rivera,

Acting Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2020–03238 Filed 2–18–20; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2020–95]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 21, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2020–95; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* February 12, 2020; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* February 21, 2020.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–03235 Filed 2–18–20; 8:45 am]

BILLING CODE 7710–FW–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Request for Information: Public Access to Peer-Reviewed Scholarly Publications, Data and Code Resulting From Federally Funded Research

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Notice of request for information (RFI).

SUMMARY: OSTP, and the National Science and Technology Council's (NSTC) Subcommittee on Open Science (SOS), are engaged in ongoing efforts to facilitate implementation and compliance with the 2013 memorandum *Increasing Access to the Results of Federally Funded Scientific Research* [1] and to address recommended actions made by the Government Accountability Office in a November 2019 report.[2] OSTP and the SOS continue to explore opportunities to increase access to unclassified published research, digital scientific data, and code supported by the U.S. Government. This RFI aims to provide all interested individuals and organizations with the opportunity to provide recommendations on approaches for ensuring broad public access to the peer-reviewed scholarly publications, data, and code that result from federally funded scientific research.

DATES: Interested persons are invited to submit comments on or before 11:59 p.m. ET on March 16, 2020.

ADDRESSES: Comments submitted in response to this notice may be submitted online to Lisa Nichols, Assistant Director for Academic Engagement, OSTP, at *publicaccess@ostp.eop.gov.* Email submissions should be machine-readable [pdf, doc, txt] and not copy-protected. Submissions should include ''RFI Response: Public Access'' in the subject line of the message.

Instructions: Response to this RFI is voluntary. Each individual or institution is requested to submit only one response. Submission must not exceed 5 pages in 12 point or larger font, with a

[1] Retrieved from: *https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf.*

[2] Retrieved from: *https://www.gao.gov/assets/710/702847.pdf.*

page number provided on each page. Responses should include the name of the person(s) or organization(s) filing the comment. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials. No business proprietary information, copyrighted information, or personally identifiable information should be submitted in response to this RFI.

In accordance with FAR 15.202(3), responses to this notice are not offers and cannot be accepted by the Federal Government to form a binding contract. Additionally, those submitting responses are solely responsible for all expenses associated with response preparation.

FOR FURTHER INFORMATION CONTACT: For additional information, please direct your questions to Lisa Nichols at *publicaccess@ostp.eop.gov.*

SUPPLEMENTARY INFORMATION: In February of 2013, OSTP issued the memorandum *Increasing Access to the Results of Federally Funded Scientific Research*. The memorandum directed Federal agencies with more than $100M in research and development (R&D) expenditures to develop plans to make the results of federally funded unclassified research that are published in peer-reviewed publications, and digitally formatted scientific data, publicly available. Federal agency plans required that published work be made available following a twelve-month post-publication embargo period.

OSTP and the NSTC SOS continue to explore opportunities to make the knowledge, information and data generated by federally funded research more readily accessible to students, clinicians, businesses, entrepreneurs, researchers, technologists, and the general public who support these investments as a means to accelerate knowledge and innovation. Over the course of the last two years, OSTP has had nearly 100 meetings with stakeholders on open science, current policy on public access to the results of federally funded research, the evolution of scholarly communications, and access to data and code associated with published results. This RFI aims to expand on these consultations and provide all interested individuals and organizations with the opportunity to provide recommendations on approaches for ensuring broad public access to the peer-reviewed scholarly publications, data and code that result from federally funded scientific research. OSTP is interested in perspectives on the following topics:

- What current limitations exist to the effective communication of research outputs (publications, data, and code) and how might communications evolve to accelerate public access while advancing the quality of scientific research? What are the barriers to and opportunities for change?
- What more can Federal agencies do to make tax-payer funded research results, including peer-reviewed author manuscripts, data, and code funded by the Federal Government, freely and publicly accessible in a way that minimizes delay, maximizes access, and enhances usability? How can the Federal Government engage with other sectors to achieve these goals?
- How would American science leadership and American competitiveness benefit from immediate access to these resources? What are potential challenges and effective approaches for overcoming them? Analyses that weigh the trade-offs of different approaches and models, especially those that provide data, will be particularly helpful.
- Any additional information that might be considered for Federal policies related to public access to peer-reviewed author manuscripts, data, and code resulting from federally supported research.

Dated: February 12, 2020.

Sean Bonyun,

Chief of Staff, Office of Science and Technology Policy.

[FR Doc. 2020–03189 Filed 2–18–20; 8:45 am]

BILLING CODE 3270–F9–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88176; File No. SR–CBOE–2020–007]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule Regarding the Automated Improvement Mechanism (AIM) and Solicitation Auction Mechanism (SAM)

February 12, 2020.

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 January 30, 2020, 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. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule. 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://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 Exchange proposes to amend its fees schedule in connection with the fees related to orders and auction responses executed in the Automated Improvement Mechanism (''AIM'') and Solicitation Auction Mechanism (''SAM'') Auctions.[3]

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes on December 2, 2019 (SR–CBOE–2019–112). On January 30, 2020, the Exchange withdrew that filing and submitted this filing.

Based on publicly available information, no single options exchange has more than 19% 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 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 the competitive environment, the Exchange offers specific rates and credits in its fees schedule, like that of other options exchanges' fees schedules, which the Exchange believes provide incentive to Trading Permit Holders (''TPHs'') to increase order flow of certain qualifying orders.

AIM and SAM include functionality in which a Trading Permit Holder (''TPH'') (an ''Initiating TPH'') may electronically submit for execution an order it represents as agent on behalf of a customer,[5] broker dealer, or any other person or entity (''Agency Order'') against any other order it represents as agent, as well as against principal interest in AIM only, (an ''Initiating Order'') provided it submits the Agency Order for electronic execution into the AIM or SAM Auctions.[6] The Exchange may designate any class of options traded on Cboe Options as eligible for AIM or SAM. The Exchange notes that all Users, other than the Initiating TPH, may submit responses to an Auction (''AIM Responses'').[7] AIM and SAM Auctions take into account AIM Responses to the applicable Auction as well as contra interest resting on the Cboe Options Book at the conclusion of the Auction (''unrelated orders''), regardless of whether such unrelated orders were already present on the Book when the Agency Order was received by the Exchange or were received after the Exchange commenced the applicable Auction. If contracts remain from one or more unrelated orders at the time the Auction ends, they are considered for participation in the AIM or SAM order allocation process.

The Exchange notes that it recently updated its rules in connection with the AIM and SAM Auctions to permit all Users to respond to such Auctions; AIM responses were previously restricted to Market-Makers with an appointment in the applicable class and TPHs representing orders at the top of the Book, and SAM responses were previously available to all TPHs, except responses could not be submitted for the account of an away market-maker.[8] Because AIM Responses were limited to certain market participants, the Exchange did not impose separate fees on Auction responders (as it did for the Auction Agency and Contra orders). As a result, the Exchange now proposes to adopt fee codes for certain AIM Responses (the ''AIM Response'' fee as proposed in the fees schedule, which is consistent with other AIM-specific headings and fee codes in the fees schedule that also encompass orders in SAM). Specifically, the Exchange proposes to add: (1) Fee code ''NB'', which would be appended to non-Customer, non-Market-Maker AIM Responses in penny classes and assessed a fee of $0.50 per contract; and (2) and fee code ''NC'', which would be appended to Non-Customer, Non-Market-Maker AIM Responses in non-penny classes and assessed a fee of $1.05. Non-Customer, non-Market-Maker orders include: Clearing Trading Permit Holder (''F'' Capacity Code); non-Trading Permit Holder Affiliate (''L'' Capacity Code); Broker-Dealer (''B'' Capacity Code); Non-Trading Permit Holder Market-Maker (''N'' Capacity Code); Join Back-Office (''J'' Capacity Code); and Professional (''U'' Capacity Code) orders. The Exchange also proposes to add footnote 20, which clarifies that the AIM Responder fee applies to AIM Responses of the aforementioned capacities in all products, except Sector Indexes[9] and Underlying Symbol List A,[10] executed in AIM, SAM, FLEX AIM, and FLEX SAM Auctions. The Exchange notes that the same FLEX AIM and FLEX SAM responses will be assessed the same fee, which is consistent with the structure of the Exchange's current fees for AIM Agency/Primary and AIM Contra orders, which apply uniformly to qualifying orders in AIM, SAM, FLEX AIM, and FLEX SAM.[11] The Exchange further notes that excluding orders in Sector Indexes and Underlying Symbol List A from the proposed AIM Response fee is also consistent with the same exclusions under the structure of the Exchange's fees for AIM Agency/Primary and AIM Contra orders.[12] These specific sets of proprietary products are also commonly excluded from a variety of fee programs, qualification calculations and transaction fees, including the Volume Incentive Program (''VIP''), the Marketing Fee, and the Clearing Trading Permit Holder Fee Cap (''Fee Cap'').[13]

Additionally, in light of the proposed fee, the Exchange also proposes to exclude non-Customer, non-Market-Maker AIM Responses from the Complex Surcharge, described in footnote 35. The Complex Surcharge is assessed per contract per side for non-customer complex order executions that remove liquidity from the Complex Order Book (''COB'') and auction responses in the Complex Order Auction (''COA'') and AIM in all classes except Sector Indexes and Underlying Symbol List A.

The Exchange also proposes to adopt Break-Up Credits, applicable to Customer Agency orders when traded against a qualifying AIM response (yielding fee code NB or NC, as proposed). Specifically, the Exchange proposes a Break-Up Credit of $0.25 per contract with respect to a Customer Agency order in a Penny Pilot Class and a Break-Up Credit of $0.60 per contract with respect to a Customer Agency order in a Non-Penny Pilot Class.

The proposed AIM Responder fees for non-Customer, non-Market-Maker AIM Responses, which covers the market participants recently permitted to respond to Auctions, are designed as an additional incentive for Market-Makers to increase their responses to AIM and SAM Auctions. Prior to opening up the Auctions to all market participants, Market-Makers were naturally

[4] *See* Cboe Global Markets U.S. Options Market Volume Summary (January 30, 2020), available at *https://markets.cboe.com/us/options/market_statistics/*.

[5] The term ''customer'' means a Public Customer or a broker-dealer. The term ''Public Customer'' means a person that is not a broker-dealer. *See* Rule 1.1.

[6] *See* Rule 5.37 (AIM); Rule 5.39 (SAM); Rule 5.38 (Complex AIM); Rule 5.40 (Complex SAM); Rule 5.73 (FLEX AIM); and Rule 5.74 (FLEX SAM).

[7] For purposes of this filing and the proposed fee, the term ''AIM Response'' will include responses submitted to AIM and SAM Auctions.

[8] *See* Securities Exchange Act Release No. 87072 (September 24, 2019), 84 FR 51673 (September 30, 2019) (SR–CBOE–2019–045); *and* Securities Exchange Act Release No. 87192 (October 1, 2019), 84 FR 53525 (October 7, 2019) (SR–CBOE–2019–063).

[9] *See* Cboe Exchange, Inc. Fees Schedule, footnote 47.

[10] *See* Cboe Exchange, Inc. Fees Schedule, footnote 34.

[11] *See* Cboe Exchange, Inc. Fees Schedule, footnotes 18 and 19.

[12] Also like the structure of the Exchange's fees for AIM Agency/Primary and AIM Contra orders, the applicable standard transaction fees will continue to apply to AIM Response orders in Sector Indexes and Underlying Symbol List A. The Exchange notes this in proposed footnote 20.

[13] *See* Cboe Exchange, Inc. Fees Schedule, ''Volume Incentive Program'' table and footnote 36, ''Marketing Fee'' table, and ''Clearing Trading Permit Holder Fee Cap'' table and footnote 11, respectively.

incentivized to respond to Auctions as they were the exclusive (or among the exclusive) market participants permitted to submit responses. Therefore, the Exchange believes the proposed AIM Responder fees for non-Customer, non-Market-Maker responses will encourage Market-Makers to continue to respond to Auctions and compete to provide price improvement in a competitive auction process, thus contributing to a deeper, more liquid auction process with additional execution opportunities which benefits all market participants. Likewise, the Exchange believes the proposed Break-Up Credits will encourage Customer order flow to Auctions. Increased Customer order flow benefits all market participants because it continues to attract liquidity to the Exchange by providing more trading opportunities. This attracts Market-Makers and other liquidity providers, thus, facilitating price improvement in the auction process, signaling additional corresponding increase in order flow from other market participants, and, as a result, contributing towards a robust, well-balanced market ecosystem.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[14] in general, and furthers the requirements of Section 6(b)(4),[15] 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. As stated above, the Exchange 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. The proposed fee changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange's price improvement Auctions, which the Exchange believes would enhance market quality to the benefit of all TPHs.

The Exchange believes that its proposed adoption of fees for non-Customer, non-Market-Maker responses and Break-Up Credits for Customer Agency orders is consistent with Section 6(b)(4) of the Act in that the proposal is reasonable, equitable and not unfairly discriminatory. Also, as noted above, the Exchange operates in highly competitive market. The Exchange is only one of several options venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. The Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory in that competing options exchanges,[16] including the Exchange's affiliated options exchanges,[17] offer substantially the same fees and credits in connection with similar price improvement auctions, as the Exchange now proposes.

The Exchange believes that it is reasonable to assess a fee for non-Customer, non-Market-Maker AIM Responses because it is reasonably designed to incentivize Market-Makers to continue to respond, and potentially increase their responses, to AIM and SAM Auctions in light of the recent opening of the Auctions to other market participants not previously permitted to respond to such Auctions. The Exchange believes that encouraging increased Market-Maker order flow will increase liquidity and Auction execution and price improvement opportunities to the benefit of all participants. Deepening the Exchange's liquidity pool and offering additional opportunities enables all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. The Exchange believes excluding non-Customer, non-Market-Maker AIM Reponses from the Complex Surcharge is reasonable as such market participants will not be assessed the extra surcharge. The Exchange also notes that auction responses in COA and AIM are currently capped at $0.50 per contract for non-customer complex orders in Penny classes (which includes the applicable transaction fee, Complex Surcharge and Marketing Fee (if applicable)).[18] As such, given the proposed fee for AIM Responses is $0.50 per contract, the Complex Surcharge would, in effect, not be assessed for non-customer, non-Market-Maker complex orders in Penny classes. The Exchange also notes that other types of orders are currently excluded from the Complex Surcharge.[19] Similarly, the Exchange believes that applying a Break-Up Credit to Customer Agency orders is a reasonable means to encourage Customer order flow to Exchange Auctions. As stated, increased Customer order flow provides continued liquidity to the Exchange, in that it provides additional transaction opportunities which attract Market-Makers and other liquidity providers (by means of both unrelated orders and responses in connection with the Auctions), thus facilitating price improvement and signals an increase in additional order flow from other market participants. In turn, these increases benefit all market participants by contributing towards a robust and well-balanced market ecosystem.

The Exchange also believes that the proposed fees in connection with AIM Responses and Customer Agency orders does not represent a significant departure from the fees and credits rebates currently offered under the fees schedule for these market participants. For example, under the existing fees schedule orders with F and L Capacity Codes are assessed a fee of $0.43 per contract in Penny Classes and $0.70 per contract in non-Penny Classes, while orders with B, N, U, or J Capacity Codes are assessed a fee of $0.47 per contract in Penny Classes and $0.75 per contract in non-Penny Classes. Additionally, under the existing ''Volume Incentive Program'', Customer orders may receive credits ranging from $0.09 to $0.24 per contract executed in AIM.

The Exchange also believes that the proposed fees are equitable and not unfairly discriminatory because the proposed fee for AIM Responses will apply equally to all non-Customer, non-Market-Maker responses, *i.e.* all such TPHs will be assessed the same amount. Similarly, the exclusion of AIM Responses from the Complex Surcharge is equitable and not unfairly discriminatory as it applies equally to all non-Customer, non-Market-Maker responses.

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4).

[16] *See* MIAX Options Fee Schedule, Section 1(a)(v), ''MIAX Price Improvement Mechanism (''PRIME'') Fees, which assesses a fee of $0.50 (Penny Classes) and $0.99 (non-Penny Classes) for PRIME responses, and offers a break-up credit of $0.25 (Penny Classes) and $0.60 (non-Penny Classes) for PRIME Agency orders; *see also* NYSE American Options Fee Schedule, Section I(G), ''CUBE Auction Fees and Credits'', which assesses a fee of $0.50 (Penny Classes) and $0.99 (non-Penny Classes) for CUBE (its Customer Best Execution Auction) responses, and offers a break-up credit of $0.25 (Penny Classes) and $0.60 (non-Penny Classes) for PRIME Agency orders, and an Initiating Participant Credit (akin to an Agency Order) of $0.30 (Penny Pilot) and $0.70 (non-Penny Pilot).

[17] *See* EDGX Options Exchange Fee Schedule, ''Fee Codes and Associated Fees'', fee code BD is appended to AIM Responder Penny Pilot orders and is assessed a fee of $0.50 per share, and fee code BE is appended to AIM Responder Non-Penny Pilot orders and is assessed a fee of $1.05 per share; *and* ''AIM Break-Up Credits'', which offers a credit of $0.25 for AIM Agency Orders in Penny Pilot securities and $0.60 for such orders in non-Penny Pilot securities.

[18] *See* Cboe Options Fees Schedule, Footnote 35.

[19] *See e.g.* Cboe Options Fees Schedule, Footnote 35. Stock-option orders are currently excluded from the Complex Surcharge.

The Exchange also believes that continuing to not assess a fee applicable to Market-Maker responses other than the applicable standard transaction fee is equitable and not unfairly discriminatory because Market-Makers are already subject to certain other transaction fees not otherwise applicable to other market participants. In particular, in addition to Market-Maker-specific standard transaction fees,[20] Market-Makers are also currently assessed a marketing fee of $0.25 in Penny Pilot classes and $0.70 in all other classes on certain transactions resulting from customer orders,[21] including qualifying orders submitted as AIM Responses. Further, Market-Makers, unlike other market participants, take on a number of obligations, including quoting obligations that other market participants do not have, as well as added market making and regulatory requirements, which normally do not apply to other market participants. For example, Market-Makers have obligations to maintain continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and to not make bids or offers or enter into transactions that are inconsistent with a course of dealing. Additionally, the Exchange notes that Market-Makers (with an appointment in the applicable class) may not submit solicited orders into an AIM Auction;[22] this restriction does not apply to Firm orders. As stated, the Exchange also recognizes that Market-Makers are the primary liquidity providers in the options markets, and particularly, during AIM auctions. Thus, the Exchange believes Market-Makers provide the most accurate prices reflective of the true state of the market and are primarily responsible for encouraging more aggressive quoting and superior price improvement during an AIM Auction. As a result, the Exchange believes it is important to continue to incent Market-Makers to actively participate in such auctions by means of continuing to assess no fee other than the current applicable standard transaction fees for Market-Maker AIM Response orders. Increased Market-Maker liquidity also increases trading opportunities and signals to other participants to increase their order flow, which benefits all market participants.

Likewise, the Exchange believes that providing a Break-Up Credit for Customer Agency orders is equitable and not unfairly discriminatory because the proposed Break-Up Credit will apply equally to all Customer Agency orders that execute in an Auction against qualifying responses. The Exchange notes that while Customer Agency orders will receive the Break-Up Credit, as opposed to other Agency orders, the Exchange believes that this application of the credit is equitable and not unfairly discriminatory because, as stated above, Customer order flow enhances liquidity on the Exchange, in turn providing more trading opportunities and attracting other market participants, thus, facilitating tighter spreads, increased order flow and trading opportunities to the benefit of all market participants. Moreover, the options industry has a long history of providing preferential pricing to Customers, and the Exchange's current fees schedule currently does so in many places, as do the fees structures of multiple other exchanges.[23]

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional liquidity to price improvement auctions of a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution and price improvement opportunities for all TPHs. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [24]

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes will apply uniformly to all non-Customer, non-Market-Maker responses and to all Customer Agency orders, respectively. As described above, different market participants have different circumstances, such as the fact that Market-Makers have marketing fees (which apply to qualifying transactions in AIM auctions) and other Market-Maker-specific transaction fees, as well as quoting obligations and restrictions within an AIM Auction that other market participants do not have. Market-Makers have also recently lost their exclusive Auction response incentive. Additionally, the Exchange notes the fact that preferential pricing to Customers is a long-standing options industry practice. The proposed fee changes serve to enhance Market-Maker and Customer order flow to the Exchange's Auctions, which, as a result, facilitates increased liquidity and execution opportunities to the benefit of all market participants. In addition to this, the Exchange notes that it currently assesses similar fees for certain non-Customer, non-Market-Maker orders and similar credits for certain Customer orders.

The Exchange also does not believe that the proposed fees will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the Act because, as noted above, competing options exchanges,[25] including the Exchange's affiliated options exchange,[26] currently have substantially similar fees in place in connection with similar price improvement auctions. Additionally, and as previously discussed, the Exchange operates in a highly competitive market. TPHs have numerous alternative venues that they may participate on and direct their order flow, including 15 other options exchanges, many of which offer substantially similar price improvement auctions. Based on publicly available information, no single options exchange has more than 19% of the market share.[27] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Indeed, participants can readily choose to send their orders to other exchange, 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

[20] *See* Cboe Options Fees Schedule, ''SPX Liquidity Provider Sliding Scale'' table; ''Liquidity Provider Sliding Scale'' table; and ''Liquidity Provider Sliding Scale Adjustment Table''.

[21] That is, Market-Maker orders that execute against customer orders.

[22] This is also true for SAM Auctions. *See* Rule 5.39.

[23] *See* MIAX Options Fee Schedule, Section 1(a)(v), ''MIAX Price Improvement Mechanism (''PRIME'') Fees, and NYSE American Options Fee Schedule, Section I(G), ''CUBE Auction Fees and Credits'', each of which assesses a lower transaction fee for customer orders than that of other market participants for executions in their respective auctions.

[24] Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

[25] *See supra* note 13.

[26] *See supra* note 14.

[27] *See supra* note 3.

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.'' [28] 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'. . . .''.[29] 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) of the Act [30] and paragraph (f) of Rule 19b–4 [31] 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–CBOE–2020–007 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–2020–007. 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–CBOE–2020–007 and should be submitted on or before March 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03178 Filed 2–18–20; 8:45 am]

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[28] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[29] *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)).

[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88177; File No. SR–CboeEDGA–2019–013]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Introduce the Small Retail Broker Distribution Program

February 12, 2020.

On August 1, 2019, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the EDGA fee schedule to introduce a Small Retail Broker Distribution Program (the ''Program''). The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on August 20, 2019.[4] The Commission received no comment letters regarding the proposed rule change. On September 30, 2019, under Sections 19(b)(2) and (b)(3)(C) of the Act,[5] the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change (''OIP'').[6] The Commission has received no comment letters in response to the OIP.

Section 19(b)(2) of the Act [7] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(2) and (b)(3)(A).

[4] *See* Securities Exchange Act Release No. 86676 (August 14, 2019), 84 FR 43218 (''Notice'').

[5] 15 U.S.C. 78s(b)(3)(C).

[6] *See* Securities Exchange Act Release No. 87165 (September 30, 2019), 84 FR 53205 (October 4, 2019).

[7] 15 U.S.C. 78s(b)(2).

change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 20, 2019. The 180th day after publication of the Notice is February 16, 2020, and April 16, 2020 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[8] designates April 16, 2020 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeEDGA–2019–013).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03179 Filed 2–18–20; 8:45 am]

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[8] *Id.*

[9] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88175; File No. SR–CboeBZX–2019–057]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2 thereto, To List and Trade Shares of the American Century Focused Dynamic Growth ETF and American Century Focused Large Cap Value ETF Under BZX Rule 14.11(k)

February 12, 2020.

I. Introduction

On June 6, 2019, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the American Century Focused Dynamic Growth ETF and American Century Focused Large Cap Value ETF (each a ''Fund'' and, collectively, the ''Funds'') under BZX Rule 14.11(k) (Managed Portfolio Shares).[3] The proposed rule change was published for comment in the **Federal Register** on June 25, 2019.[4] On August 2, 2019, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On September 23, 2019, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change.[8] On December 17, 2019, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.[9] On December 17, 2019, the Commission designated a longer period for action on the proposed rule change.[10] On February 11, 2020, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the proposed rule change as modified by Amendment No. 1.[11] The Commission has received no comments on the proposed rule change. The Commission is publishing this notice to solicit comments on Amendment No. 2 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission recently approved the Exchange's proposed rule change to adopt BZX Rule 14.11(k) to permit the listing and trading of Managed Portfolio Shares. *See* Securities Exchange Act Release No. 87759 (December 16, 2019), 84 FR 70223 (December 20, 2019) (SR–CboeBZX–2019–047) (''Managed Portfolio Shares Order'').

[4] *See* Securities Exchange Act Release No. 86155 (June 19, 2019), 84 FR 29912 (''Notice'').

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 86557, 84 FR 39024 (August 8, 2019). The Commission designated September 23, 2019, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 87059, 84 FR 51215 (September 27, 2019).

[9] Amendment No. 1 is available on the Commission's website at *https://www.sec.gov/comments/sr-cboebzx-2019-057/srcboebzx2019057-6555831-200931.pdf.*

[10] *See* Securities Exchange Act Release No. 87769, 84 FR 70589 (December 23, 2019). The Commission designated February 20, 2020, as the date by which the Commission must either approve or disapprove the proposed rule change.

[11] Amendment No. 2 is available on the Commission's website at *https://www.sec.gov/comments/sr-cboebzx-2019-057/srcboebzx2019057.htm.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, as Modified by Amendment No. 2

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

This Amendment No. 2 to SR-CboeBZX–2019–057 amends and replaces in its entirety Amendment No. 1 to the proposal, originally submitted on December 17, 2019, which amended and replaced in its entirety the proposal as originally submitted on June 5, 2019. The Exchange submits this Amendment No. 2 in order to clarify certain points and add additional details to the proposal.

The Exchange received approval to add new Rule 14.11(k) for the purpose of permitting the listing and trading of Managed Portfolio Shares, which are securities issued by an actively managed open-end management investment company,[12] on December 16, 2019.[13] Rule 14.11(k)(2)(A) requires the Exchange to file separate proposals

[12] As defined in Rule 14.11(k)(3)(A), the term ''Managed Portfolio Share'' means a security that (a) represents an interest in an investment company registered under the Investment Company Act of 1940 (''Investment Company'') organized as an open-end management investment company, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (b) is issued in a Creation Unit (as defined below), or multiples thereof, in return for a designated portfolio of instruments (and/or an amount of cash) with a value equal to the next determined net asset value and delivered to the Authorized Participant (as defined in the Investment Company's Form N–1A filed with the Commission) through a Confidential Account; (c) when aggregated into a Redemption Unit (as defined below), or multiples thereof, may be redeemed for a designated portfolio of instruments (and/or an amount of cash) with a value equal to the next determined net asset value delivered to the Confidential Account (as defined below) for the benefit of the Authorized Participant; and (d) the portfolio holdings for which are disclosed within at least 60 days following the end of every fiscal quarter.

[13] *See* Securities Exchange Act Release No. 87759 (December 16, 2019), 84 FR 70223 (December 20, 2019) (SR–CboeBZX–2019–047).

under Section 19(b) of the Act before listing and trading any series of Managed Portfolio Shares on the Exchange. As such, the Exchange is submitting this proposal in order to list and trade shares of the American Century Focused Dynamic Growth ETF and the American Century Focused Large Cap Value ETF under Rule 14.11(k).

Description of the Funds and the Trust

The shares of each Fund (the ''Shares'') will be issued by American Century ETF Trust (the ''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[14] The investment adviser to each Fund will be American Century Investment Management, Inc. (the ''Adviser''). Foreside Fund Services, LLC (the ''Distributor'') will serve as the distributor of each of the Fund's Shares. All statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of the Verified Intraday Indicative Value (''VIIV''),[15] reference assets, and intraday indicative values, and the applicability of Exchange rules shall constitute continued listing requirements for listing the Shares on the Exchange, as provided under Rule 14.11(a).

Rule 14.11(k)(2)(D) provides that if the investment adviser to the Investment Company issuing Managed Portfolio Shares is registered as a broker-dealer or is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and personnel of the broker-dealer or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition of and/or changes to such Investment Company portfolio and/or the Creation Basket.[16] Any person related to the investment adviser or Investment Company who makes decisions pertaining to the Investment Company's portfolio composition or has access to information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Investment Company portfolio or changes thereto or the Creation Basket.[17] Rule 14.11(k)(2)(D) is similar to Rule 14.11(c)(5)(A)(i), related to Index Fund Shares, except that Rule 14.11(k)(2)(D) relates to the establishment of a ''fire wall'' between the investment adviser and the broker-dealer as applicable to an Investment Company's portfolio and/or Creation Basket, not an underlying benchmark index, as is the case with index-based funds. Rule 14.11(k)(2)(D) is also similar to Rule 14.11(i)(7), related to Managed Fund Shares, except that Rule 14.11(k)(2)(D) relates to the establishment of a ''fire wall'' between the investment adviser and the broker-dealer as applicable to an Investment Company's portfolio and Creation Basket, and not just the underlying portfolio, as is the case with Managed Fund Shares. The Adviser is not registered as a broker-dealer, but is affiliated with a broker-dealer and has implemented and will maintain a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition of and changes to a Fund's portfolio and/or Creation Basket.

In the event (a) the Adviser becomes registered as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio and/or Creation Basket. Any person related to the Adviser or the Trust who makes decisions pertaining to a Fund's portfolio composition or that has access to information regarding a Fund's portfolio or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio or changes thereto and the Creation Basket.

Further, Rule 14.11(k)(2)(E) requires that any person or entity, including an AP Representative, custodian, Reporting Authority, distributor, or administrator, who has access to information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Investment Company

[14] The Trust is registered under the 1940 Act. On June 18, 2018, the Trust filed a registration statement on Form N–1A relating to the Funds (File No. 811–23305) (the ''Registration Statement''). The Exchange notes that the names of the Funds have been changed since the Registration Statement was filed and that such names will be updated in a subsequent filing. The Commission issued an order granting exemptive relief to the Trust (''Exemptive Order'') under the 1940 Act on September 10, 2019 (Investment Company Act Release No. 33620). The Exemptive Order was granted with respect to the Trust's application for exemptive relief (the ''Exemptive Application'') (File No. 812–15035). Investments made by the Funds will comply with the conditions set forth in the Exemptive Order. The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement. The Exemptive Order specifically notes that ''granting the requested exemptions is appropriate in and consistent with the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It is further found that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transactions are consistent with the policy of each registered investment company concerned and with the general purposes of the Act.'' The Exchange notes that the Exemptive Application incorporates by reference the terms and conditions of the exemptive order granted to Precidian ETFs Trust, et al. *See* Investment Company Act Release Nos. 33440, April 8, 2019 (notice) and 33477, May 20, 2019 (order).

[15] Rule 14.11(k)(3)(B) defines the term VIIV as the indicative value of a Managed Portfolio Share based on all of the holdings of a series of Managed Portfolio Shares as of the close of business on the prior business day and, for corporate actions, based on the applicable holdings as of the opening of business on the current business day, priced and disseminated in one second intervals during Regular Trading Hours (as defined in Rule 1.5(w)) by the Reporting Authority, as defined below.

[16] Rule 14.11(k)(3)(E) defines the term ''Creation Basket'' as on any given business day the names and quantities of the specified instruments (and/or an amount of cash) that are required for an AP Representative (as defined below) to deposit in-kind on behalf of an Authorized Participant in exchange for a Creation Unit and the names and quantities of the specified instruments (and/or an amount of cash) that will be transferred in-kind to an AP Representative on behalf of an Authorized Participant in exchange for a Redemption Unit, which will be identical and will be transmitted to each AP Representative before the commencement of trading.

[17] 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 will be 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 its fiduciary obligations 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 (i) adopts and implements written policies and procedures reasonably designed to prevent violations, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) reviews, at least annually, the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designates an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above. The Funds will also comply with the requirements of Regulation Fair Disclosure, as provided in the Exemptive Application.

portfolio or changes thereto or the Creation Basket. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Investment Company portfolio or Creation Basket. Any person or entity who has access to information regarding a Fund's portfolio composition or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the portfolio composition or changes thereto or the Creation Basket.

Description of the Funds

American Century Focused Dynamic Growth ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[18]

The Fund seeks long-term capital growth. The portfolio managers look for stocks of companies they believe will increase in value over time.

American Century Focused Large Cap Value ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[19]

The Fund seeks long-term capital growth. In selecting stocks for the Fund, the portfolio managers look for companies whose stock price may not reflect the company's value, by looking for companies that are temporarily out of favor in, or whose value is not yet recognized by, the market.

Investment Restrictions

The Funds will not purchase any securities that are illiquid investments at the time of purchase and each Fund's holdings will be consistent with all requirements described in the Exemptive Application and Exemptive Order.

The Shares of each Fund will conform to the initial and continued listing criteria under Rule 14.11(k). The Funds' holdings will be limited to and consistent with what is permissible under the Exemptive Order and described herein.

Each Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

Creations and Redemptions of Shares

Creations and redemptions of the Shares will occur as described in Rule 14.11(k). More specifically, in connection with the creation and redemption of Creation Units[20] and Redemption Units,[21] the delivery or receipt of any portfolio securities in-kind will be required to be effected through a separate confidential brokerage account (a ''Confidential Account'').[22] Authorized Participants (as defined in the applicable Form N–1A filed with the Commission, ''AP'') will sign an agreement with an AP Representative[23] establishing the Confidential Account for the benefit of the AP. AP Representatives will be broker-dealers. An AP must be a Depository Trust Company (''DTC'') Participant that has executed a ''Participant Agreement'' with the Distributor with respect to the creation and redemption of Creation Units and Redemption Units and formed a Confidential Account for its benefit in accordance with the terms of the Participant Agreement. For purposes of creations or redemptions, all transactions will be effected through the respective AP's Confidential Account, for the benefit of the AP, without disclosing the identity of such securities to the AP.

Each AP Representative will be given, before the commencement of trading each Business Day (defined below), the Creation Basket (as described below) for that day. This information will permit an AP that has established a Confidential Account with an AP Representative, to instruct the AP Representative to buy and sell positions in the portfolio securities to permit creation and redemption of Creation Units and Redemption Units. Shares of each Fund will be issued and redeemed in Creation Units and Redemption Units of 5,000 or more Shares. The Funds will offer and redeem Creation Units and Redemption Units on a continuous basis at the net asset value (''NAV'') per share next determined after receipt of an order in proper form. The NAV per share of each Fund will be determined as of the close of regular trading on the Exchange on each day that the Exchange is open (a ''Business Day''). The Funds will sell and redeem Creation Units and Redemption Units only on Business Days.

To keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and Redemption Units and generally on an in-kind basis. Accordingly, except where the purchase or redemption will include cash under the circumstances described in the Exemptive Application, APs will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and APs redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption

[18] Pursuant to the Exemptive Order, the permissible investments include only the following instruments that trade on a U.S. exchange contemporaneously with the Shares: ETFs and exchange-traded notes, common stocks, preferred stocks, American depositary receipts, real estate investment trusts, commodity pools, metals trusts, currency trusts, and futures for which the reference asset the Fund may invest in directly or, in the case of an index future, based on an index of a type of asset that the Fund could invest in directly; as well as cash and cash equivalents (short-term U.S. Treasury securities, government money market funds and repurchase agreements).

[19] Pursuant to the Exemptive Order, the permissible investments include only the following instruments that trade on a U.S. exchange contemporaneously with the Shares: ETFs and exchange-traded notes, common stocks, preferred stocks, American depositary receipts, real estate investment trusts, commodity pools, metals trusts, currency trusts, and futures for which the reference asset the Fund may invest in directly or, in the case of an index future, based on an index of a type of asset that the Fund could invest in directly; as well as cash and cash equivalents (short-term U.S. Treasury securities, government money market funds and repurchase agreements).

[20] Rule 14.11(k)(3)(F) defines the term ''Creation Unit'' as a specified minimum number of Managed Portfolio Shares issued by an Investment Company at the request of an Authorized Participant in return for a designated portfolio of instruments and/or cash.

[21] Rule 14.11(k)(3)(G) defines the term ''Redemption Unit'' as a specified minimum number of Managed Portfolio Shares that may be redeemed to an Investment Company at the request of an Authorized Participant in return for a portfolio of instruments and/or cash.

[22] Rule 14.11(k)(3)(D) defines the term ''Confidential Account'' as an account owned by an Authorized Participant and held with an AP Representative on behalf of the Authorized Participant. The account will be established and governed by contractual agreement between the AP Representative and the Authorized Participant solely for the purposes of creation and redemption, while keeping confidential the Creation Basket constituents of each series of Managed Portfolio Shares, including from the Authorized Participant. The books and records of the Confidential Account will be maintained by the AP Representative on behalf of the Authorized Participant.

[23] Rule 14.11(k)(3)(C) defines the term ''AP Representative'' as an unaffiliated broker-dealer, with which an Authorized Participant has signed an agreement to establish a Confidential Account for the benefit of such Authorized Participant, that will deliver or receive, on behalf of the Authorized Participant, all consideration to or from the Investment Company in a creation or redemption. An AP Representative will not be permitted to disclose the Creation Basket to any person, including the Authorized Participants.

Instruments'') through the AP Representative in their Confidential Account.[24] On any given Business Day, the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or a redemption, as the ''Creation Basket.''

Placement of Purchase Orders

Each Fund will issue Shares through the Distributor on a continuous basis at NAV. The Exchange represents that the issuance of Shares will operate in a manner similar to that of other ETFs. Each Fund will issue Shares only at the NAV per share next determined after an order in proper form is received.

In the case of a creation, the AP would enter an irrevocable creation order with the applicable Fund and direct the AP Representative to purchase the Deposit Instruments. The AP Representative would then purchase the necessary securities in the Confidential Account. In purchasing the necessary securities, the AP Representative will use methods, such as breaking the transaction into multiple transactions and transacting in multiple marketplaces, to avoid revealing the composition of the Creation Basket. Once the Deposit Instruments have been acquired in the Confidential Account, the AP Representative would contribute the Deposit Instruments in-kind to the Fund.

The Distributor will furnish acknowledgements to those placing such orders that the orders have been accepted, but the Distributor may reject any order which is not submitted in proper form, as described in a Fund's prospectus or Statement of Additional Information (''SAI''). The NAV of each Fund is expected to be determined once each Business Day at a time determined by the Trust's Board of Trustees (''Board''), currently anticipated to be as of the close of the regular trading session on the Exchange (ordinarily 4:00 p.m. E.T.) (the ''Valuation Time''). Each Fund will establish a cut-off time (''Order Cut-Off Time'') for purchase orders in proper form. Such Order Cut-Off Time will be provided in the Registration Statement. To initiate a purchase of Shares, an AP must submit to the Distributor an irrevocable order to purchase such Shares after the most recent prior Valuation Time. All orders to purchase Creation Units must be received by the Distributor no later than the Order Cut-Off Time in each case on the date such order is placed (''Transmittal Date'') for the AP to receive the NAV per share determined on the Transmittal Date. As with all existing ETFs, if there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Balancing Amount'').

Purchases of Shares will be settled in-kind and/or cash for an amount equal to the applicable NAV per share purchased plus applicable transaction fees.[25] Other than the Balancing Amount, a Fund will substitute cash only under exceptional circumstances and as set forth under that Fund's policies and procedures governing the composition of Creation Baskets.

Authorized Participant Redemption

The Shares may be redeemed to a Fund in Redemption Unit size or multiples thereof as described below. Redemption orders of Redemption Units must be placed by an AP (''AP Redemption Order''). Each Fund will establish in its Registration Statement an Order Cut-Off Time for redemption orders of Redemption Units in proper form. Redemption Units of the applicable Fund will be redeemable at their NAV per share next determined after receipt of a request for redemption by the Trust in the manner specified below before the Order Cut-Off Time. A transaction fee may also be imposed on redemption orders. To initiate an AP Redemption Order, an AP must submit to the Distributor an irrevocable order to redeem such Redemption Unit after the most recent prior Valuation Time, but not later than the Order Cut-Off Time.

In the case of a redemption, the AP would enter into an irrevocable redemption order, and then the applicable Fund would instruct its custodian to deliver the Redemption Instruments to the appropriate Confidential Account. The Authorized Participant would direct the AP Representative on when that day to liquidate those securities. As with the purchase of securities, the AP Representative will use methods, such as breaking the transaction into multiple transactions and transacting in multiple marketplaces, to avoid revealing the composition of the Creation Basket.

Consistent with the provisions of Section 22(e) of the 1940 Act and Rule 22e–2 thereunder, the right to redeem will not be suspended, nor payment upon redemption delayed, except for: (1) Any period during which the Exchange is closed other than customary weekend and holiday closings, (2) any period during which trading on the Exchange is restricted, (3) any period during which an emergency exists as a result of which disposal by a Fund of securities owned by it is not reasonably practicable or it is not reasonably practicable for a Fund to determine its NAV, and (4) for such other periods as the Commission may by order permit for the protection of shareholders.

Redemptions will occur primarily in-kind, although redemption payments may also be made partly or wholly in cash.[26] The Participant Agreement signed by each AP will require establishment of a Confidential Account to receive distributions of securities in-kind upon redemption. Each AP will be required to open a Confidential Account with an AP Representative in order to facilitate orderly processing of redemptions. Other than the Balancing Amount, a Fund will substitute cash only under exceptional circumstances and as set forth under that Fund's policies and procedures governing the composition of Creation Baskets.[27]

Net Asset Value

The NAV per share of a Fund will be computed by dividing the value of the net assets of a Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of Shares of a Fund outstanding, rounded to the nearest cent. Expenses and fees, including, without limitation, the management, administration and distribution fees, will be accrued daily and taken into account for purposes of determining NAV. Interest and investment income on a Fund's assets accrue daily and will be included in the Fund's total assets. The NAV per share for a Fund will be calculated by a Fund's administrator and determined as of the close of the regular trading session on the Exchange (ordinarily 4 p.m., E.T.) on each day that the Exchange is open.

[24] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the 1933 Act.

[25] To the extent that a Fund allows creations or redemptions to be conducted in cash, such transactions will be effected in the same manner for all APs transacting in cash.

[26] The value of any positions not susceptible to in-kind settlement may be paid in cash.

[27] To the extent that a Fund allows creations or redemptions to be conducted in cash, such transactions will be effected in the same manner for all APs transacting in cash.

Exchange-traded instruments will be valued at market value, which will generally be determined using the last reported official closing or last trading price on the exchange or market on which the securities are primarily traded at the time of valuation. Other holdings of the Funds will generally be valued on the basis of independent pricing services, quotes obtained from brokers and dealers or price quotations or other equivalent indications of value provided by a third-party pricing service, reported net asset value, or at cost.

Availability of Information

The Funds' website (*www.americancenturyetfs.com*), which will be publicly available prior to the listing and trading of Shares, will include a form of the prospectus for each Fund that may be downloaded. The Funds' website will include additional quantitative information updated on a daily basis, including, for each Fund, the prior Business Day's NAV, market closing price or mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[28] and a calculation of the premium and discount of the market closing price or Bid/Ask Price against the NAV. In addition, the Funds will provide any other information on their website regarding premiums/discounts that ETFs registered under the 1940 Act are required to provide or that are otherwise required under the Exemptive Order. The website and information will be publicly available at no charge.

Each Fund's SAI and shareholder reports will be available free upon request from the Trust. These documents and forms may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.*

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. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the VIIV, as defined in Rule 14.11(k)(3)(B) and as described further below, will be widely disseminated by the Reporting Authority[29] and/or one or more major market data vendors in one-second intervals during Regular Trading Hours.

Dissemination of the VIIV

With respect to trading of the Shares, the ability of market participants to buy and sell Shares at prices near the VIIV is dependent upon their assessment that the VIIV is a reliable, indicative real-time value for a Fund's underlying holdings. Market participants are expected to accept the VIIV as a reliable, indicative real-time value because (1) the VIIV will be calculated and disseminated based on a Fund's actual portfolio holdings, (2) the securities in which a Fund plans to invest are generally highly liquid and actively traded and trade at the same time as the Funds and therefore generally have accurate real time pricing available, and (3) market participants will have a daily opportunity to evaluate whether the VIIV at or near the close of trading is indeed predictive of the actual NAV. The VIIV for each Fund will be disseminated by the Reporting Authority and/or one or more major market data vendors in one-second intervals during Regular Trading Hours. For purposes of the VIIV, securities held by a Fund will be valued throughout the day based on the mid-point between the disseminated current NBB and NBO. If the Adviser determines that a portfolio security does not have a readily available market quotation, that fact along with the identity and weighting of that security in a Fund's VIIV calculation will be publicly disclosed on the Fund's website.

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 a Fund. The Exchange will halt trading in the Shares under the conditions specified in BZX Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, including whether unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 14.11(k)(4)(B)(iii)(a) and (b), which set forth circumstances under which trading in the Shares of the Funds will be halted.

Specifically, Rule 14.11(k)(4)(B)(iii)(a) provides that the Exchange may consider all relevant factors in exercising its discretion to halt trading in a series of Managed Portfolio Shares. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the series of Managed Portfolio Shares inadvisable. These may include: (i) The extent to which trading is not occurring in the securities and/or the financial instruments composing the portfolio; or (ii) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[30] The Adviser has represented to the Exchange that it will provide the Exchange with prompt notification upon the existence of any such condition or set of conditions.

Rule 14.11(k)(4)(B)(iii)(b) provides that, if the Exchange becomes aware that: (i) The Verified Intraday Indicative Value of a series of Managed Portfolio Shares is not being calculated or disseminated in one second intervals, as required; (ii) the net asset value with respect to a series of Managed Portfolio Shares is not disseminated to all market participants at the same time; (iii) the holdings of a series of Managed Portfolio Shares are not made available on at least a quarterly basis as required under the 1940 Act; or (iv) such holdings are not made available to all market participants at the same time, (except as otherwise permitted under the currently applicable exemptive order or no-action relief granted by the Commission or Commission staff to the Investment Company with respect to the

[28] The Bid/Ask Price of a Fund will be determined using the mid-point between the current NBB and NBO as of the time of calculation of a Fund's NAV. The records relating to Bid/Ask Prices will be retained by each Fund and/or its service providers.

[29] Rule 14.11(k)(3)(H) defines the term ''Reporting Authority'' in respect of a particular series of Managed Portfolio Shares as the Exchange, the exchange that lists a particular series of Managed Portfolio Shares (if the Exchange is trading such series pursuant to unlisted trading privileges), an institution, or a reporting service designated by the Investment Company as the official source for calculating and reporting information relating to such series, including, the net asset value, the Verified Intraday Indicative Value, or other information relating to the issuance, redemption or trading of Managed Portfolio Shares. A series of Managed Portfolio Shares may have more than one Reporting Authority, each having different functions.

[30] The Exemptive Application provides that the Investment Company or their agent will request that the Exchange halt trading in the applicable series of Managed Portfolio Shares where: (i) The intraday indicative values calculated by the calculation engines differ by more than 25 basis points for 60 seconds in connection with pricing of the Verified Intraday Indicative Value; or (ii) holdings representing 10% or more of a series of Managed Portfolio Shares' portfolio have become subject to a trading halt or otherwise do not have readily available market quotations. Any such requests will be one of many factors considered in order to determine whether to halt trading in a series of Managed Portfolio Shares and the Exchange retains sole discretion in determining whether trading should be halted. As provided in the Exemptive Application, each series of Managed Portfolio Shares would employ a pricing verification agent to continuously compare two intraday indicative values during Regular Trading Hours in order to ensure the accuracy of the Verified Intraday Indicative Value.

series of Managed Portfolio Shares), it will halt trading in such series until such time as the Verified Intraday Indicative Value, the net asset value, or the holdings are available, as required.

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 Exchange only during Regular Trading Hours as provided in Rule 14.11(k)(2)(B). The Exchange has appropriate rules in place to facilitate trading during all trading sessions in which the Shares will trade. As provided in BZX Rule 11.11(a), the minimum price variation for quoting and entry of orders in securities traded on the Exchange is $0.01, with the exception of securities that are priced less than $1.00, for which the minimum price variation for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under Rule 14.11(k) as well as all terms in the Exemptive Order. The Exchange represents that, for initial and/or continued listing, each Fund will be in compliance with Rule 10A–3 under the Act.[31] A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange. The Exchange has obtained a representation from the issuer of the Shares of each Fund that the NAV per share of each Fund will be calculated daily and will be made available to all market participants at the same time.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Portfolio Shares. As part of these surveillance procedures and consistent with Rule 14.11(k)(2)(C), the Adviser will upon request make available to the Exchange and/or FINRA, on behalf of the Exchange, the daily portfolio holdings of a Fund. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and the underlying exchange-traded instruments with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading such securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the underlying exchange-traded instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[32]

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular (''Circular'') of the special characteristics and risks associated with trading the Shares. Specifically, the Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares; (2) BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (3) how information regarding the VIIV is disseminated; (4) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) trading information; and (6) that the portfolio holdings will be disclosed within at least 60 days following the end of every fiscal quarter.

In addition, the Circular will reference that the Funds are subject to various fees and expenses described in the Registration Statement. The Circular will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Circular will also disclose that the NAV for the Shares will be calculated after 4 p.m., E.T. each trading day.

2. Statutory Basis

The Exchange believes that this proposal is consistent with 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 prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that this proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Funds would meet each of the rules relating to listing and trading of Managed Portfolio Shares and, to the extent that a Fund is not in compliance with such rules, the Exchange would either prevent that Fund from listing and trading if it hadn't started trading on the Exchange or would commence delisting procedures under Exchange Rule 14.12. More specifically, the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 14.12 for, a Fund under any of the following circumstances: (a) If, following the initial twelve-month period after commencement of trading on the Exchange, there are fewer than 50 beneficial holders of the Fund for 30 or more consecutive trading days; (b) if the Exchange has halted trading in a Fund because the VIIV is interrupted pursuant to Rule 14.11(k)(4)(B)(iii)(b) and such interruption persists past the trading day in which it occurred or is no longer available; (c) if the Exchange has halted trading in a Fund because the net asset value with respect to such Fund is not disseminated to all market participants at the same time, the holdings of such Fund are not made available on at least a quarterly basis as required under the 1940 Act, or such holdings are not made available to all market participants at the same time pursuant to Rule 14.11(k)(4)(B)(iii)(b) and such issue persists past the trading day in which it occurred; (d) if the Exchange has halted trading in the Fund pursuant to Rule 14.11(k)(4)(B)(iii)(a) and such issue persists past the trading day in which it occurred; (e) if the Fund has failed to file any filings required by the Commission or if the Exchange is aware that the Fund is not in compliance with the conditions of any currently

[31] *See* 17 CFR 240.10A–3.

[32] For a list of the current members of ISG, *see www.isgportal.org.*

[33] 15 U.S.C. 78f.

[34] 15 U.S.C. 78f(b)(5).

applicable exemptive order or no-action relief granted by the Commission or Commission staff with respect to the Fund; (f) if any of the continued listing requirements set forth in Rule 14.11(k) are not continuously maintained; (g) if any of the applicable Continued Listing Representations, as defined in Rule 14.11(a), for the Fund are not continuously met; or (h) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

The Adviser is not registered as a broker-dealer, but is affiliated with a broker-dealer and has implemented and will maintain a ''fire wall'' with respect to such affiliate broker-dealer regarding access to information concerning the composition and/or changes to a Fund's portfolio and Creation Basket.

In the event (a) the Adviser becomes registered as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio and/or Creation Basket. Any person related to the Adviser or the Trust who makes decisions pertaining to a Fund's portfolio composition or that has access to information regarding a Fund's portfolio or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio or changes thereto and the Creation Basket.

Further, Rule 14.11(k)(2)(E) requires that any person or entity, including an AP Representative, custodian, Reporting Authority, distributor, or administrator, who has access to information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Investment Company portfolio or changes thereto or the Creation Basket. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Investment Company portfolio or Creation Basket. Any person or entity who has access to information regarding a Fund's portfolio composition or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the portfolio or changes thereto or the Creation Basket.

The Exchange further believes that Rule 14.11(k) is designed to prevent fraudulent and manipulative acts and practices related to the listing and trading of Managed Portfolio Shares because it provides meaningful requirements about both the data that will be made publicly available about the Shares as well as the information that will only be available to certain parties and the controls on such information. Specifically, the Exchange believes that the requirements related to information protection enumerated under Rule 14.11(k)(2)(E) will act as a strong safeguard against misuse and improper dissemination of information related to a Fund's portfolio composition or changes thereto or the Creation Basket. The requirement that any person or entity implement procedures to prevent the use and dissemination of material nonpublic information regarding the portfolio or Creation Basket will act to prevent any individual or entity from sharing such information externally and the internal ''fire wall'' requirements applicable where an entity is a registered broker-dealer or affiliated with a broker-dealer will act to make sure that no entity will be able to misuse the data for their own purposes. As such, the Exchange believes that this proposal is designed to prevent fraudulent and manipulative acts and practices.

The Exchange further believes that the proposal is designed to prevent fraudulent and manipulative acts and practices related to the listing and trading of Managed Portfolio Shares and to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange would halt trading under certain circumstances under which trading in the Shares of a Fund may be inadvisable. Specifically, trading in the Shares will be subject to Rule 14.11(k)(4)(B)(iii)(a), which provides that the Exchange may consider all relevant factors in exercising its discretion to halt trading in a series of Managed Portfolio Shares. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the series of Managed Portfolio Shares inadvisable. These may include: (i) the extent to which trading is not occurring in the securities and/or the financial instruments composing the portfolio; or (ii) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[35] The Adviser has represented to the Exchange that it will provide the Exchange with prompt notification upon the existence of any such condition or set of conditions. Trading in the Shares will also be subject to Rule 14.11(k)(4)(B)(iii)(b), which provides that if the Exchange becomes aware that: (i) The Verified Intraday Indicative Value of a series of Managed Portfolio Shares is not being calculated or disseminated in one second intervals, as required; (ii) the net asset value with respect to a series of Managed Portfolio Shares is not disseminated to all market participants at the same time; (iii) the holdings of a series of Managed Portfolio Shares are not made available on at least a quarterly basis as required under the 1940 Act; or (iv) such holdings are not made available to all market participants at the same time, (except as otherwise permitted under the currently applicable exemptive order or no-action relief granted by the Commission or Commission staff to the Investment Company with respect to the series of Managed Portfolio Shares), it will halt trading in such series until such time as the Verified Intraday Indicative Value, the net asset value, or the holdings are available, as required.

With respect to the proposed listing and trading of Shares of the Funds, 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 Rule 14.11(k). Each Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and the underlying exchange-traded instruments 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 such instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the underlying exchange-traded instruments from markets and other entities that are members of ISG or with which the

[35] *See supra* note 30.

Exchange has in place a comprehensive surveillance sharing agreement.

With respect to trading of Shares of the Funds, the ability of market participants to buy and sell Shares at prices near the VIIV is dependent upon their assessment that the VIIV is a reliable, indicative real-time value for a Fund's underlying holdings. Market participants are expected to accept the VIIV as a reliable, indicative real-time value because (1) the VIIV will be calculated and disseminated based on a Fund's actual portfolio holdings, (2) the securities in which the Funds plan to invest are generally highly liquid and actively traded and trade at the same time as the Funds and therefore generally have accurate real time pricing available, and (3) market participants will have a daily opportunity to evaluate whether the VIIV at or near the close of trading is indeed predictive of the actual NAV.

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 that the NAV per share of the Funds will be calculated daily and that the NAV will be made available to all market participants at the same time. Investors can also obtain a Fund's SAI, shareholder reports, Form N–CSR, and Form N–PORT. A Fund's SAI and shareholder reports will be available free upon request from the applicable fund, and those documents and the Form N–CSR and Form N–PORT may be viewed on-screen or downloaded from the Commission's website. In addition, with respect to the Funds, a large amount of information will be publicly available regarding the Funds and the Shares, thereby promoting market transparency. Quotation and last sale information for the Shares will be available via the CTA high-speed line. Information regarding the VIIV will be widely disseminated every second throughout Regular Trading Hours by the Reporting Authority and/or one or more major market data vendors. The website for the Funds will include a prospectus for the Funds that may be downloaded, and additional data relating to NAV and other applicable quantitative information, updated on a daily basis.

Moreover, prior to the commencement of trading, the Exchange will inform its members in a Circular of the special characteristics and risks associated with trading the Shares. The Exchange will halt trading in the Shares under the conditions specified in BZX Rule 11.18 or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares will be subject to Rule 14.11(k)(4)(B)(iii)(a) and (b), which set forth circumstances under which Shares of a Fund will be halted.

In addition, as noted above, investors will have ready access to the VIIV, and quotation and last sale information for the Shares. The Shares will conform to the initial and continued listing criteria under Rule 14.11(k). Each Fund's holdings will be limited to and consistent with what is permissible under the Exemptive Order. Each Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

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 actively-managed exchange-traded products that 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 will have ready access to information regarding the VIIV and quotation and last sale information for the Shares.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change, rather will facilitate the listing and trading of actively-managed exchange-traded products that will enhance competition among both market participants and listing venues, 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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the Act and rules and regulations thereunder applicable to a national securities exchange.[36] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5) of the Act,[37] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that the proposal is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading in the Shares when a reasonable degree of certain pricing transparency cannot be assured. As such, the Commission believes the proposal is reasonably designed to maintain a fair and orderly market for trading the Shares. The Commission also finds that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act, which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities.

Specifically, the Commission notes that the Exchange has obtained a representation from the issuer that the NAV per Share of each Fund will be calculated daily and will be made available to all market participants at the same time.[38] 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. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association high-speed line. In addition, the VIIV will be widely disseminated by the Reporting Authority and/or one or more major market data vendors in one-second intervals during Regular Trading Hours, and must be disseminated to all market

[36] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[37] 15 U.S.C. 78f(b)(5).

[38] *See* BZX Rule 14.11(k)(4)(A)(ii).

participants at the same time.[39] Moreover, the Funds' website will include a form of the prospectus and additional data relating to NAV and other applicable quantitative information for each Fund, including any information regarding premiums/discounts that ETFs registered under the 1940 Act are required to provide or that are otherwise required under the Exemptive Order. Such website and information will be publicly available at no charge.

The Commission also notes that the Exchange's rules regarding trading halts help to ensure the maintenance of fair and orderly markets for the Shares. Specifically, pursuant to its rules, the Exchange may consider all relevant factors in exercising its discretion to halt trading in the Shares and will halt trading in the Shares under the conditions specified in BZX Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, including (1) the extent to which trading is not occurring in the securities and/or the financial instruments composing the portfolio; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[40] Trading in the Shares also will be subject to BZX Rule 14.11(k)(4)(B)(iii)(b), which sets forth additional circumstances under which trading in the Shares will be halted.

The Commission also believes that the proposal is reasonably designed to help prevent fraudulent and manipulative acts and practices. The Exchange represents that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Exchange states that the Adviser is not registered as a broker-dealer, but is affiliated with a broker-dealer and has implemented and will maintain a ''fire wall'' with respect to its broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Funds' portfolios and Creation Baskets. Further, the Commission notes that any person related to the Funds' investment adviser or to the Trust who makes decisions pertaining to a Fund's portfolio composition or has access to information regarding the Fund's portfolio composition or changes thereto or the Creation Basket must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Fund portfolio or changes thereto or the Creation Basket.[41] In addition, any person or entity, including an AP Representative, custodian, Reporting Authority, distributor, or administrator, who has access to information regarding a Fund's portfolio composition or changes thereto or its Creation Basket, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Fund portfolio or changes thereto or the Creation Basket.[42] Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity must erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition of and/or changes to such Fund's portfolio and/or Creation Basket.[43] Finally, the Exchange represents that trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Portfolio Shares,[44] and that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.

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. Moreover, prior to the commencement of trading, the Exchange will inform its members in a Circular of the special characteristics and risks associated with trading the Shares.[45]

In support of this proposal, the Exchange represents that:

(1) The Shares will conform to the initial and continued listing criteria under BZX Rule 14.11(k).

(2) A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

(3) The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed, and may obtain trading information, regarding trading in the Shares and the underlying exchange-traded instruments with other markets and other entities that are members of the ISG. In addition, the Exchange may obtain information regarding trading in the Shares and the underlying exchange-traded instruments from markets and other entities with which the Exchange has in place a comprehensive surveillance sharing agreement.

(4) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions in which the Shares trade.

(5) For initial and continued listing, each Fund will be in compliance with Rule 10A–3 under the Act.[46]

(6) Each Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order, and investments made by the Funds will be consistent with all requirements set forth in the Exemptive Application and Exemptive Order. Each Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

The Exchange represents that all statements and representations made in the filing regarding: (1) The description of the portfolio or reference assets; (2) limitations on portfolio holdings or reference assets; (3) dissemination and availability of the VIIV, reference assets, and intraday indicative values; and (4) the applicability of Exchange rules constitute continued listing requirements for listing the Shares on the Exchange. In addition, the Exchange represents that the issuer will advise the Exchange of any failure by a Fund to comply with the continued listing requirements and, pursuant to its obligations under Section 19(g)(1) of the

[39] *See* BZX Rule 14.11(k)(4)(B)(i).

[40] *See* BZX Rule 14.11(k)(4)(B)(iii)(a).

[41] *See* BZX Rule 14.11(k)(2)(D). The Exchange represents that any person related to the Adviser or the Trust who makes decisions pertaining to a Fund's portfolio composition or that has access to information regarding a Fund's portfolio or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio or changes thereto and the Creation Basket.

[42] *See* BZX Rule 14.11(k)(2)(E).

[43] *See id.* The Exchange represents that any person or entity who has access to information regarding a Fund's portfolio composition or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the portfolio composition or changes thereto or the Creation Basket.

[44] *See* BZX Rule 14.11(k)(2)(C), which requires, as part of the surveillance procedures for Managed Portfolio Shares, the Funds' investment adviser to, upon request by the Exchange or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, make available to the Exchange or FINRA the daily portfolio holdings of each series of Managed Portfolio Shares.

[45] The Exchange represents that the Circular will discuss the following: (1) Procedures for purchases and redemptions of Shares; (2) BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (3) how information regarding the VIIV is disseminated; (4) the requirement that members deliver a prospectus to investors purchasing newly issued shares prior to or concurrently with the confirmation of a transaction; (5) trading information; and (6) that the portfolio holdings will be disclosed within at least 60 days following the end of every fiscal quarter.

[46] *See* 17 CFR 240.10A–3.

Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under BZX Rule 14.12.

IV. Solicitation of Comments on Amendment No. 2 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 2 is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2019–057 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2019–057. 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–CboeBZX–2019–057, and should be submitted on or before March 11, 2020.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 2

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 2, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 2 in the **Federal Register**. In Amendment No. 2, the Exchange modified the description of each Fund's investments and conformed the description of BZX Rule 14.11(k) to the final rule approved in the Managed Portfolio Shares Order. Amendment No. 2 also provides other clarifications and additional information to the proposed rule change.[47] The changes and additional information in Amendment No. 2 assist the Commission in finding that the proposal is consistent with the Exchange Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act,[48] to approve the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[49] that the proposed rule change (SR–CboeBZX–2019–057), as modified by Amendment No. 2, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[50]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03176 Filed 2–18–20; 8:45 am]

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[47] *See* Amendment No. 2, *supra* note 11.

[48] 15 U.S.C. 78s(b)(2).

[49] 15 U.S.C. 78s(b)(2).

[50] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88178; File No. SR–CboeEDGX–2019–048]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Introduce the Small Retail Broker Distribution Program

February 12, 2020.

On August 1, 2019, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the EDGX fee schedule to introduce a Small Retail Broker Distribution Program (the ''Program''). The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on August 20, 2019.[4] The Commission received no comment letters regarding the proposed rule change. On September 30, 2019, under Sections 19(b)(2) and (b)(3)(C) of the Act,[5] the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change (''OIP'').[6] The Commission has received no comment letters in response to the OIP.

Section 19(b)(2) of the Act[7] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(2) and (b)(3)(A).

[4] *See* Securities Exchange Act Release No. 86678 (August 14, 2019), 84 FR 43246 (''Notice'').

[5] 15 U.S.C. 78s(b)(3)(C).

[6] *See* Securities Exchange Act Release No. 87163 (September 30, 2019), 84 FR 53203 (October 4, 2019).

[7] 15 U.S.C. 78s(b)(2).

comment in the **Federal Register** on August 20, 2019. The 180th day after publication of the Notice is February 16, 2020, and April 16, 2020 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[8] designates April 16, 2020 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeEDGX–2019–048).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03180 Filed 2–18–20; 8:45 am]

BILLING CODE 8011–01–P

[8] *Id.*

[9] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88180; File No. SR–CboeBZX–2019–069]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Introduce the Small Retail Broker Distribution Program

February 12, 2020.

On August 1, 2019, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the BZX fee schedule to introduce a Small Retail Broker Distribution Program (the ''Program''). The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on August 20, 2019.[4] The Commission received no comment letters regarding the proposed rule change. On September 30, 2019, under Sections 19(b)(2) and (b)(3)(C) of the Act,[5] the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change (''OIP'').[6] The Commission has received no comment letters in response to the OIP.

Section 19(b)(2) of the Act[7] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 20, 2019. The 180th day after publication of the Notice is February 16, 2020, and April 16, 2020 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[8] designates April 16, 2020 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeBZX–2019–069).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03182 Filed 2–18–20; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(2) and (b)(3)(A).

[4] *See* Securities Exchange Act Release No. 86667 (August 14, 2019), 84 FR 43233 (''Notice'').

[5] 15 U.S.C. 78s(b)(3)(C).

[6] *See* Securities Exchange Act Release No. 87164 (September 30, 2019), 84 FR 53208 (October 4, 2019).

[7] 15 U.S.C. 78s(b)(2).

[8] *Id.*

[9] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88179; File No. SR–CboeBYX–2019–012]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Introduce the Small Retail Broker Distribution Program

February 12, 2020.

On August 1, 2019, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the BYX fee schedule to introduce a Small Retail Broker Distribution Program (the ''Program''). The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on August 20, 2019.[4] The Commission received no comment letters regarding the proposed rule change. On September 30, 2019, under Sections 19(b)(2) and (b)(3)(C) of the Act,[5] the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change (''OIP'').[6] The Commission has received no comment letters in response to the OIP.

Section 19(b)(2) of the Act[7] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(2) and (b)(3)(A).

[4] *See* Securities Exchange Act Release No. 86670 (August 14, 2019), 84 FR 43207 (''Notice'').

[5] 15 U.S.C. 78s(b)(3)(C).

[6] *See* Securities Exchange Act Release No. 87166 (September 30, 2019), 84 FR 53197 (October 4, 2019).

[7] 15 U.S.C. 78s(b)(2).

comment in the **Federal Register** on August 20, 2019. The 180th day after publication of the Notice is February 16, 2020, and April 16, 2020 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[8] designates April 16, 2020 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeBYX–2019–012).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03181 Filed 2–18–20; 8:45 am]

BILLING CODE 8011–01–P

[8] *Id.*

[9] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88181; File No. SR–NYSEARCA–2020–10]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

February 12, 2020.

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 February 3, 2020, 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 amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'') to amend the Retail Order Step-Up Tier 2 pricing tier. The proposed rule 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 amend the Fee Schedule to amend the Retail Order Step-Up Tier 2 pricing tier. The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing orders by offering further incentives for ETP Holders[4] to send additional displayed liquidity to the Exchange.

The Exchange proposes to implement the fee changes effective February 3, 2020.

Background

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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.''[5]

As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.''[6] Indeed, equity trading is currently dispersed across 13 exchanges,[7] 31 alternative trading systems,[8] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 20% market share (whether including or excluding auction volume).[9] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 10% market share of executed volume of equity trades (excluding auction volume).[10]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which a firm routes order flow. The competition for Retail Orders[11] is even more stark, particularly as it relates to exchange versus off-exchange venues. For example, the Exchange examined Rule 606 disclosures from three prominent retail brokerages: E-Trade, TD Ameritrade and Charles Schwab. For securities listed on the New York Stock Exchange LLC in the third quarter of 2019, TD Ameritrade routed 92% of its limit orders to off-exchange venues.[12] Similarly, E-Trade Financial and Charles Schwab routed more than 73% and more than 97%,[13] respectively, of its limit orders to off-exchange venues. With respect to non-marketable order

[4] All references to ETP Holders in connection with this proposed fee change include Market Makers.

[5] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005)

[6] *See* Securities Exchange Act Release No. 51808, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Final Rule).

[7] *See* Cboe U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share.* See generally *https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[8] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[9] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[10] *See id.*

[11] A Retail Order is an agency order that originates from a natural person and is submitted to the Exchange by an ETP Holder, provided that no change is made to the terms of the order to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* Securities Exchange Act Release No. 67540 (July 30, 2012), 77 FR 46539 (August 3, 2012) (SR–NYSEArca–2012–77).

[12] *See https://www.tdameritrade.com/retail-en_us/resources/pdf/AMTD2054.pdf.*

[13] *See https://content.etrade.com/etrade/powerpage/pdf/OrderRouting11AC6.pdf. See also https://www.schwab.com/public/schwab/nn/legal_compliance/important_notices/order_routing.html.*

flow that would provide displayed liquidity on an Exchange against which market makers can quote, ETP Holders can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees and credits that relate to orders that would provide displayed liquidity on an exchange.

Proposed Rule Change

The proposed rule change is designed to be available to all ETP Holders on the Exchange and is intended to provide ETP Holders an opportunity to receive enhanced rebates by quoting and trading more on the Exchange.

The Exchange currently provides credits to ETP Holders who submit orders that provide displayed liquidity on the Exchange. The Exchange currently has multiple levels of credits for orders that provide displayed liquidity that are based on the amount of volume of such orders that ETP Holders send to the Exchange.

As described in greater detail below, the Exchange proposes to amend the volume requirements and the associated per share credit payable for Retail Orders that provide liquidity in Tape A, Tape B and Tape C securities.

In this competitive environment, the Exchange has already established Retail Order Step-Up Tiers 1, 2, 3 and 4, which are designed to encourage ETP Holders that provide displayed liquidity in Retail Orders on the Exchange to increase that order flow, which would benefit all ETP Holders by providing greater execution opportunities on the Exchange. In order to provide an incentive for ETP Holders to direct providing displayed Retail Order flow to the Exchange, the credits increase in the various tiers based on increased levels of volume directed to the Exchange.

Currently, the following credits are available to ETP Holders that provide increased levels of displayed liquidity in Retail Orders on the Exchange:

Tier	Credit for providing displayed liquidity in retail orders
Retail Order Step-Up Tier 1	$0.0033 (Tape A, Tape B and Tape C).
Retail Order Step-Up Tier 2	$0.0035 (Tape A, Tape B and Tape C).
Retail Order Step-Up Tier 3	$0.0035 (Tape A, Tape B and Tape C).
Retail Order Step-Up Tier 4	$0.0036 (Tape A, Tape B and Tape C).

Generally, under the Retail Order step-up pricing tiers, if an ETP Holder increases its retail liquidity, it is eligible to earn higher credits and lower fees.

Under Retail Order Step-Up Tier 1, to qualify for the Retail Order Step-Up Tier 1 credit, an ETP Holder must execute an average daily volume (ADV) per month of Retail Orders with a time-in-force of Day that add or remove liquidity that is an increase of 0.12% or more of the US CADV above its April 2018 ADV taken as a percentage of US CADV. Currently, if an ETP Holder meets the Retail Order Step-Up Tier 1 requirement, such ETP Holder is eligible to earn a credit of $0.0033 per share for Retail Orders that provide displayed liquidity to the Book in Tape A, Tape B and Tape C securities, and is not charged a fee for Retail Orders with a time-in-force of Day that remove liquidity.[14]

Under Retail Order Step-Up Tier 2, ETP Holders that provide liquidity an ADV per month of 1.10% or more of the US CADV, and execute an ADV of Retail Orders with a time-in-force of Day that add or remove liquidity during the month that is an increase of 0.35% or more of the US CADV above their April 2018 ADV taken as a percentage of US CADV are eligible for the per share credit under the Retail Order Step-Up Tier 2 pricing tier. Currently, if an ETP Holder meets the Retail Order Step-Up Tier 2 requirement, such ETP Holder is eligible to earn a credit of $0.0035 per share for Retail Orders that provide displayed liquidity to the Book in Tape A, Tape B and Tape C securities, and is not charged a fee for Retail Orders with a time-in-force of Day that remove liquidity.[15] Additionally, under Retail Order Step-Up Tier 2, ETP Holders can earn an incremental credit of $0.0002 per share for orders in Tape C securities that provide non-displayed liquidity in addition to a credit of $0.0035 per share for orders in Tape C securities that provide displayed liquidity to the Book, and [sic] a fee of $0.0027 per share for orders in Tape C securities that take liquidity from the Book.

Under Retail Order Step-Up Tier 3,[16] ETP Holders that execute an ADV of Retail Orders with a time-in-force of Day that add or remove liquidity during the month that is an increase of 0.10% or more of the US CADV above their April 2018 ADV taken as a percentage of US CADV, are eligible to receive a credit of $0.0035 per share for Retail Orders that provide displayed liquidity in Tape A, Tape B and Tape C securities. Retail Orders with a time-in-force designation of Day that remove liquidity from the Book are not charged a fee. The Retail Order Step-Up Tier 3 provides the same level of credit for Retail Orders that provide displayed liquidity to the Book in Tapes A, B and C securities payable under the current Retail Order Step-Up Tier 2 but has a lower requirement to qualify for the credit. Retail Order Step-Up Tier 3 also does not provide the incremental $0.0002 per share credit in Tape C securities for orders that provide non-displayed liquidity to the Book, the $0.0035 per share credits for non-Retail Orders that provide displayed liquidity to the Book in Tape C Securities, or the $0.0027 per share fee applicable for orders in Tape C securities that take liquidity, all of which are currently payable under Retail Order Step-Up Tier 2.

Under Retail Order Step-Up Tier 4,[17] ETP Holders that execute an ADV of Retail Orders with a time-in-force of Day that add or remove liquidity during the month that is an increase of 0.20% or more of the US CADV above their April 2018 ADV taken as a percentage of US CADV, are eligible to receive a credit of $0.0036 per share for Retail Orders that provide displayed liquidity in Tape A, Tape B and Tape C securities. Retail Orders with a time-in-force designation of Day that remove liquidity from the Book are not charged a fee.

With this proposed rule change, the Exchange proposes to amend the volume requirements and the associated per share credit payable under Retail

[14] *See* Securities Exchange Act Release No. 83268 (May 17, 2018), 83 FR 23983 (May 23, 2018) (SR–NYSEArca–2018–34).

[15] *See* Securities Exchange Act Release No. 83828 (August 10, 2018), 83 FR 40816 (August 16, 2018) (SR–NYSEArca–2018–58). Additionally, under Retail Order Step-Up Tier 2, ETP Holders are eligible to earn a credit of $0.0035 per share for orders in Tape C securities that provide displayed liquidity, can receive an incremental credit of $0.0002 per share for orders in Tape C securities that provide non-displayed liquidity, and are charged a fee of $0.0027 per share for orders in Tape C securities that take liquidity. The Exchange is not proposing any change to this aspect of Retail Order Step-Up Tier 2 with this proposed rule change.

[16] *See* Securities Exchange Act Release No. 87994 (January 16, 2020), 85 FR 3955 (January 23, 2020) (SR–NYSEArca–2020–05).

[17] *See id.*

Order Step-Up Tier 2. More specifically, the Exchange proposes to amend the average share volume requirement that ETP Holders are required to meet, from 1.10% or more of US CADV to 1.00% or more of US CADV. Additionally, the Exchange proposes to amend the amount of Retail Orders that ETP Holders are required to execute from an increase over their April 2018 ADV of 0.35% or more to an increase over their April 2018 ADV of 0.40% or more. Finally, the Exchange proposes to increase the credit payable under Retail Order Step-Up Tier 2 from $0.0035 per share to $0.0038 per share.

With this proposed rule change, the following credits would be available to ETP Holders that provide increased levels of displayed liquidity in Retail Orders on the Exchange:

Tier	Credit for providing displayed liquidity in retail orders
Retail Order Step-Up Tier 1	$0.0033 (Tape A, Tape B and Tape C).
Retail Order Step-Up Tier 2	$0.0038 (Tape A, Tape B and Tape C).
Retail Order Step-Up Tier 3	$0.0035 (Tape A, Tape B and Tape C).
Retail Order Step-Up Tier 4	$0.0036 (Tape A, Tape B and Tape C).

For all other fees and credits, tiered or basic rates apply based on a firm's qualifying levels.

The purpose of the proposed rule change is to encourage even greater participation from ETP Holders and promote additional liquidity in Retail Orders. As described above, ETP Holders with liquidity-providing orders have a choice of where to send those orders. The Exchange believes that the proposed amendment to the volume requirement and credit payable under Retail Order Step-Up Tier 2 could lead to more ETP Holders choosing to route their liquidity-providing Retail Orders to the Exchange rather than to a competing exchange.

The Exchange does not know how much Retail Order flow ETP Holders choose to route to other exchanges or to off-exchange venues. Without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holders sending more of their Retail Orders to the Exchange to qualify for the proposed Retail Order Step-Up Tier 2 credit. Currently, no ETP Holders qualify for Retail Order Step-Up Tier 2.[18] The Exchange cannot predict with certainty how many ETP Holders would avail themselves of this opportunity but additional liquidity-providing Retail Orders would benefit all market participants because it would provide greater execution opportunities on the Exchange.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[20] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Fee Change is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market. 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.'' [21]

As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.'' [22] Indeed, equity trading is currently dispersed across 13 exchanges,[23] 31 alternative trading systems,[24] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. As noted above, no exchange possesses significant pricing power in the execution of equity 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. With respect to non-marketable orders which provide liquidity on an Exchange, ETP Holders can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces reasonably constrain exchange transaction fees that relate to orders that would provide displayed liquidity on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

Given this competitive environment, the proposal represents a reasonable attempt to attract additional order flow to the Exchange.

As noted above, the competition for Retail Order flow is stark given the amount of retail limit orders that are routed to non-exchange venues. 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. This competition is particularly acute for non-marketable, or limit, retail orders, *i.e.,* retail orders that can provide liquidity on an exchange. That competition is even more fierce for retail limit orders that provide *displayed* liquidity on an exchange. Accordingly, competitive forces constrain exchange transaction fees,

[18] As of January 31, 2020, there are 13 ETP Holders on the Exchange that provide liquidity that could qualify for the Exchange's Retail Step-Up pricing tiers.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(4) and (5).

[21] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[22] *See* Securities Exchange Act Release No. 51808, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Final Rule).

[23] *See* Cboe Global Markets, U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share/.*

[24] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

particularly as they relate to competing for retail orders.

The Exchange believes the proposed change to the Retail Order Step-Up Tier 2 pricing tier is reasonable because it would provide ETP Holders with additional incentives to send a greater number of Retail Orders to the Exchange. The Exchange believes that the proposed amendment to qualify for the tier utilizing a higher Retail Order requirement and a lower liquidity providing ADV is reasonable because the proposal would provide firms with greater incentive to reach retail order volume tiers, thereby creating an added incentive for ETP Holders to bring additional retail order flow to a public market. The Exchange believes the proposed change is reasonable because the increased credit proposed herein would continue to encourage ETP Holders to send Retail Orders to the Exchange to qualify for the pricing tier. As noted above, the Exchange operates in a highly competitive environment, particularly for attracting Retail Order flow that provides displayed liquidity on an exchange. The Exchange believes it is reasonable to continue to provide credits in general, and higher credits, for Retail Orders that provide displayed liquidity if an ETP Holder meets the amended qualifications for the pricing tier.

Further, given the competitive market for attracting Retail Orders, the Exchange notes that with this proposed rule change, the Exchange's pricing for Retail Orders would be comparable to credits currently in place on other exchanges that the Exchange competes with for order flow. For example, the Nasdaq Stock Market LLC (''Nasdaq'') provides its members with a credit of $0.0033 per share if such member has an 85% add to total volume (adding liquidity and removing liquidity) ratio during a billing month.[25] Cboe BZX Exchange, Inc. (''BZX'') provides its members with a credit of $0.0032 per share for retail orders that add liquidity to that market.[26] In addition, Cboe EDGX Exchange, Inc. ('EDGX'') provides its members with a credit of $0.0037 per share for retail orders that add liquidity to that market if an EDGX member adds liquidity in Retail Orders of 0.50% of CADV or more.[27]

The Exchange believes the proposed change is also reasonable because it is designed to attract higher volumes of Retail Orders transacted on the Exchange by ETP Holders which would benefit all market participants by offering greater price discovery, increased transparency, and an increased opportunity to trade on the Exchange.

On the backdrop of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt to increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors.

The Proposed Fee Change Is an Equitable Allocation of Fees and Credits

The Exchange believes that the proposed rule change to amend the requirement and credit payable under Retail Order Step-Up Tier 2 equitably allocates fees and credits among its market participants because it is reasonably related to the value of the Exchange's market quality associated with higher volume in Retail Orders. The Exchange believes that pricing is just one of the factors that ETP Holders consider when determining where to direct their order flow. Among other things, factors such as execution quality, fill rates, and volatility, are important and deterministic to ETP Holders in deciding where to send their order flow.

Further, the Exchange notes that, with this proposed rule change, the difference between the highest credit provided for Retail Orders, $0.0038 per share, as proposed, and the credit for Retail Orders that do not qualify for any Retail Order pricing tiers, $0.0030 per share, is $0.0008, or 21%, which the Exchange believes is relatively small given the heightened requirements that ETP Holders must meet to qualify for the higher credit. Similarly, with this proposed rule change, the difference in the highest credit for Retail Orders, $0.0038 per share, as proposed, and the credit provided for Retail Orders to those ETP Holders qualifying for the Retail Order Tier or Retail Order Step-Up Tier 1, $0.0033 per share, would only be $0.0005 per share, or 13%. Therefore, the Exchange believes the proposed amendment to the Retail Order Step-Up Tier 2 pricing tier is equitably allocated and provides credits that are reasonably related to the value to the Exchange's market quality associated with higher volumes. In today's competitive marketplace, order flow providers have a choice of where to direct liquidity-providing order flow, and while only three ETP Holders have qualified to date for the current Retail Order pricing tiers, the Exchange believes there are additional ETP Holders that could qualify if they chose to direct their order flow to the Exchange.

Finally, the Exchange believes that the proposed amendment to the Retail Order Step-Up Tier 2 pricing tier is equitable because the magnitude of the proposed credit is not unreasonably high relative to credits paid by other exchanges for orders that provide additional step up liquidity in Retail Orders.[28] The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more Retail Orders to the Exchange, thereby improving market-wide quality and price discovery.

The proposal neither targets nor will it have a disparate impact on any particular category of market participant. ETP Holders that currently qualify for credits associated with Retail Order Step-Up pricing tiers on the Exchange will continue to receive credits when they provide liquidity to the Exchange.

The Proposed Fee Change Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

The Exchange believes it is not unfairly discriminatory to provide a higher per share step-up credit for Retail Orders, as the proposed credit would be provided on an equal basis to all ETP Holders that add liquidity by meeting the amended requirements of the Retail Order Step-Up Tier 2. Further, the Exchange believes the proposed increased per share credits would incentivize ETP Holders that meet the current tiered requirements to send more of their Retail Orders to the Exchange to qualify for increased credits. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume.

Finally, the submission of orders to the Exchange is optional for ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard. The Exchange believes that it is subject to significant

[25] *See* Nasdaq Price List, Rebate to Add Displayed Designated Retail Liquidity, at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

[26] *See* BZX Fee Schedule, Fee Codes and Associated Fees, at *https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/.*

[27] *See* EDGX Fee Schedule, Fee Codes and Associated Fees, at *https://markets.cboe.com/us/equities/membership/fee_schedule/edgx/.*

[28] *See* notes 25–27, *supra.*

competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[29] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [30]

Intramarket Competition. The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change applies to all ETP Holders equally in that all ETP Holders are eligible for the pricing tier, have a reasonable opportunity to meet the tier's criteria and will all receive the proposed rebate if such criteria is met. Additionally, the proposed change is designed to attract additional order flow to the Exchange. The Exchange believes that the proposed amendment to Retail Order Step-Up Tier 2 pricing tier would continue to incentivize market participants to submit orders that qualify as Retail Orders to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages ETP Holders to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants. The amended pricing tier would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's market share of intraday trading (*i.e.,* excluding auctions) is currently less than 10%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe this proposed fee change would impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [31] of the Act and subparagraph (f)(2) of Rule 19b–4 [32] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [33] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2020–10 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–2020–10. 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

[29] 15 U.S.C. 78f(b)(8).

[30] *See* Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

[31] 15 U.S.C. 78s(b)(3)(A).

[32] 17 CFR 240.19b–4(f)(2).

[33] 15 U.S.C. 78s(b)(2)(B).

[34] 17 CFR 200.30–3(a)(12).

Number SR–NYSEARCA–2020–10 and should be submitted on or before March 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03183 Filed 2–18–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88182; File No. SR–NYSEArca–2020–11]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

February 12, 2020.

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 February 3, 2020, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule''). The Exchange proposes to implement the fee changes effective February 3, 2020. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule regarding the Exchange's tiered-rebate structure applicable to Lead Market Makers (''LMMs''),[3] and to ETP[4] Holders affiliated with such LMM, that provide displayed liquidity in Tape B securities to the NYSE Arca Book.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing orders by offering further incentives for ETP Holders and LMMs to send additional displayed liquidity to the Exchange.

The Exchange proposes to implement the fee changes effective February 3, 2020.

Background

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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.''[5]

As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.''[6] Indeed, equity trading is currently dispersed across 13 exchanges,[7] 31 alternative trading systems,[8] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 20% market share (whether including or excluding auction volume).[9] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 10% market share of executed volume of equity.[10]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which a firm routes order flow. With respect to non-marketable order flow that would provide displayed liquidity on an Exchange against which market makers can quote, ETP Holders and LMMs can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees and credits that relate to orders that would provide displayed liquidity on an exchange.

Proposed Rule Change

The proposed rule change is designed to be available to all ETP Holders and LMMs on the Exchange and is intended to provide ETP Holders and LMMs an opportunity to receive enhanced rebates by quoting and trading more on the Exchange.

The Exchange currently provides tier-based incremental credits for orders that provide displayed liquidity in Tape B securities to the NYSE Arca Book.[11] Specifically, LMMs that are registered as the LMM in Tape B securities that have a consolidated average daily volume (''CADV'') in the previous month of less than 100,000 shares, or 0.010% of Consolidated Tape B ADV, whichever is greater (''Less Active ETP Securities''), and the ETP Holders affiliated with such LMMs, currently receive an incremental credit for orders that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Lead Market Maker'' is defined in Rule 1.1(w) to mean a registered Market Maker that is the exclusive Designated Market Maker in listings for which the Exchange is the primary market.

[4] All references to ETP Holders in connection with this proposed fee change include Market Makers.

[5] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[6] *See* Securities Exchange Act Release No. 51808, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Final Rule).

[7] *See* Cboe U.S. Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[8] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[9] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[10] *See id.*

[11] *See* Securities Exchange Act Release Nos. 76084 (October 6, 2015), 80 FR 61529 (October 13, 2015) (SR–NYSEArca–2015–87); 79597 (December 19, 2016), 81 FR 94460 (December 23, 2016) (SR–NYSEArca–2016–165); and 85094 (February 11, 2019), 84 FR 4579 (February 15, 2019) (SR–NYSEArca–2019–05).

provide displayed liquidity to the Book in any Tape B securities that trade on the Exchange.[12] The current incremental credits and volume thresholds are as follows:

- An additional credit of $0.0004 per share if an LMM is registered as the LMM in at least 300 Less Active ETP Securities
- An additional credit of $0.0003 per share if an LMM is registered as the LMM in at least 200 but less than 300 Less Active ETP Securities
- An additional credit of $0.0002 per share if an LMM is registered as the LMM in at least 100 but less than 200 Less Active ETP Securities
- An additional credit of $0.0001 per share if an LMM is registered as the LMM in at least 75 but less than 100 Less Active ETP Securities
- An additional credit of $0.00005 per share if an LMM is registered as the LMM in at least 50 but less than 75 Less Active ETP Securities

The number of Less Active ETP Securities for the billing month is based on the number of Less Active ETP Securities in which an LMM is registered as the LMM on the average of the first and last business day of the previous month.

With this proposed rule change, the Exchange proposes to amend the requirement for a LMM to receive the $0.0003 per share and the $0.0004 per share incremental credits. As proposed, a LMM, and ETP Holders affiliated with such LMM, would receive an incremental credit of $0.0003 per share if the LMM is registered as the LMM in at least 200 Less Active ETP Securities but less than 400 Less Active ETP Securities, instead of less than 300 Less Active ETP Securities, or alternatively, the LMM, and ETP Holders affiliated with such LMM, would receive an incremental credit of $0.0003 per share if the LMM is registered as the LMM in at least 200 but less than 300 Less Active ETP Securities if the LMM, and ETP Holders affiliated with such LMM, adds liquidity in all securities of at least 1.00% of US CADV.

Additionally, a LMM, and ETP Holders affiliated with such LMM, would receive an incremental credit of $0.0004 per share if the LMM is registered as the LMM in at least 400 Less Active ETP Securities, instead of at least 300 Less Active ETP Securities, or alternatively, the LMM, and ETP Holders affiliated with such LMM, would receive an incremental credit of $0.0004 per share if the LMM is registered as the LMM in at least 300 Less Active ETP Securities if the LMM, and ETP Holders affiliated with such LMM, add liquidity in all securities of at least 1.00% of US CADV.

The purpose of the proposed rule change is to encourage LMMs and ETP Holders to enhance the market quality in Tape B securities that are listed and traded on the Exchange by offering additional opportunities to earn incremental credits, which would support the quality of price discovery in Less Active ETP Securities on the Exchange and provide additional liquidity for incoming orders for the benefit of all market participants. The Exchange believes that providing alternative means of achieving the incremental credits to LMMs, and ETP Holders affiliated with such LMM, that add liquidity across all securities could lead to increased trading on the Exchange, and may lead to more LMMs to register to quote and trade in Less Active ETP Securities. The Exchange believes the proposal would also encourage competition in Tape B securities quoted and traded on the Exchange.

The Exchange does not know how much order flow LMMs and ETP Holders choose to route to other exchanges or to off-exchange venues. The incremental credits in NYSE Arca-listed securities are available to all LMMs that are registered as the LMM in a security, and to ETP Holders that are affiliated with a LMM. Currently, there are no LMMs that qualify for the $0.0003 per share credit and 2 LMMs that qualify for the $0.0004 per share credit.[13] Without having a view of a LMM's activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in more LMMs sending their orders in NYSE Arca-listed securities to the Exchange to qualify for the existing credits or whether this proposed rule change would result in LMMs to send more of their orders in NYSE Arca-listed securities to the Exchange to qualify for such credits. The Exchange cannot predict with certainty how many LMMs would avail themselves of this opportunity but additional liquidity-providing orders would benefit all market participants because it would provide greater execution opportunities on the Exchange.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[15] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Fee Change Is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market. 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.'' [16]

As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.'' [17] Indeed, equity trading is currently dispersed across 13 exchanges,[18] 31 alternative trading systems,[19] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. As noted above, no exchange possesses significant pricing power in the execution of equity order flow.

The Exchange believes that the ever-shifting market share among the exchanges from month to month

[12] The Exchange defines ''affiliate'' to ''mean any ETP Holder under 75% common ownership or control of that ETP Holder.'' *See* Fee Schedule, NYSE Arca Marketplace: General.

[13] As of January 31, 2020, there are 19 registered LMMs on the Exchange that could qualify for the incremental rebates for Less Active ETP Securities, all of whom are affiliated with one or more ETP holders.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4) and (5).

[16] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[17] *See* Securities Exchange Act Release No. 51808, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Final rule).

[18] *See* Cboe Global Markets, U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share/.*

[19] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order which provide liquidity on an Exchange, LMMs and ETP Holders can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces reasonably constrain exchange transaction fees that relate to orders that would provide displayed liquidity on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

Given this competitive environment, the proposal represents a reasonable attempt to attract additional order flow to the Exchange.

The Exchange believes the proposed rule change to amend the requirement to qualify for the incremental credit of $0.0003 per share and $0.0004 per share, and adopting an alternative way to qualify for such incremental credits is reasonable because it is intended to continue to encourage LMMs, and ETP Holders affiliated with such LMM, to promote price discovery and market quality in all securities, not just Less Active ETP Securities, for the benefit of all market participants. The Exchange believes the proposed rule change is reasonable and appropriate in that the credits are based on the amount of business transacted on the Exchange. The Exchange believes that providing incremental credits to ETP Holders affiliated with a LMM that add liquidity in all securities, not just Less Active ETP Securities, is reasonable because the Exchange believes that by providing amended thresholds to qualify for the rebates, more LMMs may register to quote and trade in Less Active ETP Securities and generally transact more in all securities on the Exchange. The Exchange believes the proposed amendment to qualify for the current incremental credit for adding liquidity is also reasonable because it would encourage liquidity and competition in all securities quoted and traded on the Exchange. Moreover, the Exchange believes that the proposed fee change could incentivize LMMs to register as an LMM in Less Active ETP Securities and thus, add more liquidity in all securities, and in particular Tape B securities, to the benefit of all market participants.

Submission of additional liquidity to the Exchange would promote price discovery and transparency and enhance order execution opportunities for LMMs from the substantial amounts of liquidity present on the Exchange. All participants, including LMMs, would benefit from the greater amounts of liquidity that will be present on the Exchange, which would provide greater execution opportunities.

On the backdrop of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt to increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors.

The Proposed Fee Change Is an Equitable Allocation of Fees and Credits

The Exchange believes the proposed rule change to amend the volume thresholds to qualify for the incremental LMM credits and providing an alternative way to qualify for such incremental credits is equitable because it provides discounts that are reasonably related to the value to the Exchange's market quality associated with higher volumes. The Exchange further believes that the incremental rebate is equitable because it is consistent with the market quality and competitive benefits associated with the fee program and because the magnitude of the additional rebate is not unreasonably high in comparison to the rebate paid with respect to other displayed liquidity-providing orders. The Exchange believes that it is equitable to offer increased rebates to LMMs as LMMs are subject to additional requirements and obligations (such as quoting requirements) that other market participants are not. The Exchange also believes that allowing ETP Holders to receive enhanced credits based on activities of their affiliates is equitable and not unfairly discriminatory because the Exchange believes that ETP Holders affiliated with LMMs may qualify to earn enhanced credits in recognition of their shared economic interest, which includes the heightened obligations imposed on LMMs. ETP Holders unaffiliated with LMMs do not share the same type of economic interests. Further, ETP Holders not affiliated with a LMM have an opportunity to establish such affiliation by several means, including but not limited to, a business combination or the establishment of their own market making operation, which each unaffiliated firm has the potential to establish.

The Proposed Fee Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed rule change is not unfairly discriminatory. In the prevailing competitive environment, LMMs and ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

The Exchange believes it is not unfairly discriminatory to amend the volume thresholds to qualify for the incremental rebates and to adopt an alternative method to qualify for such credits applicable to a LMM, and ETP Holders affiliated with such LMM, for orders that provide displayed liquidity in NYSE Arca-listed securities for which they are registered as the LMM, as the amended requirements would apply on an equal basis to all such participants. Further, the Exchange believes the proposed amendment to qualify for the incremental credit would incentivize LMMs to send more orders to the Exchange. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume.

The proposal to amend the volume thresholds to qualify for the incremental rebates neither targets nor will it have a disparate impact on any particular category of market participant. The proposal does not permit unfair discrimination because the proposed threshold would be applied to all similarly situated LMMs, who would all be eligible for the same credit on an equal basis. Accordingly, no LMM already operating on the Exchange would be disadvantaged by this allocation of fees.

Finally, the submission of orders to the Exchange is optional for LMMs and ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[20] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution

[20] 15 U.S.C. 78f(b)(8).

opportunities for LMMs and ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [21]

Intramarket Competition. The proposed change is designed to attract additional order flow to the Exchange. The Exchange believes that the amended thresholds to qualify for the incremental credit applicable to LMMs, and ETP Holders affiliated with such LMM, would continue to incentivize market participants to direct their displayed order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages LMMs, to send orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants. The proposed thresholds to qualify for the incremental credit would be applicable to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's current market share of intraday trading (*i.e.,* excluding auctions) is less than 10%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [22] of the Act and subparagraph (f)(2) of Rule 19b–4 [23] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2020–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2020–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–11, and should be submitted on or before March 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03184 Filed 2–18–20; 8:45 am]

BILLING CODE 8011–01–P

[21] *See* Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(2).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88186; File No. SR–IEX–2019–15]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Add a New Discretionary Limit Order Type Called D-Limit

February 12, 2020.

On December 16, 2019, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt a new order type, the Discretionary Limit or ''D-Limit.'' The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change was published for comment in the **Federal Register** on December 30, 2019.[3] The Commission has received 19 comment letters on the proposed rule change.[4]

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is February 13, 2020.

The Commission hereby is extending this 45-day time period. The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change, including the comment letters received thereon.

Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates March 29, 2020, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–IEX–2019–15).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–03185 Filed 2–18–20; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Securities Exchange Act Release No. 87814 (December 20, 2019), 84 FR 71997.

[4] The comment letters are available at: *https://www.sec.gov/comments/sr-iex-2019–15/sriex201915.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16280 and #16281; MISSISSIPPI Disaster Number MS–00120]

Administrative Declaration of a Disaster for the State of Mississippi

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of MISSISSIPPI dated 02/06/2020.

Incident: Severe Weather and Tornadoes.

Incident Period: 01/10/2020 through 01/11/2020.

DATES: Issued on 02/06/2020.

Physical Loan Application Deadline Date: 04/06/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 11/06/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: DeSoto.

Contiguous Counties:

Mississippi: Marshall, Tate, Tunica.

Arkansas: Crittenden.

Tennessee: Shelby.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.000
Homeowners without Credit Available Elsewhere	1.500
Businesses with Credit Available Elsewhere	7.750
Businesses without Credit Available Elsewhere	3.875
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.875
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16280 C and for economic injury is 16281 0.

The States which received an EIDL Declaration # are Mississippi, Arkansas, Tennessee.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: February 6, 2020.

Jovita Carranza,

Administrator.

[FR Doc. 2020–03240 Filed 2–18–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Advisory Committee on Veterans Business Affairs

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and provide supplemental information for the next meeting of the Advisory Committee on Veterans Business Affairs (ACVBA). The meeting is open to the public.

DATES: Thursday, March 5, 2020, from 9 a.m. to 4 p.m. EST.

ADDRESSES: The meeting will be held at SBA Headquarters, 409 3rd Street SW, Eisenhower Conference Room B, Washington, DC 20416, and via teleconference.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is requested. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line—''RSVP for March 5, 2020 ACVBA Public Meeting.''

Anyone wishing to make comments to the ACVBA must contact SBA's Office of Veterans Business Development (OVBD) no later than February 25, 2020 via email *veteransbusiness@sba.gov,* or Timothy Green, Deputy Associate Administrator, OVBD at (202) 205–6773. Comments for the record will be limited to five minutes to accommodate as many participants as possible.

Special accommodation requests should also be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* For more information on veteran owned small business programs, please visit *www.sba.gov/ovbd.*

Participants not attending in person can join via teleconference by calling: 1–202–765–1264, Conference ID: 137290192#.

All applicable documents will be posted on the ACVBA website: *https://www.sba.gov/offices/headquarters/ovbd/resources/14397.*

SBA's main entrance lobby has been temporarily closed due to renovation construction. As a result, the security area has been relocated and the only means of entering the building is via the

entrance at D Street SW, located next to the Golds Gym. Once inside the building, visitors must check in with the security desk.

For security purposes attendees must:

1. Present a valid photo ID to receive a visitor badge.

2. Know the name of the event being attended: The meeting event is Advisory Committee on Veterans Business Affairs (ACVBA).

3. Visitor badges are issued by the security officer at the main entrance. Visitors are always required to display their visitor's badge while inside the building.

4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, Metro's Federal Center SW station is the easiest way to access SBA Headquarters.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Advisory Committee on Veterans Business Affairs. The ACVBA is established pursuant to 15 U.S.C. 657(b) note and serves as an independent source of advice and policy. The purpose of this meeting is to discuss efforts that support veteran-owned small businesses, updates on past and current events, and the ACVBA's objectives for fiscal year 2020.

Dated: February 10, 2020.

Nicole Nelson,

Committee Management Officer (Acting).

[FR Doc. 2020–03210 Filed 2–18–20; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16293 and #16294; Louisiana Disaster Number LA–00100]

Administrative Declaration of a Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Louisiana dated 02/11/2020.

Incident: Severe Storms and a Tornado.

Incident Period: 01/10/2020 through 01/11/2020.

DATES: Issued on February 11, 2020.

Physical Loan Application Deadline Date: 04/13/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 11/12/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Parishes: Webster

Contiguous Parishes/Counties:

Louisiana: Bienville, Bossier, Claiborne

Arkansas: Columbia, Lafayette

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.000
Homeowners Without Credit Available Elsewhere	1.500
Businesses with Credit Available Elsewhere	7.750
Businesses without Credit Available Elsewhere	3.875
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.875
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16293 C and for economic injury is 16294 0.

The States which received an EIDL Declaration # are Louisiana, Arkansas.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: February 11, 2020.

Jovita Carranza,

Administrator.

[FR Doc. 2020–03239 Filed 2–18–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and provide supplemental information for the next Interagency Task Force on Veterans Small Business Development (IATF). The meeting is open to the public.

DATES: Wednesday, March 4, 2020, from 1 p.m. to 4 p.m. EST.

ADDRESSES: The meeting will be held at SBA Headquarters, 409 3rd Street SW, Eisenhower Conference Room A, Washington, DC 20416, and via teleconference.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is requested. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line—''RSVP for March 4, 2020 IATF Public Meeting.''

Anyone wishing to make comments to the Task Force must contact SBA's Office of Veterans Business Development (OVBD) no later than February 25, 2020, via email *veteransbusiness@sba.gov,* or Timothy Green, Deputy Associate Administrator, OVBD at (202) 205–6773. Comments for the record will be limited to five minutes to accommodate as many participants as possible.

Special accommodation requests should also be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* For more information on veteran owned small business programs, please visit *www.sba.gov/ovbd.*

Participants not attending in person can join via teleconference by calling 1–202–765–1264, Conference ID: 331933369#.

All applicable documents will be posted on the IATF website: *https://www.sba.gov/offices/headquarters/ovbd/resources/14372.*

SBA's main entrance lobby has been closed due to renovation construction. As a result, the security area has been relocated and the only means of entering the building is via the entrance located at D Street SW, located next to Gold's Gym. Once inside the building, visitors must check in with the security desk.

For security purposes attendees must:

1. Present a valid photo ID to receive a visitor badge.

2. Know the name of the event being attended: The meeting event is the Interagency Task Force on Veterans Small Business Development (IATF)

3. Visitor badges are issued by the security officer at the main entrance.

Visitors are always required to display their visitor's badge while inside the building.

4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, Metro's Federal Center SW station is the easiest way to access SBA Headquarters.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development (IAFT). The IATF is established pursuant to Executive Order 13540 to coordinate the efforts of Federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans.

The purpose of this meeting is to discuss efforts that support service-disabled veteran-owned small businesses, updates on past and current events, and the IATF's objectives for fiscal year 2020.

Dated: February 10, 2020.

Nicole Nelson,

Committee Management Officer (Acting).

[FR Doc. 2020–03213 Filed 2–18–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice:11040]

U.S. Department of State Advisory Committee on Private International Law: Notice of Annual Meeting

The Department of State's Advisory Committee on Private International Law (ACPIL) will hold its annual meeting on Friday, April 17, 2020 in Washington, DC. The meeting will be held at the George Washington University (GWU) Law School, 2023 G St. NW, Room 201, Washington, DC 20006. The program is scheduled to run from 8:30 a.m. to 4:00 p.m.

The meeting will include a ''Live from L/PIL'' event at which we will discuss major developments in private international law over the past year, including the finalization of the Convention on the Recognition and Enforcement of Foreign Judgments and the Singapore Convention on Mediation. ACPIL meeting topics will include discussions on the direct jurisdiction and parentage projects under consideration at the Hague Conference on Private International Law. We will also be seeking input from members on possible future projects for the United Nations Commission on International Trade Law (UNCITRAL) and United Nations International Institute for Unification of Private Law (UNIDROIT).

Persons planning to attend the meeting should contact *pil@state.gov* as soon as possible. The meeting is open to the public up to the capacity of the conference facility, and seating will be reserved based upon when persons contact *pil@state.gov.* Those planning to attend should provide their name, affiliation and contact information to *pil@state.gov.* A member of the public needing reasonable accommodation should notify *pil@state.gov* not later than April 10, 2020. Requests made after that date will be considered but might not be able to be fulfilled. A more detailed agenda will be available via email as the meeting approaches to all who indicate their intent to attend. Persons who wish to have their views considered are encouraged, but not required, to submit written comments in advance. Those who are unable to attend are also encouraged to submit written views. Comments should be sent electronically to *pil@state.gov.*

Sharla Draemel,

Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, Department of State.

[FR Doc. 2020–03200 Filed 2–18–20; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 11024]

60-Day Notice of Proposed Information Collection: Affidavit of Relationship

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. 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 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to April 20, 2020.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2020–0002'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: SiramS@state.gov.*
- *Regular Mail:* Send written comments to Sumitra Siram, PRM/A, 2025 E Street NW, Washington, DC 20520.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Sumitra Siram, Program Officer, who may be reached on 202–453–9250 or at *sirams@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Affidavit of Relationship.
- *OMB Control Number:* 1405–0206.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Office of Admissions, Bureau of Population, Refugees and Migration (PRM/A).
- *Form Number:* DS–7656.
- *Respondents:* Persons admitted to the United States as refugees or granted asylum in the United States who are claiming a relationship with family members overseas (spouse, unmarried children under age 21, and/or parents) in order to assist the U.S. Government in determining whether those family members are qualified to access the U.S. Refugee Admissions Program through the family reunification access priority.
- *Estimated Number of Respondents:* 300.
- *Estimated Number of Responses:* 300.
- *Average Time per Response:* One hour.
- *Total Estimated Burden Time:* 300 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain 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 Affidavit of Relationship (AOR) is required by the Department of State to establish qualification for access to the Priority-3 (P–3) Family Reunification category of the United States Refugee Admissions Program (USRAP). The P–3 category, along with the other categories of cases that have access to USRAP, is outlined in the annual Report to Congress on Proposed Refugee Admissions, which is submitted on behalf of the President in fulfillment of the requirements of Section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157), and authorized by the annual Presidential Determination on Refugee Admissions. The P–3 category is available to certain family members of qualifying ''anchors'' (persons already admitted to the U.S. as refugees or who were granted asylum in the United States, including persons who may now be lawful permanent residents or U.S. citizens). Qualifying family members of U.S.-based anchors include spouses, unmarried children under age 21, and parents. Eligible P–3 nationalities are determined on an annual basis by the President.

In order to access the USRAP through P–3, an applicant must have an Affidavit of Relationship (AOR) filed on his or her behalf by an eligible anchor. The AOR also informs the anchor that DNA evidence of all claimed parent-child relationships between the anchor relative and parents and/or unmarried children under 21 is required as a condition of access to P–3 processing; it further informs the anchor that the costs of DNA testing will be borne by the anchor or his or her family members who may apply for access to refugee processing, or their derivative beneficiaries, as the case may be. Successful applicants may be eligible for reimbursement of DNA test costs.

Methodology

This information collection currently involves the limited use of electronic techniques. An anchor may complete an AOR at any local office of a Resettlement Agency (RA) that has a cooperative agreement with the Department of State to assist refugees who have been resettled in the United States. In order to file an AOR, an anchor must be at least 18 years of age and have been admitted to the United States as a refugee or granted asylum in the United States no more than five years prior to the filing of the AOR. The AOR is available electronically, is completed electronically with the assistance of RA staff, and is submitted electronically by RA staff to a Department of State-contracted facility, where it is uploaded into the USRAP case management system. In addition, the RA local office prints a copy for the respondent's ink signature, then submits the signed form to the RA headquarters.

Andrew Veprek,

Deputy Assistant Secretary.

[FR Doc. 2020–03249 Filed 2–18–20; 8:45 am]

BILLING CODE 4710–33–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

DEPARTMENT OF VETARANS AFFAIRS

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA); DOT; U.S. Department of Veterans Affairs (VA).

ACTION: Notice of limitation on claims for judicial review of actions by the VA.

SUMMARY: FTA is issuing this notice to announce actions taken by the VA that are final within the meaning of the United States Code and to activate the limitation on any claims that may challenge these actions. The actions relate to the construction and operation of Section 3 of the Los Angeles County Metropolitan Transportation Authority (LACMTA) Westside Purple Line Extension project (the WPLE Project).

DATES: By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of the identified Federal agency action related to the Project will be barred unless the claim is filed on or before July 20, 2020. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

For FTA: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Juliet Bochicchio, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–9348. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

For VA: Glenn Elliott, Environmental Officer, U.S. Department of Veterans Affairs, Construction and Facilities Management Office, 425 I Street NW, Washington, DC 20001; telephone: (202) 632–5879.

SUPPLEMENTARY INFORMATION: Notice is hereby given that VA has taken final agency actions by issuing certain approvals related to the Project. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the VA administrative record for the project. Interested parties may contact the VA Office of Construction and Facilities Management for more information on these VA approvals. Contact information for the appropriate VA representative is above. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all VA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 106 of the National Historic Preservation Act [54 U.S.C. 306108], and the Clean Water Act [33 U.S.C. 1251–1387]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and actions that is the subject of this notice follow:

Project name and location: Westside Purple Line Extension (WPLE) Project, Los Angeles, California. *Project Sponsor:* Los Angeles County Metropolitan Transportation Authority (LACMTA). *Project description:* The WPLE Project is an approximately 9-mile heavy rail transit subway that will operate as an extension of the Metro Purple line from its current western terminus at the Wilshire/Western Station to a new western terminus near the Veterans Affairs West Los Angeles (WLA) Campus. Section 3 of the WPLE Project extends from Century City to Westwood/VA Hospital with two new stations: Westwood/UCLA and Westwood/VA Hospital. *Final agency action:* Department of Veterans Affairs Record of Decision for Construction and Operation of the Metro Westside Purple Line Extension Project within the

Veterans Affairs West Los Angeles Campus, dated December 19, 2019.

Supporting documentation: Westside Subway Extension Final Environmental Impact Statement, dated March 2012, Final Supplemental Environmental Impact Statement, dated November 2017, and Final 130(c) Environmental Technical Memorandum, dated December 2018, prepared by FTA and LACMTA and adopted by VA on June 21, 2019. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which the final actions were taken.

Authority: 23 U.S.C. 139(l)(1).

Felicia L. James,

Associate Administrator for Planning and Environment.

[FR Doc. 2020–03171 Filed 2–18–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0036]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel THE CABANA (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0036 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0036 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0036, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel THE CABANA is:

—*Intended Commercial Use of Vessel:* ''recreational charters''

—*Geographic Region Including Base of Operations:* ''Florida, Rhode Island And Massachusetts'' (Base of Operations: Jupiter, FL)

—*Vessel Length and Type:* 78′ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2020–0036 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2020–0036 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: February 13, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–03261 Filed 2–18–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0034]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PHASE ONE (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0034 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0034 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0034, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PHASE ONE is:

—*Intended Commercial Use of Vessel:* Charter will be taking small groups sailing the waters around the states I listed below.

—*Geographic Region Including Base of Operations:* ''District of Columbia, Maryland, Virginia, Delaware, North Carolina, South Carolina, Georgia, Florida, New York (Excluding New York Harbor), New Jersey'' (Base of Operations: Washington, DC)

—*Vessel Length And Type:* 61' Motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2020–0034 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2020–0034 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: February 13, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–03266 Filed 2–18–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0038]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GOLDEN ROSE (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0038 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0038 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0038, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel GOLDEN ROSE is:

—*Intended Commercial Use of Vessel:* ''Private Vessel Charters, Passengers Only''

—*Geographic Region Including Base of Operations:* ''south central and western Alaska (excluding waters in Southeastern Alaska).'' (Base of Operations: Anchorage, AK)

—*Vessel Length and Type:* 78′ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2020–0038 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2020–0038 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

Dated: February 13, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–03263 Filed 2–18–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name

of persons who have been removed from the list of Specially Designated Nationals and Blocked Persons and whose property and interests in property have been unblocked.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

OFAC previously determined on November 7, 2001 that the individuals and entities listed below met one or more of the criteria under Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' (the ''Order''). On February 12, 2020, the Director of OFAC, in consultation with the Secretary of State, determined that circumstances no longer warrant the inclusion of the following individuals and entities on the SDN List under this authority. These individuals and entities are no longer subject to the blocking provisions of Executive Order 13224, as amended.

Individuals

1. KAHIE, Abdullahi Hussein, Bakara Market, Dar Salaam Buildings, Mogadishu, Somalia; 26 Urtegata Street, Oslo 0187, Norway; DOB 22 Sep 1959; POB Mogadishu, Somalia; nationality Norway; Passport 26941812 (Norway) issued 23 Nov 2008; alt. Passport 27781924 (Norway) issued 11 May 2011 expires 11 May 2020; National ID No. 22095919778 (Norway) (individual) [SDGT].
2. ABDULLKADIR, Hussein Mahamud, Florence, Italy (individual) [SDGT].

Entities

1. AL BARAKA EXCHANGE LLC, P.O. Box 3313, Deira, Dubai, United Arab Emirates; P.O. Box 20066, Dubai, United Arab Emirates [SDGT].
2. AL–BARAKAAT, Mogadishu, Somalia; Dubai, United Arab Emirates [SDGT].
3. AL–BARAKAAT BANK, Mogadishu, Somalia [SDGT].
4. AL–BARAKAAT BANK OF SOMALIA (a.k.a. BARAKAAT BANK OF SOMALIA; a.k.a. ''BBS''), Mogadishu, Somalia; Bossaso, Somalia [SDGT].
5. AL–BARAKAAT GROUP OF COMPANIES SOMALIA LIMITED (a.k.a. AL–BARAKAT FINANCIAL COMPANY), P.O. Box 3313, Dubai, United Arab Emirates; Mogadishu, Somalia [SDGT].
6. AL–BARAKAT FINANCE GROUP, Dubai, United Arab Emirates; Mogadishu, Somalia [SDGT].
7. AL–BARAKAT FINANCIAL HOLDING COMPANY, Dubai, United Arab Emirates; Mogadishu, Somalia [SDGT].
8. AL–BARAKAT GLOBAL TELECOMMUNICATIONS (a.k.a. BARAKAAT GLOBETELCOMPANY), P.O. Box 3313, Dubai, United Arab Emirates; Mogadishu, Somalia; Hargeysa, Somalia [SDGT].
9. AL–BARAKAT INTERNATIONAL (a.k.a. BARACO CO.), Box 2923, Dubai, United Arab Emirates [SDGT].
10. AL–BARAKAT INVESTMENTS, P.O. Box 3313, Deira, Dubai, United Arab Emirates [SDGT].
11. BARAKA TRADING COMPANY, P.O. Box 3313, Dubai, United Arab Emirates [SDGT].
12. BARAKAAT GROUP OF COMPANIES, P.O. Box 3313, Dubai, United Arab Emirates; Mogadishu, Somalia [SDGT].
13. BARAKAAT INTERNATIONAL COMPANIES (a.k.a. ''BICO''), Mogadishu, Somalia; Dubai, United Arab Emirates [SDGT].
14. BARAKAAT NORTH AMERICA, INC., 925 Washington St., Dorchester, MA, United States; 2019 Bank St., Ottawa, Ontario, Canada [SDGT].
15. BARAKAAT RED SEA TELECOMMUNICATIONS, Bossaso, Somalia; Nakhiil, Somalia; Huruuse, Somalia; Raxmo, Somalia; Ticis, Somalia; Kowthar, Somalia; Noobir, Somalia; Bubaarag, Somalia; Gufure, Somalia; Xuuxuule, Somalia; Ala Aamin, Somalia; Guureeye, Somalia; Najax, Somalia; Carafaat, Somalia [SDGT].
16. BARAKAAT TELECOMMUNICATIONS COMPANY LIMITED (a.k.a. BTELCO), Bakara Market, Dar Salaam Buildings, Mogadishu, Somalia; Netherlands [SDGT].
17. BARAKAAT TELECOMMUNICATIONS COMPANY SOMALIA, LIMITED, P.O. Box 3313, Dubai, United Arab Emirates [SDGT].
18. BARAKAT BANK AND REMITTANCES, Mogadishu, Somalia; Dubai, United Arab Emirates [SDGT].
19. BARAKAT COMPUTER CONSULTING (a.k.a. ''BCC''), Mogadishu, Somalia [SDGT].
20. BARAKAT CONSULTING GROUP (a.k.a. ''BCG''), Mogadishu, Somalia [SDGT].
21. BARAKAT GLOBAL TELEPHONE COMPANY, Mogadishu, Somalia; Dubai, United Arab Emirates [SDGT].
22. BARAKAT POST EXPRESS (a.k.a. ''BPE''), Mogadishu, Somalia [SDGT].
23. BARAKAT REFRESHMENT COMPANY, Mogadishu, Somalia; Dubai, United Arab Emirates [SDGT].
24. BARAKO TRADING COMPANY LLC (a.k.a. BARAKA TRADING COMPANY), P.O. Box 3313, Dubai, United Arab Emirates [SDGT].
25. HEYATUL ULYA, Mogadishu, Somalia [SDGT].
26. RED SEA BARAKAT COMPANY LIMITED, Mogadishu, Somalia; Dubai, United Arab Emirates [SDGT].
27. SOMALI INTERNET COMPANY, Mogadishu, Somalia [SDGT].

Dated: February 12, 2020.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2020–03209 Filed 2–18–20; 8:45 am]

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FEDERAL REGISTER

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Part II

Office of Personnel Management

SES Positions That Were Career Reserved During CY 2018; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During CY 2018

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: As required by section 3132(b)(4) of title 5, United States Code, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during calendar year 2018.

FOR FURTHER INFORMATION CONTACT: Julia Alford, Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved at any time during calendar year 2018, regardless of whether those positions were still career reserved as of December 31, 2018. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish such lists by March 1 of the following year. The Office of Personnel Management is publishing a consolidated list for all agencies.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018

Agency	Organization	Title
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	DIRECTOR OF FINANCE AND OPERATIONS.
		EXECUTIVE DIRECTOR.
		GENERAL COUNSEL.
ADVISORY COUNCIL ON HISTORIC PRESERVATION.	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR.
DEPARTMENT OF AGRICULTURE	OFFICE OF COMMUNICATIONS	DEPUTY DIRECTOR, CREATIVE DEVELOPMENT.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	ASSOCIATE CHIEF INFORMATION OFFICER, INTERNATIONAL TECHNOLOGY SERVICES.
		DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS AND INFRASTRUCTURE.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL POLICY AND PLANNING.
		ASSOCIATE CHIEF FINANCIAL OFFICER, FINANCIAL SYSTEMS PLANNING AND MANAGEMENT.
		DEPUTY CHIEF FINANCIAL OFFICER.
	NATIONAL FINANCE CENTER	DEPUTY DIRECTOR, NATIONAL FINANCE CENTER.
		DIRECTOR, FINANCIAL SERVICES DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT DIVISION.
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL, NATURAL RESOURCES AND ENVIRONMENT DIVISION.
		ASSOCIATE GENERAL COUNSEL, GENERAL LAW AND RESEARCH DIVISION.
	OFFICE OF THE CHIEF ECONOMIST	CHAIRPERSON.
		DEPUTY CHIEF ECONOMIST.
		DIRECTOR GLOBAL CHANGE PROGRAM OFFICE.
		DIRECTOR, OFFICE OF ENERGY POLICY AND NEW USES.
		DIRECTOR, OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.
	OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION.	DEPUTY DIRECTOR OF HOMELAND SECURITY AND EMERGENCY COORDINATION.
	OFFICE OF HUMAN RESOURCES MANAGEMENT.	EXECUTIVE DIRECTOR, EXECUTIVE RESOURCES MANAGEMENT DIVISION.
		PROVOST, USDA VIRTUAL UNIVERSITY.
	OFFICE OF ADVOCACY AND OUTREACH	DIRECTOR, OFFICE OF ADVOCACY AND OUTREACH.
	OFFICE OF OPERATIONS	DEPUTY DIRECTOR OF OPERATIONS.
		DIRECTOR, OFFICE OF OPERATIONS.
	PROCUREMENT AND PROPERTY MANAGEMENT.	DEPUTY DIRECTOR, OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT.
		DIRECTOR, PROCUREMENT AND PROPERTY MANAGEMENT.
	RURAL BUSINESS SERVICE	DEPUTY ADMINISTRATOR, BUSINESS PROGRAMS.
		DEPUTY ADMINISTRATOR, ENERGY PROGRAMS.
	RURAL HOUSING SERVICE	CHIEF FINANCIAL OFFICER.
		DEPUTY ADMINISTRATOR FOR OPERATIONS AND MANAGEMENT.
		DEPUTY ADMINISTRATOR, CENTRALIZED SERVICING CENTER.
		DEPUTY ADMINISTRATOR, MULTI-FAMILY HOUSING.
		DIRECTOR, BUDGET DIVISION.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, RURAL HOUSING SERVICE.
	AGRICULTURAL MARKETING SERVICE	ASSOCIATE ADMINISTRATOR.
		DEPUTY ADMINISTARTOR, LIVESTOCK AND SEED PROGRAMS.
		DEPUTY ADMINISTRATOR FOR NATIONAL ORGANIC PROGRAMS.
		DEPUTY ADMINISTRATOR, COMPLIANCE AND ANALYSIS.
		DEPUTY ADMINISTRATOR, COTTON AND TOBACCO PROGRAMS.
		DEPUTY ADMINISTRATOR, DAIRY PROGRAMS.
		DEPUTY ADMINISTRATOR, FAIR TRADE PRACTICES PROGRAM.
		DEPUTY ADMINISTRATOR, INFORMATION TECHNOLOGY SERVICES.
		DEPUTY ADMINISTRATOR, SCIENCE AND TECHNOLOGY PROGRAMS.
		DEPUTY ADMINISTRATOR, SPECIALTY CROPS.
		DEPUTY ADMINISTRATOR, TRANSPORTATION AND MARKETING PROGRAMS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	ANIMAL AND PLANT HEALTH INSPECTION SERVICE.	ASSISTANT DEPUTY ADMINISTRATOR, PLANT PROTECTION AND QUARANTINE.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR ANIMAL CARE.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSNINESS SERVICES.
		ASSOCIATE DEPUTY ADMINISTRATOR, EMERGING AND INTERNATIONAL PROGRAMS.
		ASSOCIATE DEPUTY ADMINISTRATOR, NATIONAL IMPORT EXPORT SERVICES.
		ASSOCIATE DEPUTY ADMINISTRATOR, SURVEILLANCE, PREPAREDNESS, AND RESPONSE SERVICE.
		ASSOCIATE DEPUTY ADMINISTRATOR, VETERINARY SERVICES (2).
		ASSOCIATE DEPUTY ADMINISTRATOR, WILDLIFE SERVICES.
		CHIEF ADVISOR (GOVERNMENT, ACADEMIA AND INDUSTRY PARTNERSHIP).
		CHIEF FINANCIAL OFFICER.
		DEPUTY ADMINISTRATOR FOR INTERNATIONAL SERVICES.
		DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSINESS SERVICES.
		DEPUTY ADMINISTRATOR, ANIMAL CARE.
		DEPUTY ADMINISTRATOR, BIOTECHNOLOGY REGULATORY PROGRAMS.
		DEPUTY ADMINISTRATOR, LEGISLATIVE AND PUBLIC AFFAIRS.
		DEPUTY ADMINISTRATOR, WILDLIFE SERVICES.
		DIRECTOR, EASTERN REGION, WILDLIFE SERVICES.
		DIRECTOR, INFORMATION TECHNOLOGY DIVISION.
		DIRECTOR, INVESTIGATIVE AND ENFORCEMENT SERVICES.
		DIRECTOR, NATIONAL IMPORT EXPORT SERVICE.
		DIRECTOR, NATIONAL WILDLIFE RESEARCH CENTER.
		EXECUTIVE DIRECTOR, CENTER FOR PLANT HEALTH SCIENCE AND TECHNOLOGY.
		EXECUTIVE DIRECTOR, WESTERN REGION, WILDLIFE SERVICES.
		HUMAN RESOURCES OFFICER.
	VETERINARY SERVICES	ASSOCIATE DEPUTY ADMINISTRATOR, NATIONAL ANIMAL HEALTH POLICY PROGRAMS.
		DIRECTOR, WESTERN REGION, VETERINARY SERVICES.
		EXECUTIVE DIRECTOR, SCIENCE, TECHNOLOGY AND ANALYSIS SERVICE.
		EXECUTIVE DIRECTOR, SURVEILLANCE, PREPAREDNESS AND RESPONSE SERVICES, VETERINARY SERVICES.
	PLANT PROTECTION AND QUARANTINE SERVICE.	EXECUTIVE DIRECTOR, EASTERN REGION, PLANT PROTECTION AND QUARANTINE.
		EXECUTIVE DIRECTOR, POLICY MANAGEMENT.
		EXECUTIVE DIRECTOR, WESTERN REGION, PLANT PROTECTION AND QUARANTINE.
	GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.	DIRECTOR FIELD MANAGEMENT DIVISION.
	OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY.	DEPUTY UNDER SECRETARY FOR FOOD SAFETY.
	FOOD SAFETY AND INSPECTION SERVICE.	ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROTECTION.
		ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS.
		ASSISTANT ADMINISTRATOR, OFFICE OF INVESTIGATION, ENFORCEMENT AND AUDITING.
		ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT.
		ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT.
		ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC AFFAIRS AND CONSUMER EDUCATION.
		ASSISTANT ADMINISTRATOR, OFFICE OF OUTREACH, EMPLOYEE EDUCATION AND TRAINING.
		ASSISTANT CHIEF INFORMATION OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF OPERATING OFFICER.
		DEPUTY ADMINISTRATOR.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROGRAM.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SCIENCE.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF INVESTIGATION, ENFORCEMENT AND AUDIT.
		EXECUTIVE ASSOCIATE FOR EMPLOYEE EXPERIENCE.
		EXECUTIVE ASSOCIATE FOR LABORATORY SERVICES, OFFICE OF PUBLIC HEALTH SCIENCE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS.
		INTERNATIONAL AFFAIRS LIAISON OFFICER.
		UNITED STATES MANAGER FOR CODEX.
	FOOD AND NUTRITION SERVICE	CHIEF OPERATING OFFICER.
		FINANCIAL MANAGER.
		PROGRAM MANAGER (ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND SUPPORT).
		PROGRAM MANAGER (DEPUTY ADMINISTRATOR FOR MANAGEMENT).
	FOREIGN AGRICULTURAL SERVICE	ASSOCIATE ADMINISTRATOR (CHIEF OPERATING OFFICER).
		DEPUTY ADMINISTRATOR, OFFICE OF GLOBAL ANALYSIS.
	FARM SERVICE AGENCY	ASSISTANT DEPUTY ADMINISTRATOR FARM PROGRAMS.
		DEPUTY ADMINISTRATOR FOR FARM LOAN PROGRAMS.
		DEPUTY DIRECTOR, OFFICE OF BUDGET AND FINANCE.
		DIRECTOR, BUSINESS AND PROGRAM INTEGRATION.
		DIRECTOR, HUMAN RESOURCES DIVISION.
		DIRECTOR, OFFICE OF BUDGET AND FINANCE.
	RISK MANAGEMENT AGENCY	DEPUTY ADMINISTRATOR FOR INSURANCE SERVICES DIVISION.
		DEPUTY ADMINISTRATOR FOR PRODUCT MANAGEMENT.
	OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS.	DIRECTOR OFFICE OF THE USDA CHIEF SCIENTIST.
	AGRICULTURAL RESEARCH SERVICE	ASSISTANT ADMINISTRATOR FOR TECHNOLOGY TRANSFER.
		ASSOCIATE ADMINISTRATOR, RESEARCH OPERATIONS AND MANAGEMENT.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT.
		DIRECTOR, OFFICE OF PEST MANAGEMENT POLICY.
	OFFICE OF NATIONAL PROGRAMS	ASSOCIATE ADMINISTRATOR, NATIONAL PROGRAMS.
		DEPUTY ADMINISTRATOR FOR NATURAL RESOURCES AND SUSTAINABLE ARGICULTURE SYSTEMS.
		DEPUTY ADMINISTRATOR, ANIMAL PRODUCTION AND PROTECTION.
		DEPUTY ADMINISTRATOR, CROP PRODUCTION AND PROTECTION.
		DEPUTY ADMINISTRATOR, NUTRITION, FOOD SAFETY AND QUALITY.
	NORTHEAST AREA OFFICE	ASSOCIATE DIRECTOR, NORTHEAST AREA.
		DIRECTOR NORTHEAST AREA OFFICE.
		DIRECTOR, BELTSVILLE AGRICULTURAL RESEARCH CENTER.
		DIRECTOR, EASTERN REGIONAL RESEARCH CENTER.
	SOUTHEAST AREA OFFICE	ASSOCIATE DIRECTOR, SOUTHEAST AREA.
		DIRECTOR, SOUTH EAST AREA.
		DIRECTOR, SOUTHERN REGIONAL RESEARCH CENTER.
	MIDWEST AREA OFFICE	ASSOCIATE DIRECTOR MIDWEST AREA (2).
		DIRECTOR, MIDWEST AREA.
		DIRECTOR, NATIONAL CENTER FOR AGRICULTURE UTILIZATION.
	PLAINS AREA OFFICE	ASSOCIATE DIRECTOR, PLAINS AREA OFFICE.
		DIRECTOR, PLAINS AREA.
		DIRECTOR, UNITED STATES MEAT ANIMAL RESEARCH CENTER.
	PACIFIC WEST AREA OFFICE	ASSOCIATE DIRECTOR, PACIFIC WEST AREA OFFICE.
		DIRECTOR, PACIFIC WEST AREA OFFICE.
		DIRECTOR, WESTERN HUMAN NUTRITION RESEARCH CENTER.
		DIRECTOR, WESTERN REGIONAL RESEARCH CENTER.
	NATIONAL INSTITUE OF FOOD AND AGRICULTURE.	ASSISTANT DIRECTOR, INSTITUTE OF BIOENERGY, CLIMATE, AND ENVIRONMENT.
		ASSISTANT DIRECTOR, OFFICE OF GRANTS AND FINANCIAL MANAGEMENT.
		DEPUTY DIRECTOR, INSTITUTE OF FOOD SAFETY AND NUTRITION.
		DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY.
	ECONOMIC RESEARCH SERVICE	ADMINISTRATOR, ECONOMIC RESEARCH SERVICE.
		ASSOCIATE ADMINISTRATOR, ECONOMIC RECEARCH SERVICE.
		DIRECTOR, FOOD ECONOMICS DIVISION.
		DIRECTOR, INFORMATION SERVICES DIVISION.
		DIRECTOR, MARKET AND TRADE ECONOMICS DIVISION.
		DIRECTOR, RESOURCE AND RURAL ECONOMICS DIVISION.
	NATIONAL AGRICULTURAL STATISTICS SERVICE.	ADMINISTRATOR, NATIONAL AGRICULTURAL STATISTICS SERVICE.
		ASSOCIATE ADMINISTRATOR.
		DIRECTOR EASTERN FIELD OPERATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, CENSUS AND SURVEY DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY DIVISION.
		DIRECTOR, METHODOLOGY DIVISION.
		DIRECTOR, NATIONAL OPERATIONS CENTER.
		DIRECTOR, STATISTICS DIVISION.
		DIRECTOR, WESTERN FIELD OPERATIONS.
	NATURAL RESOURCES CONSERVATION SERVICE.	ASSOCIATE CHIEF FOR OPERATIONS/CHIEF OPERATING OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF PROCUREMENT AND PROPERTY OFFICER.
		DEPUTY CHIEF FOR PROGRAMS.
		DEPUTY CHIEF FOR STRATEGIC PLANNING AND ACCOUNTABILITY.
		DIRECTOR ECOLOGICAL SCIENCES DIVISION.
		DIRECTOR, CONSERVATION ENGINEERING DIVISION.
		DIRECTOR, EASEMENT PROGRAMS DIVISION.
		DIRECTOR, FINANCIAL ASSISTANCE PROGRAMS DIVISION.
		DIRECTOR, RESOURCE ECONOMICS, ANALYSIS AND POLICY DIVISION.
		DIRECTOR, SOIL SCIENCE DIVISION.
		HUMAN RESOURCES OFFICER.
		REGIONAL CONSERVATIONIST (NORTHEAST).
		SPECIAL ASSISTANT TO CHIEF.
	FOREST SERVICE	ASSOCIATE DEPUTY CHIEF FOR BUSINESS OPERATIONS.
		ASSOCIATE DEPUTY CHIEF, RESEARCH AND DEVELOPMENT.
		CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF, BUSINESS OPERATIONS.
		DIRECTOR, ACQUISITION MANAGEMENT.
		DIRECTOR, FIRE AND AVIATION MANAGEMENT.
		DIRECTOR, LAW ENFORCEMENT AND INVESTIGATIONS.
	RESEARCH	DIRECTOR, ENVIRONMENTAL SCIENCES.
		DIRECTOR, INVENTORY, MONITORING AND ASSESSMENT.
		DIRECTOR, RESOURCE USE SCIENCES.
		DIRECTOR, SUSTAINABLE FOREST MANAGEMENT.
	NATIONAL FOREST SYSTEM	DIRECTOR, ECOSYSTEM MANAGEMENT COORINATION.
		DIRECTOR, ENGINEERING.
		DIRECTOR, FOREST MANAGEMENT STAFF.
		DIRECTOR, LANDS MANAGEMENT STAFF.
		DIRECTOR, MINERALS AND GEOLOGY MANAGEMENT STAFF.
		DIRECTOR, RANGELAND MANAGEMENT.
		DIRECTOR, WATER, FISH, WASTELAND, AIR AND RARE PLANTS.
	STATE AND PRIVATE FORESTRY	DIRECTOR COOPERATIVE FORESTRY.
		DIRECTOR, FOREST HEALTH PROTECTION.
		SENIOR ADVISOR TO THE DEPUTY CHIEF, STATE AND PRIVATE FORESTRY.
	FIELD UNITS	DIRECTOR, FOREST PRODUCTS LABORATORY (MADISON).
		DIRECTOR, NORTHERN RESEARCH STATION.
		DIRECTOR, PACIFIC NORTHWEST RESEARCH STATION.
		DIRECTOR, PACIFIC SOUTHWEST FOREST AND RANGE EXPERIMINT STATION (VALLEJO).
		DIRECTOR, ROCKY MOUNTAIN FOREST AND RANGE EXPERIMINT STATION (FORT COLLINS).
		DIRECTOR, SOUTHERN RESEARCH STATION (ASHEVILLE).
		NORTHEAST AREA DIRECTOR, STATE AND PRIVATE FORESTRY.
	INTERNATIONAL FOREST SYSTEM	DIRECTOR INTERNATIONAL INSTITUE OF TROPICAL FOREST (RIO PIEDRAS).
	OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION.	DEPUTY ASSISTANT CHIEF INFORMATION OFFICER.
DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
	ASSISTANT INSPECTOR GENERAL FOR AUDIT.	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR OFFICE OF DATA SCIENCES.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
AMERICAN BATTLE MONUMENTS COMMISSION.	EXECUTIVE DIRECTOR	DEPUTY SECRETARY.
	DIRECTOR, EUROPEAN REGION	CHIEF OPERATIONS OFFICER.
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	DIRECTOR OFFICE OF TECHNICAL AND INFORMATION SERVICES.
		EXECUTIVE DIRECTOR.
UNITED STATES AGENCY FOR GLOBAL MEDIA.	BOARD OF GOVERNORS	DEPUTY DIRECTOR FOR OPERATIONS.
	INTERNATIONAL BROADCASTING BUREAU.	ASSOCIATE DIRECTOR FOR MANAGEMENT.
		CHIEF EXECUTIVE OFFICER.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY FOR ENGINEERING RESOURCE CONTROL.
		DEPUTY FOR NETWORK OPERATIONS.
		EXECUTIVE DIRECTOR.
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD.	CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD.	CHIEF OPERATING OFFICER.
DEPARTMENT OF COMMERCE	OFFICE OF THE SECRETARY	DIRECTOR OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	OFFICE OF THE DEPUTY SECRETARY	CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.
		DEPUTY DIRECTOR FOR ENTERPRISE SERVICES FOR OPERATIONS.
		DEPUTY DIRECTOR FOR PLANNING, IMPLEMENTATION, AND STAKEHOLDER RELATIONS.
		DIRECTOR OF ACQUISITION SERVICES.
		DIRECTOR, HUMAN RESOURCES SERVICES, ENTERPRISE SERVICES.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DEPUTY CHIEF INFORMATION OFFICER FOR POLICY AND BUSINESS MANAGEMENT.
		DEPUTY CHIEF INFORMATION OFFICER FOR SOLUTIONS AND SERVICE DELIVERY.
		DIRECTOR OF CYBER SECURITY AND CHIEF INFORMATION SECURITY OFFICER.
	OFFICE OF THE GENERAL COUNSEL	CHIEF, CONTRACT LAW DIVISION.
		CHIEF, ETHICS DIVISION.
	OFFICE OF THE CHIEF FINANICAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	DIRECTOR FOR ADMINISTRATIVE PROGRAMS.
	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.	DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.
	OFFICE OF HUMAN RESOURCES MANAGEMENT.	DEPUTY DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR, HUMAN CAPITAL CLIENT SERVICES.
		DIRECTOR, HUMAN CAPITAL STRATEGY AND DIVERSITY.
	OFFICE OF THE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.	DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT SYSTEMS.
		DIRECTOR FOR FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, FINANCIAL REPORTING AND INTERNAL CONTROLS.
		DIRECTOR, OS FINANCIAL MANAGEMENT.
	OFFICE OF BUDGET	DIRECTOR OF THE OFFICE OF BUDGET.
	OFFICE OF ACQUISITION MANAGEMENT	DEPUTY FOR ACQUISITION PROGRAM MANAGEMENT.
		DEPUTY FOR PROCUREMENT MANAGEMENT, POLICY AND PERFORMANCE EXCELLENCE.
		DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
	OFFICE OF SECURITY	DEPUTY DIRECTOR, OFFICE OF SECURITY.
		DIRECTOR, OFFICE OF SECURITY.
	OFFICE OF FACILITIES AND ENVIRONMENTAL QUALITY.	DEPUTY DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY.
		DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY (2).
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.
		ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION.
		ASSISTANT INSPECTOR GENERAL FOR SYSTEMS EVALUATION.
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF INSPECTIONS AND PROGRAM EVALUATION.	ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND PROGRAM EVALUATION.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	ECONOMICS AND STATISTICS ADMINISTRATION.	CHIEF FINANCIAL OFFICER AND DIRECTOR FOR ADMINISTRATION.
		DIRECTOR FOR POLICY AND PLANNING.
	OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR PERFORMANCE IMPROVEMENT.
		CHIEF, OFFICE OF STRATEGIC PLANNING, INNOVATION AND COLLABORATION.
		SENIOR ADVISOR FOR PROJECT MANAGEMENT.
	ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.	ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY AND DEPUTY CHIEF INFORMATION OFFICER.
		ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		CHIEF TECHNOLOGY OFFICER.
		CHIEF, APPLICATION DEVELOPMENT AND SERVICES DIVISION.
		CHIEF, COMPUTER SERVICES DIVISION.
	ASSOCIATE DIRECTOR FOR ADMINISTRATION AND CHIEF FINANCIAL OFFICER.	CHIEF ADMINISTRATIVE OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF, ACQUISITION DIVISION.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		CHIEF, BUDGET DIVISION.
		CHIEF, FINANCE DIVISION.
		CHIEF, HUMAN RESOURCES DIVISION.
	ASSOCIATE DIRECTOR FOR FIELD OPERATIONS.	ASSISTANT DIRECTOR FOR FIELD OPERATIONS.
		ASSOCIATE DIRECTOR FOR FIELD OPERATIONS.
		CHIEF NATIONAL PROCESSING CENTER.
		CHIEF, FIELD DIVISION.
		CHIEF, OFFICE OF SURVEY AND CENSUS ANALYTICS.
	ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS.	ASSISTANT DIRECTOR FOR ECONOMIC PROGRAMS.
		ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS.
		CHIEF, ECONOMIC APPLICATIONS DIVISION.
		CHIEF, ECONOMIC INDICATORS DIVISION.
		CHIEF, ECONOMIC MANAGEMENT DIVISION.
		CHIEF, ECONOMIC REIMBURSABLE SURVEYS DIVISION.
		CHIEF, ECONOMIC STATISTICAL METHODS AND RESEARCH DIVISION.
		CHIEF, ECONOMY-WIDE STATISTICS DIVISION.
		CHIEF, INTERNATIONAL TRADE MANAGEMENT DIVISION.
	ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS.	ASSISTANT DIRECTOR FOR DECENNIAL CENSUS PROGRAMS.
		ASSISTANT DIRECTOR FOR DECENNIAL CENSUS PROGRAMS (SYSTEMS AND CONTRACTS).
		ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS.
		CHIEF DECENNIAL MANAGEMENT DIVISION.
		CHIEF, AMERICAN COMMUNITY SURVEY OFFICE.
		CHIEF, DECENNIAL COMMUNICATIONS AND STAKEHOLDER RELATIONSHIPS.
		CHIEF, DECENNIAL CONTRACTS EXECUTION OFFICE.
		CHIEF, DECENNIAL INFORMATION TECHNOLOGY DIVISION.
		CHIEF, DECENNIAL STATISTICAL STUDIES DIVISION.
		CHIEF, GEOGRAPHY DIVISION.
	ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS.	ASSISTANT DIRECTOR FOR DEMOGRAPHIC PROGRAMS.
		ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS.
		CHIEF DEMOGRAPHIC SURVEYS DIVISION.
		CHIEF, DEMOGRAPHIC STATISTICAL METHODS DIVISION.
		CHIEF, POPULATION DIVISION.
		CHIEF, SOCIAL, ECONOMIC, AND HOUSING STATISTICS DIVISION.
	ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY.	ASSISTANT DIRECTOR FOR RESEARCH AND METHODOLOGY.
		ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY.
		CHIEF STATISTICAL RESEARCH DIVISION.
		CHIEF, CENTER FOR ADAPTIVE DESIGN.
		CHIEF, CENTER FOR ADMINISTRATIVE RECORDS RESEARCH AND APPLICATIONS.
		CHIEF, CENTER FOR ECONOMIC STUDIES AND CHIEF ECONOMIST.
		CHIEF, CENTER FOR SURVEY MEASUREMENT.
	OFFICE OF THE UNDER SECRETARY FOR ECONOMIC AFFAIRS.	CHIEF FINANCIAL OFFICER.
	OFFICE OF THE DIRECTOR	CHIEF ADMINISTRATIVE OFFICER.
		CHIEF ECONOMIST.
		CHIEF INFORMATION OFFICER.
		CHIEF INNOVATION OFFICER.
		DEPUTY DIRECTOR, BUREAU OF ECONOMIC ANALYSIS.
		DIRECTOR, BUREAU OF ECONOMIC ANALYSIS.
	ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS.	ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS.
	ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS.	ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS.
		CHIEF DIRECT INVESTMENT DIVISION.
		CHIEF, BALANCE OF PAYMENTS DIVISION.
	ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS.	ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS.
	BUREAU OF ECONOMIC ANALYSIS	ASSOCIATE DIRECTOR FOR NATIONAL ECONOMIC ACCOUNTS.
		CHIEF NATIONAL INCOME AND WEALTH DIVISION.
	BUREAU OF INDUSTRY AND SECURITY	CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.
		CHIEF INFORMATION OFFICER.
	OFFICE OF THE ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT.	DEPUTY ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT.
		DEPUTY DIRECTOR, OFFICE OF EXPORT ENFORCEMENT.
		DIRECTOR OFFICE OF EXPORT ENFORCEMENT.
		DIRECTOR, OFFICE OF ENFORCEMENT ANALYSIS.
	OFFICE OF THE DEPUTY ASSISTANT SECRETARY.	CHIEF FINANCIAL OFFICER AND CHIEF ADMINISTRATIVE OFFICER.
	OFFICE OF THE DEPUTY UNDER SECRETARY.	CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER.
		DEPUTY CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
	DEPUTY ASSISTANT SECRETARY FOR TRADE, POLICY AND ANALYSIS.	DIRECTOR, OFFICE OF STANDARDS AND INVESTMENT POLICY.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	DEPUTY ASSISTANT SECRETARY FOR ANTIDUMPING DUTY/COUNTERVAILING DUTY OPERATIONS.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR ANTI-DUMPING/COUNTERVAILING DUTY OPERATIONS.
		SENIOR DIRECTOR.
		SENIOR DIRECTOR, ANTIDUMPING DUTY/COUNTERVAILING DUTY OPERATIONS ENFORCEMENT OFFICE VII.
	DEPUTY ASSISTANT SECRETARY FOR CHINA.	EXECUTIVE DIRECTOR FOR CHINA.
	MINORITY BUSINESS DEVELOPMENT AGENCY.	ASSOCIATE DIRECTOR FOR MANAGEMENT.
	OFFICE OF MARINE AND AVIATION OPERATIONS.	DEPUTY ASSISTANT ADMINISTRATOR FOR PROGRAMS AND ADMINISTRATION.
	OFFICE OF UNDER SECRETARY	CHIEF ADMINISTRATIVE OFFICER.
		CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR FOR WORKFORCE MANAGEMENT.
		DEPUTY DIRECTOR, ACQUISITION AND GRANTS OFFICE.
		DIRECTOR FOR WORKFORCE MANAGEMENT.
		DIRECTOR, ACQUISITION AND GRANTS OFFICE.
		DIRECTOR, BUDGET OFFICE.
		DIRECTOR, FINANCE OFFICE/COMPTROLLER.
		DIRECTOR, PROGRAM EVALUATION,PLANNING AND RISK MANAGEMENT OFFICE.
	OFFICE OF GENERAL COUNSEL	CHIEF, CONTRACT LAW DIVISION.
	OFFICE OF EDUCATION AND SUSTAINABLE DEVELOPMENT.	DIRECTOR, OFFICE OF EDUCATION.
	OFFICE OF HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS.	CHIEF DATA OFFICER.
		CHIEF INFORMATION OFFICER AND DIRECTOR FOR HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS.
		DEPUTY CHIEF INFORMATION OFFICER.
	NATIONAL OCEAN SERVICE	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR OCEAN SERVICE AND COASTAL ZONE MANAGEMENT.
		DIRECTOR, INTEGRATED OCEAN OBSERVING SYSTEM.
		DIRECTOR, OFFICE OF COASTAL MANAGEMENT.
	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL SERVICES CENTER.	DIRECTOR, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE.
	OFFICE OF RESPONSE AND RESTORATION.	DIRECTOR, OFFICE OF RESPONSE AND RESTORATON.
	CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES.	DIRECTOR, CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES.
	OFFICE OF NATIONAL GEODETIC SURVEY.	DIRECTOR, OFFICE OF NATIONAL GEODTIC SURVEY.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	CHIEF ENGINEER.
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATOR OFFICER.
		CHIEF OPERATING OFFICER.
		DEPUTY DIRECTOR, OFFICE OF WATER PREDICTION.
		DIRECTOR, ANALYZE, FORECAST AND SUPPORT OFFICE.
		DIRECTOR, OFFICE OF CENTRAL PROCESSING.
		DIRECTOR, OFFICE OF DISSEMINATION.
		DIRECTOR, OFFICE OF FACILITIES.
		DIRECTOR, OFFICE OF OBSERVATIONS.
		DIRECTOR, OFFICE OF ORGANIZATIONAL EXCELLENCE.
		DIRECTOR, OFFICE OF PLANNING AND PROGRAMMING FOR SERVICE DELIVERY.
		DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY INTEGRATION.
		DIRECTOR, OFFICE OF WATER PREDICTION.
		OFFICE OF ORGANIZATIONAL EXCELLENCE.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	ASSISTANT CHIEF INFORMATION OFFICER FOR WEATHER SERVICE.
	METEOROLOGICAL DEVELOPMENT LABORATORY.	DIRECTOR, METEOROLOGICAL DEVELOPMENT LABORATORY.
	RADAR OPERATIONS CENTER	DIRECTOR, RADAR OPERATIONS CENTER.
	NATIONAL DATA BUOY CENTER	DIRECTOR, NATIONAL DATA BUOY CENTER.
	EASTERN REGION	DIRECTOR EASTERN REGION.
	SOUTHERN REGION	DIRECTOR, SOUTHERN REGION.
	CENTERAL REGION	DIRECTOR CENTRAL REGION.
	WESTERN REGION	DIRECTOR, WESTERN REGION.
	ALASKA REGION	DIRECTOR, ALASKA REGION.
	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION.	DIRECTOR, AVIATION WEATHER CENTER.
		DIRECTOR, ENVIRONMENTAL MODELING CENTER.
		DIRECTOR, NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION.
		DIRECTOR, OCEAN PREDICTION CENTER.
		DIRECTOR, SPACE WEATHER PREDICTION CENTER.
		DIRECTOR, WEATHER PREDICTION CENTER.
	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION CENTRAL OPERATIONS.	DIRECTOR, CENTRAL OPERATIONS.
	CLIMATE PREDICTION CENTER	DIRECTOR, CLIMATE PREDICTION CENTER.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	STORM PREDICTION CENTER	DIRECTOR, STORM PREDICTION CENTER.
	TROPICAL PREDICTION CENTER	DIRECTOR, NATIONAL HURRICANE CENTER.
	NATIONAL MARINE FISHERIES SERVICE	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR OPERATIONS.
		DIRECTOR OFFICE OF SUSTAINABLE FISHERIES.
		DIRECTOR, OFFICE OF ENFORCEMENT.
		DIRECTOR, SCIENTIFIC PROGRAMS AND CHIEF SCIENCE ADVISOR.
	OFFICE OF SCIENCE AND TECHNOLOGY	DIRECTOR OFFICE OF SCIENCE AND TECHNOLOGY.
	REGIONAL OFFICES	SCIENCE AND RESEARCH DIRECTOR NORTHEAST REGION.
		SCIENCE AND RESEARCH DIRECTOR SOUTHWEST REGION.
		SCIENCE AND RESEARCH DIRECTOR, ALASKA REGION.
		SCIENCE AND RESEARCH DIRECTOR, NORTHWEST REGION.
		SCIENCE AND RESEARCH DIRECTOR, PACIFIC ISLAND REGION.
		SCIENCE AND RESEARCH DIRECTOR, SOUTHEAST REGION.
	OFFICE OF HABITAT CONSERVATION	DIRECTOR, OFFICE OF HABITAT CONSERVATION.
	OFFICE OF ASSISTANT ADMINISTRATOR SATELLITE, DATA INFORMATION SERVICE.	ASSISTANT CHIEF INFORMATION OFFICER FOR NESDIS.
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR SYSTEMS.
		DEPUTY DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION.
		DIRECTOR SATELLITE GROUND SERVICES.
		DIRECTOR, JOINT POLAR SATELLITE SYSTEMS.
		DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION.
		DIRECTOR, OFFICE OF PROJECTS, PARTNERSHIPS AND ANALYSIS.
		DIRECTOR, OFFICE OF SYSTEMS ARCHITECTURE AND ADVANCED PLANNING.
		SYSTEM PROGRAM DIRECTOR FOR GOES–R PROGRAM.
	OFFICE OF SATELLITE AND PRODUCT OPERATIONS.	DEPUTY DIRECTOR, OFFICE OF SATELLITE AND PRODUCT OPERATIONS.
	OFFICE OF RESEARCH AND APPLICATIONS.	DIRECTOR, CENTER FOR SATELLITE APPLICATIONS AND RESEARCH.
	OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH.	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR SCIENCE.
		DIRECTOR, OFFICE OF POLICY PLANNING AND EVALUATION.
		DIRECTOR, OFFICE OF WEATHER AIR QUALITY.
	OFFICE OF NATIONAL SEVERE STORMS LABORATORY.	DIRECTOR NATIONAL SEVERE STORMS LABORATORY.
	EARTH SYSTEM RESEARCH LABORATORY.	DIRECTOR, CHEMICAL SCIENCE DIVISION.
		DIRECTOR, GLOBAL MONITORING DIVISION.
		DIRECTOR, GLOBAL SYSTEMS DIVISION.
		DIRECTOR, PHYSICAL SCIENCE DIVISION.
	CLIMATE PROGRAM OFFICE	DIRECTOR, CLIMATE PROGRAM OFFICE.
	OFFICE OF OCEANIC EXPLORATION AND RESEARCH.	DIRECTOR, OFFICE OF OCEAN EXPLORATION AND RESEARCH.
	NATIONAL SEA GRANT COLLEGE PROGRAM.	DIRECTOR, NATIONAL SEA GRANT COLLEGE PROGRAM.
	ATLANTIC OCEAN AND METEOROLOGY LABORATORY.	DIRECTOR, ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL.
	GEOPHYSICAL FLUID DYNAMICS LABORATORY.	DIRECTOR, OFFICE OF GEOPHYSICAL FLUID DYNAMICS LABORATORY.
	GREAT LAKE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY.
	PACIFIC MARINE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF PACIFIC MARINE ENVIRONMENTAL LABORATORY.
	OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNICATIONS AND INFORMATION.	CHIEF DIGITAL OFFICER.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.
		CHIEF INFORMATION OFFICER AND DEPUTY DIRECTOR FOR POLICY COORDINATION AND MANAGEMENT.
	FIRST RESPONDER NETWORK AUTHORITY.	CHIEF ADMINISTRATIVE OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF FINANCIAL OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF INFORMATION OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF PROCUREMENT OFFICER.
		CHIEF TECHNOLOGY OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
	OFFICE OF INTERNATIONAL AFFAIRS	ASSOCIATE ADMINISTRATOR, OFFICE OF INTERNATIONAL AFFAIRS.
	INSTITUTE FOR TELECOMMUNICATION SCIENCES.	ASSOCIATE ADMINISTRATOR FOR TELECOMMUNICATION SCIENCES AND DIRECTOR, INSTITUTE FOR TELECOMMUNICATION SCIENCES.
	OFFICE OF THE UNDER SECRETARY	ASSISTANT COMMISSIONER FOR EXTERNAL AFFAIRS.
		CHIEF ADMINISTRATIVE PATENT JUDGE.
		CHIEF ADMINISTRATIVE TRADEMARK JUDGE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY CHIEF ADMINISTRATIVE PATENT JUDGE.
		DEPUTY CHIEF ADMINISTRATIVE TRADEMARK JUDGE.
		DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY.
		PATENT TRIAL AND APPEAL BOARD EXECUTIVE.
		REGIONAL DIRECTOR—DALLAS.
		REGIONAL DIRECTOR—DENVER.
		REGIONAL DIRECTOR—DETROIT.
		REGIONAL DIRECTOR—SAN JOSE.
		VICE CHIEF ADMINISTRATIVE PATENT JUDGE.
	OFFICE OF POLICY AND INTERNATIONAL AFFAIRS.	DEPUTY CHIEF POLICY OFFICER.
		DEPUTY CHIEF POLICY OFFICER FOR OPERATIONS.
		DIRECTOR, GOVERNMENTAL AFFAIRS.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL FOR ENROLLMENT AND DISCIPLINE.
		DEPUTY GENERAL COUNSEL FOR GENERAL LAW.
		DEPUTY GENERAL COUNSEL FOR INTELLECTUAL PROPERTY LAW AND SOLICITOR.
		DEPUTY SOLICITOR AND ASSISTANT GENERAL COUNSEL FOR INTELLECTUAL PROPERY LAW.
	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER.	DEPUTY CHIEF ADMINISTRATIVE OFFICER.
		DIRECTOR, HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF FINANCE.
		DIRECTOR, OFFICE OF PLANNING AND BUDGET.
		DIRECTOR, OFFICE OF PROCUREMENT.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	CHIEF TECHNOLOGY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
		DIRECTOR OF ORGANIZATIONAL POLICY AND GOVERANCE.
		DIRECTOR, APPLICATION ENGINEERING AND DEVELOPMENT.
		DIRECTOR, OFFICE OF INFORMATION MANAGEMENT SERVICES.
		DIRECTOR, OFFICE OF INFRASTRUCTURE ENGINEERING AND OPERATIONS.
		DIRECTOR, OFFICE OF PROGRAM ADMINISTRATION ORGANIZATION.
	OFFICE OF THE COMMISSIONER FOR TRADEMARKS.	DEPUTY COMMISSIONER FOR TRADEMARK ADMINISTRATION.
		DEPUTY COMMISSIONER FOR TRADEMARK EXAMINATION POLICY.
		DEPUTY COMMISSIONER FOR TRADEMARK OPERATIONS.
		GROUP DIRECTOR, TRADEMARK LAW OFFICES.
	OFFICE OF THE COMMISSIONER FOR PATENTS.	ASSISTANT DEPUTY COMMISSIONER FOR PATENTS.
		ASSISTANT DEPUTY COMMISSIONER FOR PATENTS OPERATIONS.
		ASSOCIATE COMMISSIONER FOR INNOVATION AND DEVELOPMENT.
		ASSOCIATE COMMISSIONER FOR PATENT INFORMATION MANAGEMENT.
		ASSOCIATE COMMISSIONER FOR PATENT QUALITY.
		CHIEF PATENT ACADEMIC OFFICER.
		DEPUTY COMMISSIONER FOR INTERNATIONAL PATENT COOPERATION.
		DEPUTY COMMISSIONER FOR PATENT ADMINISTRATION.
		DEPUTY COMMISSIONER FOR PATENT EXAMINATION POLICY.
		DEPUTY COMMISSIONER FOR PATENT OPERATIONS.
		DEPUTY COMMISSIONER FOR PATENT QUALITY.
		DEPUTY DIRECTOR, PATENT TRAINING ACADEMY.
		DIRECTOR, OFFICE OF CENTRAL REEXAMINATION UNIT.
		DIRECTOR, OFFICE OF PATENT LEGAL ADMINISTRATION.
		DIRECTOR, OFFICE OF PATENT QUALITY ASSURANCE.
		PATENT EXAMINING GROUP DIRECTOR.
		PROGRAM DIRECTOR, INTERNATIONAL PATENT COOPERATION.
		SENIOR ADVISOR FOR PATENTS.
	GROUP DIRECTORS	GROUP DIRECTOR—1600.
		GROUP DIRECTOR—1700.
		GROUP DIRECTOR—2100.
		GROUP DIRECTOR—2400.
		GROUP DIRECTOR—2600.
		GROUP DIRECTOR—2800.
		GROUP DIRECTOR—2900.
		GROUP DIRECTOR—3600.
		GROUP DIRECTOR—3700.
	PATENT AND TRADEMARK OFFICE	GROUP DIRECTOR, TRADEMARK LAW OFFICES.
	MATERIAL MEASUREMENT LABORATORY	DIRECTOR, MATERIAL MEASUREMENT LABORATORY.
	OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.	ASSOCIATE DIRECTOR FOR INNOVATION AND INDUSTRY SERVICES.
		ASSOCIATE DIRECTOR FOR LABORATORY PROGRAMS.
		ASSOCIATE DIRECTOR FOR MANAGEMENT RESOURCES.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		CHIEF OF STAFF FOR NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY.
		CHIEF SCIENTIST.
		DIRECTOR, ADVANCED MANUFACTURING PROGRAM OFFICE.
		DIRECTOR, COMMUNICATIONS TECHNOLOGY LABORATORY.
		SENIOR ADVISOR TO THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.
		SENIOR SCIENCE ADVISOR.
	OFFICE OF INFORMATION SYSTEMS MANAGEMENT.	CHIEF INFORMATION OFFICER FOR NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
	OFFICE OF FACILITIES AND PROPERTY MANAGEMENT.	CHIEF FACILITIES MANAGEMENT OFFICER.
	OFFICE OF FINANCIAL RESOURCE MANAGEMENT.	CHIEF FINANCIAL OFFICER FOR NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
		CHIEF FINANCIAL OFFICER FOR NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND NATIONAL TECHNICAL SERVICES.
	OFFICE OF ACQUISITION AND AGREEMENTS MANAGEMENT.	DIRECTOR, OFFICE OF ACQUISITION AND AGREEMENTS MANAGEMENT.
	OFFICE OF SAFETY, HEALTH AND ENVIRONMENT.	CHIEF SAFETY OFFICER.
	SPECIAL PROGRAMS OFFICE	DEPUTY DIRECTOR, SPECIAL PROGRAMS OFFICE.
		DIRECTOR, SPECIAL PROGRAMS OFFICE.
	BOULDER SITE MANAGEMENT OFFICE	BOULDER LABORATORIES SITE MANAGER.
	STANDARDS COORDINATION OFFICE	DIRECTOR, STANDARDS COORDINATION OFFICE.
	BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM.	DIRECTOR, BALDRIGE PERFORMANCE EXCELLENCE PROGRAM.
	HOLLINGS MANUFACTURING EXTENSION PARTNER SHIP PROGRAM.	DEPUTY DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.
		DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAMS.
	ENGINEERING LABORATORY	DEPUTY DIRECTOR ENGINEERING LABORATORY.
		DIRECTOR, ENGINEERING LABORATORY.
		DIRECTOR, SMART GRID AND CYBER-PHYSICAL SYSTEMS PROGAM OFFICE.
	PHYSICAL MEASUREMENT LABORATORY	DEPUTY DIRECTOR FOR MEASUREMENT SCIENCE.
		DEPUTY DIRECTOR, PHYSICAL MEASUREMENT LABORATORY.
		DIRECTOR, PHYSICAL MEASUREMENT LABORATORY.
		SENIOR ADVISOR TO THE DIRECTOR, PHYSICAL MEASUREMENT LABORATORY.
	CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.	DEPUTY DIRECTOR, CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.
		DIRECTOR, CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.
	NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.	DEPUTY DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.
		DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.
	NATIONAL TECHNICAL INFORMATION SERVICE.	DEPUTY DIRECTOR, NATIONAL TECHNICAL INFORMATION SERVICE.
	INFORMATION TECHNOLOGY LABORATORY.	DEPUTY DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
		DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
DEPARTMENT OF COMMERCE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL.
	IMMEDIATE OFFICE	CHIEF OF STAFF.
	OFFICE OF AUDIT AND EVALUATION	ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SPECIAL PROGRAM AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION.
	OFFICE OF ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.	ASSISTANT INSPECTOR GENERAL FOR ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.
	OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF COUNSEL	COUNSEL TO THE INSPECTOR GENERAL.
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.	EXECUTIVE DIRECTOR.
CONSUMER PRODUCT SAFETY COMMISSION.	OFFICE OF EXECUTIVE DIRECTOR	ASSISTANT EXECUTIVE DIRECTOR FOR COMPLIANCE AND FIELD OPERATIONS.
		ASSISTANT EXECUTIVE DIRECTOR FOR INFORMATION AND TECH SERVICES.
		DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS SUPPORT.
	OFFICE OF HAZARD IDENTIFICATION AND REDUCTION.	ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION.
		ASSOCIATE EXECUTIVE DIRECTOR FOR ECONOMIC ANALYSIS.
		ASSOCIATE EXECUTIVE DIRECTOR FOR ENGINEERING SCIENCES.
		ASSOCIATE EXECUTIVE DIRECTOR FOR EPIDEMIOLOGY.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION.
	OFFICE OF IMPORT SURVEILLANCE	DIRECTOR, OFFICE OF IMPORT SURVEILLANCE.
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	ASSOCIATE DIRECTOR FOR ADMINISTRATION.
		ASSOCIATE DIRECTOR FOR COMMUNITY JUSTICE PROGRAMS.
		ASSOCIATE DIRECTOR FOR COMMUNITY SUPERVISION.
		ASSOCIATE DIRECTOR FOR HUMAN RESOURCES.
		ASSOCIATE DIRECTOR FOR RESEARCH AND EVALUATION.
		ASSOCIATE DIRECTOR, LEGISLATIVE, INTERGOVERNMENTAL AND PUBLIC AFFAIRS.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR.
		MANAGEMENT AND PROGRAM ANALYSIS OFFICER CHIEF OF STAFF.
	PRETRIAL SERVICES AGENCY	ASSOCIATE DIRECTOR FOR OPERATIONS.
		DEPUTY DIRECTOR.
		DIRECTOR.
OFFICE OF THE SECRETARY OF DEFENSE.	OFFICE OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION.	DEPUTY DIRECTOR FOR LIVE FIRE TEST AND EVALUATION.
	OFFICE OF THE CHIEF MANAGEMENT OFFICER.	DIRECTOR MANAGEMENT AND REQUIREMENTS ANALYSIS DIVISION.
		DIRECTOR OF ADMINISTRATION.
		DIRECTOR POLICY AND DECISION SUPPORT DIVISION.
		DIRECTOR, MANAGEMENT POLICY AND ANALYSIS DIRECTORATE.
		DIRECTOR, OVERSIGHT AND COMPLIANCE.
		DIRECTOR, PLANNING, PERFORMANCE AND ASSESSMENT DIRECTORATE.
		DEPARTMENT OF DEFENSE SENIOR INTELLIGENCE OVERSIGHT OFFICIAL AND DEPUTY DIRECTOR OVERSIGHT AND COMPLIANCE.
	OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR READINESS AND OPERATIONS SUPPORT.
		ASSISTANT INSPECTOR GENERAL, DEFENSE FINANCIAL AUDITING SERVICE.
		DEPUTY DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE.
		DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE—ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS).	CHIEF OF STAFF.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).	DEPUTY CHIEF FINANCIAL OFFICER.
	WASHINGTON HEADQUARTERS SERVICES.	DEPUTY DIRECTOR, HUMAN RESOURCES DIRECTORATE.
		DIRECTOR, ACQUISITION DIRECTORATE.
		DIRECTOR, DEPARTMENT OF DEFENSE CONSOLIDATED ADJUDICATIONS FACILITY.
		DIRECTOR, FACILITIES SERVICES DIRECTORATE.
		DIRECTOR, HUMAN RESOURCES DIRECTORATE.
		DIRECTOR, POLICY, PLANS AND REQUIREMENTS.
		EXECUTIVE DIRECTOR, ACQUISITION/HCA NGB.
		PRINCIPAL ASSISTANT RESPONSIBLE FOR CONTRACTING.
	PENTAGON FORCE PROTECTION AGENCY.	DIRECTOR, LAW ENFORCEMENT.
		DIRECTOR, PENTAGON FORCE PROTECTION AGENCY.
		PRINCIPAL DEPUTY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY.
	OFFICE OF THE GENERAL COUNSEL	DIRECTOR DEFENSE OFFICE OF HEARINGS AND APPEALS.
		DIRECTOR, OFFICE OF LITIGATION.
	OFFICE OF THE DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER.	JFHQ–DODIN EXECUTIVE.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION, TECHNOLOGY, AND LOGISTICS).	DEPUTY DIRECTOR FOR PROGRAM DEVELOPMENT AND IMPLEMENTATION.
		DEPUTY DIRECTOR, ENTERPRISE INFORMATION.
		DEPUTY DIRECTOR, OFFICE OF THE UNDER SECRETARY OF DEFENSE STUDIES AND FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER MANAGEMENT.
		DIRECTOR , STRATEGIC SYSTEMS AND TREATY COMPLIANCE.
		DIRECTOR FOR ADMINISTRATION.
		PRINCIPAL DEPUTY, ACQUISITION RESOURCES AND ANALYSIS.
	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (ACQUISITION).	DEPUTY DIRECTOR, ASSESSMENTS AND SUPPORT.
		DEPUTY DIRECTOR, CONTRACT POLICY AND INTERNATIONAL CONTRACTING.
		DEPUTY DIRECTOR, DEFENSE ACQUISITION REGULATIONS SYSTEM.
		DEPUTY DIRECTOR, NAVAL WARFARE.
		DEPUTY DIRECTOR, PROGRAM ACQUISITION AND STRATEGIC SOURCING.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		TECHNICAL DIRECTOR, FORCE DEVELOPMENT.
	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (NUCLEAR, CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS).	DEPUTY ASSISTANT SECRETARY OF DEFENSE (NUCLEAR MATTERS).
	OFFICE OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.	DEPUTY DIRECTOR, INFORMATION SYSTEMS AND CYBER TECHNOLOGIES.
	DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.	DIRECTOR, CONTRACTS MANAGEMENT OFFICE.
		DIRECTOR, STRATEGIC RESOURCES.
		DIRECTOR, SUPPORT SERVICES OFFICE.
		GENERAL COUNSEL.
	OFFICE OF THE JOINT CHIEFS OF STAFF	EXECUTIVE DIRECTOR.
		VICE DEPUTY DIRECTOR REGIONAL OPERATIONS AND FORCE MANAGEMENT.
		VICE DIRECTOR C4 CYBER.
		VICE DIRECTOR, MANPOWER AND PERSONNEL.
	MISSILE DEFENSE AGENCY	CHIEF ENGINEER.
		DEPUTY DIRECTOR, MISSILE DEFENSE INTEGRATION OPERATIONS CENTER/CHIEF INFORMATION OFFICER.
		DEPUTY FOR ENGINEERING.
		DEPUTY PROGRAM DIRECTOR, AEGIS BALLISTIC MISSILE DEFENSE.
		DEPUTY PROGRAM DIRECTOR, BC.
		DEPUTY PROGRAM MANAGER FOR ASSESSMENT AND INTEGRATIONS, BALLISTIC MISSILE DEFENSE SYSTEM.
		DIRECTOR FOR ACQUISITION.
		DIRECTOR FOR ADVANCED TECHNOLOGY.
		DIRECTOR FOR OPERATIONS.
		DIRECTOR FOR SYSTEMS ENGINEERING AND INTEGRATION.
		DIRECTOR, CONTRACTING.
		PROGRAM DIRECTOR FOR BATTLE MANAGEMENT, COMMAND AND CONTROL.
		PROGRAM DIRECTOR, GROUND-BASED MIDCOURSE DEFENSE.
		PROGRAM DIRECTOR, TARGETS AND COUNTERMEASURES.
	DEFENSE CONTRACT AUDIT AGENCY	ASSISTANT DIRECTOR, HUMAN CAPITAL AND RESOURCE MANAGEMENT.
		ASSISTANT DIRECTOR, OPERATIONS.
		ASSISTANT DIRECTOR, POLICY AND PLANS.
		CORPORATE AUDIT DIRECTOR.
		CORPORATE AUDIT DIRECTOR (C).
		CORPORATE AUDIT DIRECTOR (D).
		DEPUTY REGIONAL DIRECTOR EASTERN REGION.
		DEPUTY REGIONAL DIRECTOR, CENTRAL.
		DEPUTY REGIONAL DIRECTOR, WESTERN REGION.
		DIRECTOR, DEFENSE CONTRACT AUDIT AGENCY.
		DIRECTOR, FIELD DETACHMENT.
		REGIONAL DIRECTOR, CENTRAL.
		REGIONAL DIRECTOR, EASTERN.
		REGIONAL DIRECTOR, WESTERN.
	REGIONAL MANAGERS	ASSISTANT DIRECTOR, INTEGRITY AND QUALITY ASSURANCE.
	DEFENSE LOGISTICS AGENCY (DLA)	CHIEF OF STAFF.
		DEPUTY COMMANDER, DEFENSE SUPPLY CENTER PHILADELPHIA.
		DEPUTY COMMANDER, DLA AVIATION.
		DEPUTY COMMANDER, DLA DISTRIBUTION.
		DEPUTY COMMANDER, DLA ENERGY.
		DEPUTY COMMANDER, DLA LAND AND MARITIME.
		DEPUTY DIRECTOR, DLA ACQUISITION.
		DEPUTY DIRECTOR, DLA FINANCE.
		DEPUTY DIRECTOR, INFORMATION OPERATIONS/CHIEF TECHNICAL OFFICER.
		DEPUTY GENERAL COUNSEL, DLA.
		DIRECTOR, DLA ACQUISITION (J–7).
		DIRECTOR, DLA DISPOSITION SERVICES.
		DIRECTOR, DLA FINANCE.
		DIRECTOR, DLA HUMAN RESOURCES.
		DIRECTOR, DLA INFORMATION OPERATION.
		EXECUTIVE DIRECTOR OPERATIONS AND SUSTAINMENT.
		EXECUTIVE DIRECTOR, AVIATION CONTRACTING AND ACQUISITION MANAGEMENT.
		EXECUTIVE DIRECTOR, CONTRACTING AND ACQUISITION MANAGEMENT.
		EXECUTIVE DIRECTOR, JOINT CONTINGENCY ACQUISITION SUPPORT OFFICE.
		EXECUTIVE DIRECTOR, SUPPORT—POLICY AND STRATEGIC PROGRAMS.
		EXECUTIVE DIRECTOR, TROOP SUPPORT CONTRACTING AND ACQUISITION MANAGEMENT.
		GENERAL COUNSEL.
		PROGRAM EXECUTIVE OFFICER, DEFENSE LOGISTICS AGENCY INFORMATION OPERATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		VICE DIRECTOR, DEFENSE LOGISTICS AGENCY.
	DEFENSE HUMAN RESOURCES ACTIVITY	CHIEF ACTUARY, DEFENSE HUMAN RESOURCES ACTIVITY.
		DEPUTY DIRECTOR, DEFENSE HUMAN RESOURCES ACTIVITY.
		DEPUTY DIRECTOR, DEFENSE MANPOWER DATA CENTER.
		SENIOR ADVISOR TO THE DIRECTOR, DEFENSE HUMAN RESOURCES ACTIVITY.
	DEFENSE CONTRACT MANAGEMENT AGENCY.	DEPUTY DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY.
		DEPUTY GENERAL COUNSEL.
		EXECUTIVE DIRECTOR, CONTRACTS.
		EXECUTIVE DIRECTOR, COST AND PRICING CENTER.
		EXECUTIVE DIRECTOR, FINANCIAL AND BUSINESS OPERATIONS AND COMPTROLLER.
		EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, PORTFOLIO MGMT & BUSINESS INTEGRATION.
		EXECUTIVE DIRECTOR, QUALITY ASSURANCE.
		EXECUTIVE DIRECTOR, TECHNICAL DIRECTORATE.
		GENERAL COUNSEL.
	DEFENSE INFORMATION SYSTEMS AGENCY.	CHIEF FINANCIAL OFFICER/COMPTROLLER.
		CYBER DEVELOPMENT EXECUTIVE.
		CYBER SECURITY RISK MANAGEMENT AND AUTHORIZING OFFICIAL EXECUTIVE.
		CYBER SECURITY, RISK MANAGEMENT AND AUTHORIZING OFFICIAL EXECUTIVE.
		DEPUTY DIRECTOR, JOINT SERVICE PROVIDER.
		DIRECTOR, CENTER FOR OPERATIONS.
		DIRECTOR, DEFENSE SPECTRUM ORGANIZATION.
		DIRECTOR, DEVELOPMENT AND BUSINESS CENTER.
		EXECUTIVE DEPUTY DIRECTOR.
		INFRASTRUCTURE EXECUTIVE.
		NATIONAL LEADERSHIP COMMAND CAPABILITIES EXECUTIVE.
		NATIONAL BACKGROUND INVESTIGATIONS SERVICE EXECUTIVE.
		OPERATIONS EXECUTIVE.
		PROCUREMENT SERVICES EXECUTIVE AND HEAD OF CONTRACTING ACTIVITY.
		SERVICES EXECUTIVE.
		VICE DIRECTOR, CENTER FOR OPERATIONS.
		VICE DIRECTOR, REGULAR MILITARY COMPENSATION/DEPUTY COMPTROLLER.
		VICE PROCUREMENT SERVICES EXECUTIVE/DEPUTY CHIEF, DEFENSE INFORMATION TECHNOLOGY CONTRACTING ORGANIZATION.
		WORKFORCE MANAGEMENT EXECUTIVE.
	DEFENSE THREAT REDUCTION AGENCY	DIRECTOR INFORMATION OPERATIONS DIRECTORATE.
		DIRECTOR TREATIES AND PARTNERSHIPS DEPARTMENT.
		DIRECTOR, ACQUISITION, FINANCE AND LOGISTICS DIRECTORATE.
		DIRECTOR, BASIC AND APPLIED SCIENCES DEPARTMENT.
		DIRECTOR, CHEMICAL AND BIOLOGICAL TECHNOLOGIES DEPARTMENT.
		DIRECTOR, COMBATANT COMMAND SUPPORT.
		DIRECTOR, COOPERATIVE THREAT REDUCTION DEPARTMENT.
		DIRECTOR, COUNTER WEAPONS OF MASS DESTRUCTION TECHNOLOGIES DEPARTMENT.
		DIRECTOR, INTELLIGENCE, PLANS AND RESOURCE INTEGRATION DIRECTORATE.
		DIRECTOR, NUCLEAR TECHNOLOGIES DEPARTMENT.
		DIRECTOR, OPERATIONS, READINESS AND EXERCISES DIRECTORATE.
		DIRECTOR, RESEARCH AND DEVELOPMENT DIRECTORATE.
		GENERAL COUNSEL.
	DEFENSE COMMISSARY AGENCY	DIRECTOR.
DEPARTMENT OF THE AIR FORCE	DEPARTMENT OF THE AIR FORCE	AIR FORCE PROGRAM EXECUTIVE OFFICER FOR COMBAT AND MISSION SUPPORT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PROGRAMS.
		CHIEF INFORMATION OFFICER AND DEPUTY DIRECTOR, PLANS AND INTEGRATION.
		CHIEF INFORMATION SECURITY OFFICER (CISO).
		DEPUTY ASSISTANT SECRETARY (LOGISTICS).
		DEPUTY DIRECTOR LEGISLATIVE LIAISON.
		DEPUTY DIRECTOR OF LOGISTICS.
		DEPUTY DIRECTOR OF OPERATIONS.
		DEPUTY DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS.
		DEPUTY DIRECTOR, INFORMATION DOMINANCE.
		DEPUTY DIRECTOR, SECURITY FORCES.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY DIRECTOR, SECURITY, SPECIAL PROGRAM OVERSIGHT, AND INFORMATION PROTECTION.
		DEPUTY DIRECTOR, STRATEGIC PLANNING.
		DEPUTY DIRECTOR, STRATEGY, CONCEPTS AND ASSESSMENTS.
		DIRECTOR OF COMMUNICATIONS.
		DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS.
		DIRECTOR, CIVILIAN FORCE MANAGEMENT.
		DIRECTOR, CYBER CAPABILITIES AND COMPLIANCE.
		DIRECTOR, DIVERSITY AND INCLUSION.
		DIRECTOR, HEADQUARTERS AIR FORCE INFORMATION MANAGEMENT.
		DIRECTOR, INSTALLATION, LOGISTICS AND MISSION SUPPORT.
		DIRECTOR, LOGISTICS, ENGINEERING AND FORCE PROTECTION.
		DIRECTOR, SPACE SECURITY AND DEFENSE PROGRAM.
		EXECUTIVE DIRECTOR.
		EXECUTIVE DIRECTOR, AIR NATIONAL GUARD.
	OFFICE OF THE SECRETARY	DEPUTY DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE.
		DEPUTY DIRECTOR, AIR FORCE REVIEW BOARDS AGENCY.
		DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE.
	OFFICE OF THE UNDER SECRETARY	ASSOCIATE DEPUTY UNDER SECRETARY OF THE AIR FORCE (SPACE) AND DEPUTY DIRECTOR PRINCIPAL DEPARTMENT OF DEFENSE SPACE ADVISOR STAFF.
	OFFICE OF ADMINISTRATIVE ASSISTANT TO THE SECRETARY.	ADMINISTRATIVE ASSISTANT.
		DEPUTY ADMINISTRATIVE ASSISTANT.
		DIRECTOR SECURITY, SPEC PRGM OVERSIGHT AND INFORMATION PROTECTION.
		EXECUTIVE DIRECTOR, OFFICE OF SPECIAL INVESTIGATIONS.
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	OFFICE OF PUBLIC AFFAIRS	DEPUTY DIRECTOR, PUBLIC AFFAIRS.
	AUDITOR GENERAL	ASSISTANT AUDITOR GENERAL, FIELD OFFICES DIRECTORATE.
		AUDITOR GENERAL OF THE AIR FORCE.
	AIR FORCE AUDIT AGENCY (FIELD OPERATING AGENCY).	ASSISTANT AUDITOR GENERAL, ACQUISTION, LOGISTICS AND FINANCIAL AUDITS.
		ASSISTANT AUDITOR GENERAL, OPERATIONS AND SUPPORT AUDITS.
	AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS (FIELD OPERATING AGENCY).	EXECUTIVE DIRECTOR, DEFENSE CYBER CRIME CENTER.
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND COMPTROLLER.	CHIEF INFORMATION OFFICER.
	OFFICE DEPUTY ASSISTANT SECRETARY BUDGET.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR BUDGET.
		DIRECTOR, BUDGET INVESTMENT.
	OFFICE DEPUTY ASSISTANT SECRETARY COST AND ECONOMICS.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS).
		DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS).
	OFFICE DEPUTY ASSISTANT SECRETARY FINANCIAL OPERATIONS.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS).
		DEPUTY ASSISTANT SECRETARY (PLANS, SYSTEMS AND ANALYSIS).
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION.	ASSOCIATION DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE FOR SCIENCE, TECHNOLOGY AND ENGINEERING.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION).
		DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION).
		DEPUTY ASSISTANT SECRETARY (SCIENCE, TECHNOLOGY AND ENGINEERING).
		DIRECTOR OF CONTRACTING (SPECIAL ACCESS PROGRAMS).
		DIRECTOR OF CONTRACTING, AIR FORCE RAPID CAPABILITIES OFFICE.
		DIRECTOR, INFORMATION DOMINANCE PROGRAMS.
	OFFICE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING.	SPECIAL ASSISTANT TO THE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING.
	OFFICE DEPUTY ASSISTANT SECRETARY CONTRACTING.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (CONTRACTING).
	DIRECTORATE OF SPACE AND NUCLEAR DETERRENCE.	ASSOCIATE ASSISTANT CHIEF OF STAFF STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION.
		DEPUTY ASSISTANT CHIEF OF STAFF, STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION.
	OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	DEPUTY ASSISTANT SECRETARY FOR RESERVE AFFAIRS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	AIR FORCE REVIEW BOARDS AGENCY (AIR FORCE REVIEW BOARDS AGENCY)—FIELD OPERATING AGENCY.	DEPUTY FOR AIR FORCE REVIEW BOARDS.
	OFFICE OF THE CHIEF OF STAFF	DEPUTY DIRECTOR OF STAFF, HEADQUARTERS UNITED STATES AIR FORCE.
	AIR FORCE OFFICE OF SAFETY AND AIR FORCE SAFETY CENTER (FIELD OPERATING AGENCY).	DEPUTY CHIEF OF SAFETY.
	JUDGE ADVOCATE GENERAL	DIRECTOR, ADMINISTRATIVE LAW.
	TEST AND EVALUATION	DEPUTY DIRECTOR, TEST AND EVALUATION.
		DIRECTOR, TEST AND EVALUATION.
	AIR FORCE STUDIES AND ANALYSES AGENCY (DIRECT REPORTING UNIT (DRU)).	DIRECTOR, AIR FORCE STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED.
		PRINCIPLE DEPUTY DIRECTOR, STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED.
	CIVIL ENGINEER	DEPUTY DIRECTOR OF CIVIL ENGINEERS.
	RESOURCES	DIRECTOR OF RESOURCE INTEGRATION.
	DEPUTY CHIEF OF STAFF, PLANS AND PROGRAMS.	ASSISTANT DEPUTY CHIEF OF STAFF, STRATEGIC PLANS AND REQUIREMENTS.
		ASSOCIATE DEPUTY DIRECTOR FOR PROGRAMS.
		DEPUTY DIRECTOR OF STRATEGIC PLANNING.
	DEPUTY CHIEF OF STAFF, PERSONNEL	ASSISTANT DEPUTY CHIEF OF STAFF MANPOWER AND PERSONNEL.
		DEPUTY DIRECTOR OF SERVICES.
		DEPUTY DIRECTOR, MANPOWER, ORGANIZATION AND RESOURCES.
		DEPUTY DIRECTOR, MILITARY FORCE MANAGEMENT.
		DIRECTOR FORCE DEVELOPMENT.
		DIRECTOR, PLANS AND INTEGRATION.
	AIR FORCE PERSONNEL CENTER (FIELD OPERATING AGENCY).	DIRECTOR OF PERSONNEL OPERATIONS.
		EXECUTIVE DIRECTOR, AIR FORCE PERSONNEL CENTER.
	DEPUTY CHIEF OF STAFF, AIR AND SPACE OPERATIONS.	ASSOCIATE DEPUTY CHIEF OF STAFF OPERATIONS, PLANS AND REQUIREMENTS.
		DEPUTY DIRECTOR OF OPERATIONAL REQUIREMENTS.
		DEPUTY DIRECTOR, OPERATIONS AND READINESS.
		DIRECTOR OF WEATHER.
	DEPUTY CHIEF OF STAFF FOR INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.	DIRECTOR OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE INNOVATIONS AND UNMANNED AERIAL SYSTEMS TASK FORCE.
	AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER (DIRECT REPORTING UNIT).	EXECUTIVE DIRECTOR, AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER.
	AIR FORCE SPECIAL OPERATIONS COMMAND.	DEPUTY CHIEF FINANCIAL OFFICER.
		EXECUTIVE DIRECTOR AIR FORCE SPECIAL OPERATIONS COMMAND.
	AIR FORCE MATERIEL COMMAND	DEPUTY DIRECTOR, AIR, SPACE AND CYBERSPACE OPERATIONS.
		DEPUTY DIRECTOR, STRATEGIC PLANS, PROGRAMS, REQUIREMENTS AND ANALYSES.
		DIRECTOR FINANCIAL MANAGEMENT AND COMPTROLLER.
		DIRECTOR INSTALLATIONS.
		DIRECTOR OF CONTRACTING.
		DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT, F–35 LIGHTNING II JOINT PROGRAM OFFICE.
		DIRECTOR OF LOGISTICS AND LOGISTICS SERVICES.
		DIRECTOR OF PROPULSION.
		DIRECTOR, AIR FORCE CIVIL ENGINEER CENTER.
		DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		DIRECTOR, FINANCIAL MANAGEMENT.
		DIRECTOR, HYBRID PRODUCT SUPPORT INTEGRATOR TRANSITION OPS.
		DIRECTOR, INSTALLATION SUPPORT.
		DIRECTOR, MANPOWER, PERSONNEL AND SERVICES.
		DIRECTOR, NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.
		DIRECTOR, RESOURCES.
		EXECUTIVE DIRECTOR.
		EXECUTIVE DIRECTOR, AIR FORCE INSTALLATION AND MISSION SUPPORT CENTER.
		EXECUTIVE DIRECTOR, AIR FORCE MATERIEL COMMAND.
		EXECUTIVE DIRECTOR, AIR FORCE NUCLEAR WEAPONS CENTER.
		EXECUTIVE DIRECTOR, AIR FORCE SUSTAINMENT CENTER.
		PROGRAM EXECUTIVE OFFICER FOR BUSINESS ENTERPRISE SYSTEMS.
	CONTRACTING	DIRECTOR, MILSATCOM DIRECTORATE.
	LOGISTICS	DEPUTY DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT.
	ENGINEERING AND TECHNICAL MANAGEMENT.	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
	FINANCIAL MANAGEMENT AND COMPTROLLER.	DEPUTY DIRECTOR, FINANCIAL MANAGEMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	AIR FORCE MATERIEL COMMAND LAW OFFICE.	COMMAND COUNSEL.
		DIRECTOR, AIR FORCE MATERIEL COMMAND LAW OFFICE.
	AIR FORCE OFFICE OF SCIENTIFIC RESEARCH.	DIRECTOR AIR FORCE OFFICE OF SCIENTIFIC RESEARCH.
	ELECTRONIC SYSTEMS CENTER	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		PROGRAM EXECUTIVE OFFICER, BATTLE MANAGEMENT.
	AERONAUTICAL SYSTEMS CENTER	EXECUTIVE DIRECTOR, AIR FORCE LIFE CYCLE MANAGEMENT CENTER.
		PROGRAM EXECUTIVE OFFICER FOR AGILE COMBAT SUPPORT.
		PROGRAM EXECUTIVE OFFICER, MOBILITY AIRCRAFT.
	AIR FORCE RESEARCH LABORATORY	DIRECTOR, AEROSPACE SYSTEMS.
		DIRECTOR, MATERIALS AND MANUFACTURING.
		DIRECTOR, PLANS AND PROGRAMS.
		DIRECTOR, STRATEGIC DEVELOPMENT AND PLANNING.
		EXECUTIVE DIRECTOR, AIR FORCE RESEARCH LABORATORY.
	DIRECTED ENERGY DIRECTORATE	DIRECTOR, DIRECTED ENERGY.
	SENSORS DIRECTORATE	DIRECTOR SENSORS.
	HUMAN EFFECTIVENESS DIRECTORATE	DIRECTOR, HUMAN EFFECTIVENESS DIRECTORATE.
	AIR FORCE FLIGHT TEST CENTER	EXECUTIVE DIRECTOR, AIR FORCE TEST CENTER.
	AIR LOGISTICS CENTER, OKLAHOMA CITY.	DIRECTOR OF CONTRACTING.
		DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT.
		DIRECTOR OF LOGISTICS, AIR FORCE SUSTAINMENT CENTER.
		DIRECTOR, 448TH SUPPLY CHAIN MANAGEMENT WING.
	AIR LOGISTICS CENTER, WARNER ROBINS.	DIRECTOR OF CONTRACTING.
	AIR LOGISTICS CENTER, OGDEN	DIRECTOR OF CONTRACTING.
		DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
	AIR COMBAT COMMAND	DEPUTY DIRECTOR OF LOGISTICS, ENGINEERING, AND FORCE PROTECTION.
		DEPUTY DIRECTOR, REQUIREMENTS.
		DIRECTOR, ACQUISITION MANAGEMENT AND INTEGRATION CENTER.
	AIR MOBILITY COMMAND	DEPUTY DIRECTOR OR LOGISTICS.
	AIR EDUCATION AND TRAINING COMMAND.	DIRECTOR, INTERNATIONAL TRAINING AND EDUCATION.
		DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT.
	AIR FORCE RESERVE COMMAND	DIRECTOR OF STAFF.
	UNITED STATES CENTRAL COMMAND	DEPUTY DIRECTOR OF LOGISTICS AND ENGINEERING.
		DEPUTY DIRECTOR OF OPERATIONS INTERAGENCY ACTION GROUP.
		DIRECTOR OF RESOURCES, REQUIREMENTS, BUDGET AND ASSESSMENT.
	AIR FORCE SPACE COMMAND	DIRECTOR OF CONTRACTING, SPACE AND MISSILE SYSTEMS CENTER (SMC).
		EXECUTIVE DIRECTOR, AIR FORCE SPACE COMMAND.
	UNITED STATES SPECIAL OPERATIONS COMMAND.	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF OF STAFF.
		DEPUTY DIRECTOR, CENTER FOR SPECIAL OPERATIONS ACQUISITION AND LOGISTICS.
		DIRECTOR AND CHIEF INFOMATION OFFICER FOR SPECIAL OPERATIONS NETWORKS AND COMMUNICATIONS CENTER.
		DIRECTOR COMMUNICATIONS SYSTEMS/CIO (J6).
		DIRECTOR FOR ACQUISITION.
		DIRECTOR, PLANS, POLICY AND STRATEGY.
		PRESIDENT, JOINT SPECIAL OPERATIONS UNIVERSITY.
	SPACE AND MISSLE SYSTEMS CENTER	DIRECTOR, LAUNCH ENTERPRISE.
		DIRECTOR, MILITARY SATELLITE COMMUNICATIONS DIRECTORATE.
	UNITED STATES STRATEGIC COMMAND	ASSOCIATE DIRECTOR CAPABILITY AND RESOURCE.
		DEPUTY DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION.
		DEPUTY DIRECTOR, CAPABILITY DEVELOPMENTAL GROUP COMMAND ACQUISITION EXECUTIVE.
		DEPUTY DIRECTOR, PLANS AND POLICY.
		DEPUTY DIRECTOR, PLANS AND POLICY, USSTRATCOM.
		DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION, USSTRATCOM C2 FAC MGMT PMO.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS AND COMPUTER SYSTEMS.
		DIRECTOR, GLOBAL INNOVATION STRATEGY CENTER.
		DIRECTOR, JOINT EXCERCISES AND TRAINING.
		TECHNICAL DIRECTOR, JOINT WARFARE ANALYSIS CENTER.
	UNITED STATES TRANSPORTATION COMMAND.	DEPUTY DIRECTOR, ACQUISITION.
		DEPUTY DIRECTOR, STRATEGY, CAPABILITIES, POLICY AND LOGISTICS.
		DIRECTOR, ACQUISTION.
		DIRECTOR, PROGRAM ANALYSIS AND FINANCIAL MANAGEMENT.
		EXECUTIVE DIRECTOR.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		EXECUTIVE DIRECTOR AND DEPUTY CHIEF INFORMATION OFFICER.
	JOINT STAFF	DIRECTOR, JOINT INFORMATION OPERATIONS WARFARE CENTER.
	UNITED STATES NORTHERN COMMAND	DEPUTY COMMANDER, JOINT FORCES HEADQUARTERS—NATIONAL CAPITAL REGION.
		DIRECTOR OF INTERAGENCY.
		DIRECTOR, JOINT EXERCISES AND TRAINING.
		DIRECTOR, PROGRAMS AND RESOURCES.
		NORTHCOM, DEPUTY DIRECTOR OF OPERATIONS FOR SPECIAL ACTIVITIES.
DEPARTMENT OF THE ARMY	UNITED STATES ARMY NATIONAL MILITARY CEMETERIES.	EXECUTIVE DIRECTOR OF THE ARMY NATIONAL CENETERIES PROGRAM.
		SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY.
	OFFICE DEPUTY UNDER SECRETARY OF ARMY.	ASSISTANT TO THE DEPUTY UNDER SECRETARY ARMY/DIRECTOR OF TEST AND EVALUATION.
		DIRECTOR CIVILIAN SENIOR LEADER MANAGEMENT OFFICE.
		DIRECTOR, BUSINESS TRANSFORMATION DIRECTORATE.
		SPECIAL ADVISOR TO DEPUTY UNDER SECRETARY ARMY.
	OFFICE OF BUSINESS TRANSFORMATION	DEPUTY CHIEF MANAGEMENT OFFICER.
		DEPUTY DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION, OFFICE OF THE UNDER SECRETARY OF THE ARMY.
		DIRECTOR, BUSINESS TRANSFORMATION DIRECTORATE.
	OFFICE ADMINSTRATIVE ASSISTANT TO THE SECRETARY OF ARMY.	ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY.
		DEPUTY ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY/DIRECTOR FOR SHARED SERVICES.
		EXECUTIVE ADVISOR TO THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY.
		EXECUTIVE DIRECTOR, UNITED STATES ARMY HEADQUARTERS SERVICES.
	ARMY CENTER OF MILITARY HISTORY (HEADQUARTERS, DEPARTMENT OF THE ARMY FIELD OPERATING AGENCY AND STAFF SUPPORT AGENCY)).	DIRECTOR, UNITED STATES ARMY CENTER OF MILITARY HISTORY/CHIEF OF MILITARY HISTORY.
	OFFICE ASSISTANT SECRETARY ARMY (CIVIL WORKS).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (MANAGEMENT AND BUDGET).
		SPECIAL ADVISOR TO ASSISTANT SECRETARY ARMY (CIVIL WORKS).
	OFFICE ASSISTANT SECRETARY ARMY (FINANCIAL MANAGEMENT AND COMPTROLLER).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (COST AND ECONOMICS).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (FINANCIAL OPERATIONS).
		DEPUTY DIRECTOR AND SENIOR ADVISOR FOR ARMY BUDGET (BUDGET).
		DIRECTOR FOR ACCOUNTABILITY AND AUDIT READINESS.
		DIRECTOR OF INVESTMENT.
		DIRECTOR OF MANAGEMENT AND CONTROL.
		DIRECTOR, FINANCIAL INFORMATION MANAGEMENT.
		DIRECTOR, MILITARY PERSONNEL AND FACILITIES.
		DIRECTOR, PROGRAMS AND STRATEGY.
	UNITED STATES ARMY FINANCIAL MANAGEMENT COMMAND.	DEPUTY TO THE COMMANDER FOR FINANCIAL MANAGEMENT OPERATIONS.
	OFFICE ASSISTANT SECRETARY ARMY (INSTALLATIONS, ENERGY AND ENVIRONMENT).	DEPUTY ASSISTANT SECRETARY OF ARMY (STRATEGIC INTEGRATION).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH).
	OFFICE ASSISTANT SECRETARY ARMY (MANPOWER AND RESERVE AFFAIRS).	DEPUTY ASSISTANT SECRETARY OF ARMY FOR MARKETING/DIRECTOR, ARMY MARKETING RESEARCH GROUP.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ARMY REVIEW BOARDS AGENCY).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (CIVILIAN PERSONNEL).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (DIVERSITY AND LEADERSHIP).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (MILITARY PERSONNEL/QUALITY OF LIFE).
	OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).	CHIEF SYSTEMS ENGINEER, ACQUISITION SECRETARY ARMY.
		DEPUTY ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY/CHIEF SCIENTIST.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ACQUISITION POLICY AND LOGISTICS), ASSISTANT SECRETARY OF THE ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (POLICY AND PROCUREMENT).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR DEFENSE EXPORTS AND COOPERATION.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR PLANS, PROGRAMS AND RESOURCES.
		DIRECTOR FOR RESEARCH AND TECHNOLOGY.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, SYSTEM OF SYSTEM ENGINEERING INTEGRATION.
		EXECUTIVE DIRECTOR FOR ACQUISITION SERVICES, ASA (ALT).
		EXECUTIVE DIRECTOR, RAPID CAPABILITIES OFFICE.
		SPECIAL ASSISTANT TO THE ASSISTANT SECRETARY OF ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).
	ARMY ACQUISITION EXECUTIVE	DEPUTY JOINT PROGRAM EXECUTIVE OFFICER FOR CHEMICAL AND BIOLOGICAL DEFENSE.
		DEPUTY PROGRAM EXECTUIVE OFFICER GROUND COMBAT SYSTEMS.
		DEPUTY PROGRAM EXECUTIVE OFFICER (SIMULATION, TRAINING AND INSTRUMENTATION).
		DEPUTY PROGRAM EXECUTIVE OFFICER AMMUNITION.
		DEPUTY PROGRAM EXECUTIVE OFFICER FOR AVIATION.
		DEPUTY PROGRAM EXECUTIVE OFFICER FOR SOLDIER.
		DEPUTY PROGRAM EXECUTIVE OFFICER, COMBAT SUPPORT AND COMBAT SERVICE SUPPORT.
		DEPUTY PROGRAM EXECUTIVE OFFICER, COMMAND CONTROL AND COMMUNICATIONS TACTICAL.
		DEPUTY PROGRAM EXECUTIVE OFFICER, ENTERPRISE INFORMATION SYSTEMS.
		DEPUTY PROGRAM EXECUTIVE OFFICER, INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS.
		DEPUTY PROGRAM EXECUTIVE OFFICER, MISSILES AND SPACE.
		JOINT PROGRAM EXECUTIVE OFFICER FOR CHEMICAL AND BIOLOGICAL DEFENSE.
		PROGRAM EXECUTIVE OFFICER—AMMUNITION.
		PROGRAM EXECUTIVE OFFICER—COMMAND CONTROL AND COMMUNICATIONS (TACTICAL).
		PROGRAM EXECUTIVE OFFICER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVE.
		PROGRAM EXECUTIVE OFFICER COMBAT SUPPORT AND COMBAT SERVICE SUPPORT.
		PROGRAM EXECUTIVE OFFICER ENTERPRISE INFORMATION SYSTEMS.
		PROGRAM EXECUTIVE OFFICER MISSILES AND SPACE.
		PROGRAM EXECUTIVE OFFICER, INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS.
	OFFICE OF THE INSPECTOR GENERAL	PRINCIPAL DIRECTOR TO THE INSPECTOR GENERAL (INSPECTIONS).
	CHIEF INFORMATION OFFICER/G–6	DEPUTY CHIEF INFORMATION OFFICER/G–6.
		DIRECTOR FOR ARMY ARCHITECTURE INTEGRATION CELL.
		DIRECTOR, CYBERSECURITY.
		PRINCIPAL DIRECTOR, POLICY AND RESOURCES/CHIEF FINANCIAL OFFICER, CHIEF INFROMATION OFFICER/G–6.
	OFFICE, CHIEF OF PUBLIC AFFAIRS	PRINCIPAL DEPUTY CHIEF OF PUBLIC AFFAIRS.
	ARMY AUDIT AGENCY	DEPUTY AUDITOR GENERAL, ACQUISITION AND LOGISTICS AUDITS.
		DEPUTY AUDITOR GENERAL, FINANCIAL MANAGEMENT AUDITS.
		DEPUTY AUDITOR GENERAL, INSTALLATION, ENERGY AND ENVIRONMENT AUDITS.
		DEPUTY AUDITOR GENERAL, MANPOWER AND TRAINING AUDITS.
		PRINCIPAL DEPUTY AUDITOR GENERAL.
		THE AUDITOR GENERAL, UNITED STATES ARMY.
	UNITED STATES ARMY TEST AND EVALUATION COMMAND.	DIRECTOR, ARMY EVALUATION CENTER.
		DIRECTOR, BALLISTIC MISSILE EVALUATION DIRECTORATE, ARMY EVALUATION CENTER.
		EXECUTIVE DIRECTOR, OPERATIONAL TEST COMMAND.
		EXECUTIVE DIRECTOR—WHITE SANDS.
	OFFICE, CHIEF ARMY RESERVE	ASSISTANT CHIEF OF THE ARMY RESERVE.
		CHIEF EXECUTIVE OFFICER.
		DIRECTOR HUMAN CAPITAL (OFFICE, CHIEF ARMY RESERVE).
		DIRECTOR OF RESOURCE MANAGEMENT AND MATERIAL.
		DIRECTOR, G–1 (PERSONNEL AND HUMAN CAPITAL).
	OFFICE, ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT.	CHIEF INFORMATION TECHNOLOGY OFFICER.
		DEPUTY ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT.
		DIRECTOR INSTALLATION SERVICES.
		DIRECTOR OF RESOURCE INTEGRATION.
	UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND.	DIRECTOR IMCOM SUPPORT (READINESS).
		DIRECTOR IMCOM SUPPORT (SUSTAINMENT).
		DIRECTOR IMCOM SUPPORT (TRAINING).
		DIRECTOR OF FACILITIES AND LOGISTICS.
		DIRECTOR, FAMILY, MORALE, WELFARE AND RECREATION DIRECTORATE, G–9, IMCOM.
		DIRECTOR, HUMAN RESOURCES (IMCOM).
		DIRECTOR, PLANS, OPERATIONS AND TRAIINING, G–3/5/7.
		EXECUTIVE DIRECTOR/DIRECTOR OF SERVICES.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		EXECUTIVE DPUTY TO COMMANDING GENERAL, IMCOM.
		REGIONAL DIRECTOR (ATLANTIC).
		REGIONAL DIRECTOR (CENTRAL).
		REGIONAL DIRECTOR (EUROPE).
		REGIONAL DIRECTOR (PACIFIC).
	OFFICE, DEPUTY CHIEF OF STAFF , G–4 ..	DIRECTOR, LOGISITICS INNOVATION AGENCY.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–4.
		DIRECTOR FOR MAINTENANCE POLICY, PROGRAMS AND PROCESSES.
		DIRECTOR FOR SUPPLY POLICY.
		DIRECTOR OF RESOURCE MANAGEMENT.
		DIRECTOR, LOGISTICS INFORMATION MANAGEMENT.
	OFFICE, DEPUTY CHIEF OF STAFF, G–8 ...	ASSISTANT DEPUTY CHIEF OF STAFF, G–8.
		DIRECTOR, RESOURCES/DEPUTY DIRECTOR, FORCE DEVELOPMENT.
	OFFICE, DEPUTY CHIEF OF STAFF, G–3 ...	ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS (G–3/5/7).
		DEPUTY DIRECTOR FOR CYBER (G–3/5/7).
		DEPUTY DIRECTOR FOR FORCE MANAGEMENT.
		DEPUTY DIRECTOR FOR PLANS AND POLICY.
		DEPUTY DIRECTOR FOR STRATEGY PLANS AND POLICY.
		DEPUTY DIRECTOR OF TRAINING AND TRAINING PROGRAM EVALUATION GROUP CO-CHAIR.
	OFFICE, DEPUTY CHIEF OF STAFF, G–1 ...	ASSISTANT DEPUTY CHIEF OF STAFF, G–1.
		DIRECTOR, TECHNOLOGY AND BUSINESS ARCHITECTURE INTEGRATION.
		DIRECTOR FOR MANPRINT DIRECTORATE.
		DIRECTOR, ARMY RESILIENCY DIRECTORATE, ODCS, G–1.
		DIRECTOR, CIVILIAN TALENT MANAGEMENT/DEPUTY DIRECTOR ARMY TALENT MANAGEMENT TASK FORCE.
		DIRECTOR, PLANS AND RESOURCES.
		DIRECTOR, SEXUAL HARASSMENT/ASSAULT RESPONSE AND PREVENTION.
		SPECIAL ADVISOR TO DEPUTY CHIEF OF STAFF–G1 HQDA.
	ARMY RESEARCH INSTITUTE (DEPUTY CHIEF OF STAFF FOR PERSONNEL, FIELD OPERATING AGENCY).	DIRECTOR, UNITED STATES ARMY RESEARCH INSTITUTE AND CHIEF PSYCHOLOGIST.
	NATIONAL GUARD BUREAU	CHIEF FINANCIAL OFFICER.
	OFFICE OF THE SURGEON GENERAL	CHIEF OF STAFF.
		DEPUTY CHIEF OF STAFF/ASSISTANT SURGEON GENERAL, FORCE MANAGEMENT.
	UNITED STATES ARMY MEDICAL RESEARCH AND MATERIEL COMMAND.	PRINCIPAL ASSISTANT FOR ACQUISITION.
	UNITED STATES ARMY MEDICAL DEPARTMENT CENTER AND SCHOOL.	DEPUTY TO THE COMMANDING GENERAL.
	UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND.	DEPUTY TO THE COMMANDER, UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND/ARMY FORCES STRATCOM.
		DIRECTOR , SPACE AND MISSILE DEFENSE TECHNICAL CENTER.
		DIRECTOR CAPABILITY DEVELOPMENT INTEGRATION DIRECTORATE, SPACE AND MISSILE DEFENSE COMMAND.
		DIRECTOR, CAPABILITY DEVELOPMENT INTEGRATION DIRECTORATE (CDID).
		DIRECTOR, FUTURE WARFARE CENTER.
		DIRECTOR, PROGRAMS AND TECHNOLOGY.
	UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND (TRADOC).	ASSISTANT DEPUTY CHIEF OF STAFF, G–3/5/7 AND DEPUTY G–3/5 FOR OPS PLANS, TRADOC.
		DEPUTY CHIEF OF STAFF G–1/4 (PERSONNEL AND LOGISTICS).
		DEPUTY CHIEF OF STAFF G8, TRADOC.
		DEPUTY CHIEF OF STAFF, G–3/5/7, TRADOC.
		DEPUTY CHIEF OF STAFF, G6 (TRADOC).
		DEPUTY DIRECTOR/CHIEF OF STAFF, ARCIC.
		DEPUTY TO THE COMMANDING GENERAL ARMY AVIATION CENTER OF EXCELLENCE/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
		DEPUTY TO THE COMMANDING GENERAL FIRES/DIRECTOR, CAPABILITIES, DEVELOPMENT AND INTEGRATION.
		DEPUTY TO THE COMMANDING GENERAL MANUEVER SUPPORT/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
		DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS CENTER.
		DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS SUPPORT COMMAND.
		DEPUTY TO THE COMMANDING GENERAL, MANEUVER CENTER OF EXCELLENCE AND DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
		DEPUTY TO THE COMMANDING GENERAL, SIGNAL CENTER OF EXCELLENCE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR OF TRANSFORMATION, CYBER CENTER OF EXCELLENCE.
		PRESIDENT, ARMY LOGISTICS UNIVERSITY.
	TRAINING AND DOCTRINE COMMAND ANALYSIS CENTER.	DIRECTOR OF OPERATIONS.
		DIRECTOR, TRAINING AND DOCTRINE COMMAND ANALYSIS CENTER.
	ARMY FUTURES COMMAND—CROSS FUNCTIONAL TEAMS.	DIRECTOR, ASSURED PNT CROSS-FUNCTIONAL TEAM, SA.
	ARMY FUTURES COMMAND, COMBAT CAPABILITIES DEVELOPMENT COMMAND, ARMY RESEARCH LABORATORY.	DIRECTOR HUMAN DIMENSION SIMULATIONS AND TRAINING DIRECTORATE.
		DIRECTOR UNITED STATES ARMY RESEARCH LABORATORY.
		DIRECTOR WEAPONS AND MATERIALS RESEARCH DIRECTORATE.
		DIRECTOR, ARMY RESEARCH OFFICE.
		DIRECTOR, SENSORS AND ELECTRON DEVICES DIRECTORATE.
		DIRECTOR, SURVIVABILITY/LETHALITY ANALYSIS DIRECTORATE.
	MILITARY SURFACE DEPLOYMENT DISTRIBUTION COMMAND.	DEPUTY TO THE COMMANDER, SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND.
		DIRECTOR, TRANSPORTATION ENGINEERING AGENCY/DIRECTOR JOINT DISTRIBUTION PROCESS ANALYSIS CENTER.
	UNITED STATES ARMY FORCES COMMAND.	ASSISTANT DEPUTY CHIEF OF STAFF FOR LOGISTICS.
		ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS, G–3/5/7.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–6.
		DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.
		DEPUTY CHIEF OF STAFF, G–1.
	UNITED STATES ARMY NETWORK ENTERPRISE TECHNOLOGY COMMAND/9TH ARMY SIGNAL COMMAND.	DEPUTY TO COMMANDER/SENIOR TECHNICAL DIRECTOR/CHIEF ENGINEER.
	UNITED STATES ARMY CORPS OF ENGINEERS.	CHIEF MILITARY PROGRAMS INTEGRATION DIVISION.
		DIRECTOR CONTINGENCY OPERATIONS/CHIEF, HOMELAND SECURITY OFFICE.
		DIRECTOR FOR CORPORATE INFORMATION.
		DIRECTOR OF CONTRACTING.
		DIRECTOR OF HUMAN RESOURCES.
		DIRECTOR OF RESOURCE MANAGEMENT.
		DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
		DIRECTOR, REAL ESTATE.
		DIRECTOR, RESEARCH AND DEVELOPMENT AND DIRECTOR, ENGINEERING RESEARCH AND DEVELOPMENT CENTER.
	DIRECTORATE OF RESEARCH AND DEVELOPMENT.	DEPUTY DIRECTOR OF RESEARCH AND DEVELOPMENT.
	DIRECTORATE OF CIVIL WORKS	CHIEF, ENGINEERING AND CONSTRUCTION DIVISION.
		CHIEF, OPERATIONS DIVISION AND REGULATORY COMMUNITY OF PRACTICE.
		CHIEF, PLANNING AND POLICY DIVISION/COMMUNITY OF PRACTICE.
		CHIEF, PROGRAMS MANAGEMENT DIVISION.
		DIRECTOR OF CIVIL WORKS.
	DIRECTORATE OF MILITARY PROGRAMS	CHIEF, ENVIRONMENTAL COMMUNITY OF PRACTICE.
		CHIEF, INSTALLATION SUPPORT COMMUNITY OF PRACTICE.
		CHIEF, INTERAGENCY AND INTERNATIONAL SERVICES DIVISION.
		DIRECTOR OF MILITARY PROGRAMS.
	DIRECTORS OF PROGRAMS MANAGEMENT.	DIVISION PROGRAMS DIRECTOR.
		DIVISION PROGRAMS DIRECTOR (GREAT LAKE AND OHIO RIVER DIVISION).
		DIVISION PROGRAMS DIRECTOR (NORTH ATLANTIC DIVISION).
		DIVISION PROGRAMS DIRECTOR (NORTHWESTERN DIVISION).
		DIVISION PROGRAMS DIRECTOR (PACIFIC OCEAN DIVISION).
		DIVISION PROGRAMS DIRECTOR (SOUTH ATLANTIC DIVISION).
		DIVISION PROGRAMS DIRECTOR (SOUTH PACIFIC DIVISION).
		DIVISION PROGRAMS DIRECTOR (SOUTHWESTERN DIVISION).
		DIVISION PROGRAMS DIRECTOR, TRANSATLANTIC DIVISION.
	DIRECTORS OF ENGINEERING AND TECHNICAL SERVICES.	REGIONAL BUSINESS DIRECTOR (GREAT LAKES, OHIO RIVER DIVISION).
		REGIONAL BUSINESS DIRECTOR (NORTH ATLANTIC DIVISION).
		REGIONAL BUSINESS DIRECTOR (NORTHWESTERN DIVISION).
		REGIONAL BUSINESS DIRECTOR (PACIFIC OCEAN DIVISION).
		REGIONAL BUSINESS DIRECTOR (SOUTH ATLANTIC DIVISION).
		REGIONAL BUSINESS DIRECTOR (SOUTH PACIFIC DIVISION).
		REGIONAL BUSINESS DIRECTOR (SOUTHWESTERN DIVISION).
		REGIONAL BUSINESS DIRECTOR, (MISSISSIPPI VALLEY DIVISION).
	ENGINEER RESEARCH AND DEVELOPMENT CENTER.	DEPUTY DIRECTOR ENGINEER RESEARCH AND DEVELOPMENT CENTER.
		DIRECTOR GEOTECHNICAL AND STRUCTURES LABORATORY.
		DIRECTOR, COASTAL AND HYDRAULICS LABORATORY.
		DIRECTOR, ENVIRONMENTAL LABORATORY.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	ENGINEER TOPOGRAPHIC LABORATORIES, CENTER OF ENGINEERS.	DIRECTOR, ARMY GEOSPATIAL CENTER.
	CONSTRUCTION ENGINEERING RESEARCH LABORATORY CHAMPAIGN, ILLINOIS.	DIRECTOR, CONSTRUCTION ENGINEERING RESEARCH LABORATORIES.
	COLD REGIONS RESEARCH AND ENGINEERING LABORATORY HANOVER, NEW HAMSHIRE.	DIRECTOR, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY.
	UNITED STATES ARMY MATERIEL COMMAND.	ASSISTANT DEPUTY CHIEF OF STAFF, G–3/4 FOR LOGISTICS INTEGRATION.
		CHIEF TECHNOLOGY OFFICER.
		DEPUTY CHIEF OF STAFF FOR CORPORATE INFORMATION/CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF OF STAFF FOR LOGISTICS, G–4.
		DEPUTY G–3/4 FOR CURRENT OPERATIONS.
	OFFICE OF DEPUTY CHIEF OF STAFF FOR LOGISTICS AND OPERATIONS.	PRINCIPAL DEPUTY G–3 FOR OPERATIONS AND LOGISTICS.
	OFFICE DEPUTY COMMANDING GENERAL	EXECUTIVE DEPUTY TO THE COMMANDING GENERAL.
	OFFICE OF DEPUTY CHIEF OF STAFF FOR PERSONNEL.	DEPUTY CHIEF OF STAFF FOR PERSONNEL.
	OFFICE OF THE DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.	ASSISTANT DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT, G–8/EXECUTIVE DIRECTOR FOR BUSINESS.
		DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.
	UNITED STATES ARMY CONTRACTING COMMAND.	DEPUTY TO THE COMMANDER, MISSION INSTALLATION CONTRACTING COMMAND.
		DEPUTY TO THE COMMANDER, UNITED STATES ARMY EXPEDITIONARY CONTRACTING COMMAND.
		DEPUTY TO THE COMMANDING GENERAL, ARMY CONTRACTING COMMAND.
		EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—ROCK ISLAND.
		EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—REDSTONE, ALABAMA.
		EXECUTIVE DIRECTOR, ACC—WARREN.
		EXECUTIVE DIRECTOR, ARMY CONTRACTING COMMAND—ABERDEEN.
	UNITED STATES ARMY SECURITY ASSISTANCE COMMAND.	DEPUTY TO THE COMMANDING GENERAL.
	UNITED STATES ARMY SUSTAINMENT COMMAND.	DEPUTY TO THE COMMANDER.
		EXECUTIVE DIRECTOR FOR FIELD SUPPORT.
		EXECUTIVE DIRECTOR FOR LOGCAP.
	NATICK SOLDIER CENTER	DIRECTOR, NATICK SOLDIER RESEARCH AND DEVELOPMENT ENGINEERING CENTER.
	UNITED STATES ARMY COMMUNICATIONS ELECTRONICS COMMAND.	DEPUTY TO THE COMMANDING GENERAL/DIRECTOR LOGISTICS AND READINESS CENTER.
		DIRECTOR, COMMUNICATIONS-ELECTRONICS LIFE CYCLE MANAGEMENT COMMAND LOGISTICS AND READINESS CENTER.
		DIRECTOR, SOFTWARE ENGINEERING DIRECTORATE.
	COMMUNICATIONS ELECTRONICS COMMAND RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.	DIRECTOR, COMMAND POWER AND INTEGRATION DIRECTORATE.
		DIRECTOR, COMMUNICATIONS-ELECTRONICS RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.
		DIRECTOR, INTELLIGENCE AND INFORMATION WARFARE DIRECTORATE.
		DIRECTOR, SPACE AND TERRESTRIAL COMMITTEE DIRECTORATE.
		DIRECTOR—NIGHT VISION/ELECTROMAGNETICS SENSORS DIRECTORATE.
	UNITED STATES ARMY AVIATION AND MISSILE COMMAND (ARMY MATERIEL COMMAND).	ARMY AVIATION AND MISSILE COMMAND DIRECTOR, SPECIAL PROGRAMS (AVIATION).
		DEPUTY TO THE COMMANDER.
		DIRECTOR FOR TEST MEASUREMENT DIAGNOSTIC EQUIPMENT ACTIVITY.
		EXECUTIVE DIRECTOR, AVIATION AND MISSILE COMMAND LOGISTICS CENTER.
	AVIATION AND MISSILE RESEARCH DEVELOPMENT AND ENGINEERING CENTER (RESEARCH DEVELOPMENT AND ENGINEERING CENTER).	DIRECTOR FOR AVIATION AND MISSILE RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.
		DIRECTOR FOR AVIATION DEVELOPMENT.
		DIRECTOR FOR ENGINEERING.
		DIRECTOR FOR SYSTEMS SIMULATION, SOFTWARE, AND INTEGRATION.
	AVIATION ENGINEERING DIRECTORATE	DIRECTOR FOR WEAPONS DEVELOPMENT AND INTEGRATION.
		DIRECTOR OF AVIATION ENGINEERING.
	RESEARCH, DEVELOPMENT AND ENGINEERING COMMAND.	DEPUTY DIRECTOR, RDECOM.
	UNITED STATES ARMY EDGEWOOD CHEMICAL BIOLOGICAL CENTER.	DIRECTOR FOR PROGRAMS INTEGRATION.
		DIRECTOR, EDGEWOOD CHEMICAL BIOLOGICAL CENTER.
		DIRECTOR, ENGINEERING DIRECTORATE.
		DIRECTOR, RESEARCH AND TECHNOLOGY DIRECTORATE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	TANK-AUTOMOTIVE AND ARMAMENTS COMMAND (TANK-AUTOMOTIVE AND ARMAMENTS COMMAND).	DEPUTY TO THE COMMANDER.
		DIRECTOR INTEGRATED LOGISTICS SUPPORT CENTER.
	TANK-AUTOMOTIVE RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.	DIRECTOR FOR SYSTEMS INTEGRATION AND ENGINEERING.
		DIRECTOR, RESEARCH, TECHNOLOGY DEVELOPMENT AND INTEGRATION.
		DIRECTOR, TARDEC.
	UNITED STATES ARMY ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.	DIRECTOR FOR ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING.
		EXECUTIVE DIRECTOR, ENTERPRISE AND SYSTEMS INTEGRATION CENTER.
		EXECUTIVE DIRECTOR, MUNITONS ENGINEERING TECHNOLOGY CENTER, ARDEC.
		EXECUTIVE DIRECTOR, WEAPONS AND SOFTWARE ENGINEER CENTER.
	UNITED STATES ARMY JOINT MUNITIONS COMMAND.	DEPUTY TO THE COMMANDER, JOINT MUNITIONS COMMAND.
		EXECUTIVE DIRECTOR FOR AMMUNITION.
	UNITED STATES ARMY MATERIEL SYSTEMS ANALYSIS ACTIVITY.	DIRECTOR, ARMY MATERIEL SYSTEMS ANALYSIS ACTIVITY.
		TECHNICAL DIRECTOR.
	HEADQUARTERS, UNITED STATES ARMY, EUROPE.	DEPUTY CHIEF OF STAFF G–8.
		DEPUTY CHIEF OF STAFF, G1.
	UNITED STATES ARMY SPECIAL OPERATIONS COMMAND.	DEPUTY TO THE COMMANDING GENERAL.
		DEPUTY TO THE COMMANDING GENERAL, USAJFKSWCS.
	UNITED STATES SOUTHERN COMMAND ..	DEPUTY DIRECTOR OF OPERATIONS, J3.
		DEPUTY DIRECTOR STRATEGY AND POLICY.
		DIRECTOR FOR PARTNERING.
		DIRECTOR, J8 (RESOURCES AND ASSESSMENTS DIRECTORATE).
	UNITED STATES EUROPEAN COMMAND ..	DIRECTOR, INTERAGENCY PARTNERING, (J9).
		DIRECTOR, RUSSICA STRATEGIC INITIATIVE (RSI).
	UNITED STATES AFRICA COMMAND	DEPUTY DIRECTOR OF PROGRAM, (J5), USAFRICOM.
		DEPUTY DIRECTOR OF RESOURCES (J1/J8).
		DIRECTOR OF RESOURCES (J1/J8), AFRICOM.
	JOINT SPECIAL OPERATIONS COMMAND	EXECUTIVE DIRECTOR FOR RESOURCES, SUPPORT, AND INTEGRATION.
	UNITED STATES ARMY CYBER COMMAND/SECOND ARMY.	DEPUTY TO COMMANDER, ARMY CYBER COMMAND/2ND ARMY.
		DIRECTOR, ADVANCED CONCEPTS, TECHNOLOGY AND CAPABILTIES.
	UNITED STATES ARMY NORTH	DEPUTY TO THE COMMANDING GENERAL, ARNORTH.
	HEADQUARTERS, UNITED STATES ARMY, PACIFIC.	ASSISTANT CHIEF OF STAFF, G8.
		STRATEGIC EFFECTS DIRECTOR TO COMMANDER, US ARMY PACIFIC.
	UNITED STATES FORCES KOREA	DEPUTY DIRECTOR FOR TRANSFORMATION AND RESTATIONING.
		DIRECTOR FOR FORCES, RESOURCES AND ASSESSMENTS (J8).
DEPARTMENT OF THE NAVY	OFFICE OF THE SECRETARY	ASSISTANT FOR ADMINISTRATION.
		DEPUTY ASSISTANT FOR ADMINISTRATION.
		DIRECTOR, SEXUAL ASSAULT PREVENTION AND RESPONSE.
	OFFICE OF THE UNDER SECRETARY OF THE NAVY.	DEPUTY DIRECTOR, ISD.
		DEPUTY OF BUSINESS OPERATIONS/OFFICE OF BUSINESS TRANSFORMATION.
		PRINCIPAL DIRECTOR DEPUTY UNDER SECRETARY OF THE NAVY (POLICY).
		SENIOR DIRECTOR (POLICY AND STRATEGY).
		SENIOR DIRECTOR FOR SECURITY.
		SENIOR DIRECTOR, INTEGRATION SUPPORT DIRECTORATE.
	OFFICE OF THE NAVAL INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL OF THE MARINE CORPS.
		DEPUTY NAVAL INSPECTOR GENERAL.
	OFFICE OF THE AUDITOR GENERAL	ASSISTANT AUDITOR GENERAL FOR FINANCIAL MANAGEMENT AND COMPTROLLER AUDITS.
		ASSISTANT AUDITOR GENERAL FOR INSTALLATION AND ENVIRONMENT AUDITS.
		ASSISTANT AUDITOR GENERAL FOR MANPOWER & RESERVE AFFAIRS.
		AUDITOR GENERAL OF THE NAVY.
		DEPUTY AUDITOR GENERAL OF THE NAVY.
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER AND RESERVE AFFAIRS).	ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (CIVILIAN HUMAN RESOURES).
		PRINCIPAL DEPUTY MANPOWER AND RESERVE AFFAIRS.
	OFFICE OF CIVILIAN HUMAN RESOURCES	DIRECTOR, HUMAN RESOURCES OPERATIONS.
		DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS DEPARTMENT.
		DIRECTOR, HUMAN RESOURCES SYSTEMS AND ANALYTICS.
		DIRECTOR, OFFICE OF CIVILIAN HUMAN RESOURCES.
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT).	DEPUTY ASSISTANT SECRETARY OF THE NAVY.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION).	ASSISTANT GENERAL COUNSEL (RESEARCH, DEVELOPMENT AND ACQUISITION).
		CHIEF OF STAFF/POLICY.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE) SPACE).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (MANAGEMENT AND BUDGET).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT, TEST AND EVALUATION).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (SHIPS).
		DEPUTY FOR TEST AND EVALUATION.
		EXECUTIVE DIRECTOR, F–35, JOINT PROGRAM OFFICE.
		EXECUTIVE DIRECTOR, NAVY INTERNATIONAL PROGRAMS OFFICE.
		PRINCIPAL CIVILIAN DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION WORKFORCE).
		PROGRAM EXECUTIVE OFFICER, LAND SYSTEMS MARINE CORPS.
	PROGRAM EXECUTIVE OFFICERS	DEPUTY PROGRAM EXECUTIVE OFFICERS AIR ASSAULT AND SPECIAL MISSION.
		DEPUTY PROGRAM EXECUTIVE OFFICERS FOR STRIKE WEAPONS.
		DEPUTY PROGRAM EXECUTIVE OFFICERS FOR TACTICAL AIR PROGRAMS.
		DEPUTY PROGRAM EXEUCTIVE OFFICER FOR UNMANNED AVIATION PROGRAMS.
		DIRECTOR, DEVELOPMENT AND INTEGRATION.
		DIRECTOR, PRODUCTION DEPLOYMENT AND FLEET READINESS.
		EXECUTIVE DIRECTOR FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE (C4I).
		EXECUTIVE DIRECTOR, AMPHIBIOUS, AUXILIARY AND SEALIFT SHIPS, PROGRAM EXECUTIVE OFFICERS SHIPS.
		EXECUTIVE DIRECTOR, COMBATANTS, PROGRAM EXECUTIVE OFFICERS SHIPS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE SUBMARINES.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, LITTORAL COMBAT SHIPS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR AIRCRAFT CARRIERS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR INTEGRATED WARFARE SYSTEMS.
		PROGRAM EXECUTIVE OFFICER (ENTERPRISE INFORMATION SYSTEMS).
	STRATEGIC SYSTEMS PROGRAMS	ASSISTANT FOR MISSILE ENGINEERING SYSTEMS.
		ASSISTANT FOR MISSILE PRODUCTION, ASSEMBLY AND OPERATIONS.
		ASSISTANT FOR SHIPBOARD SYSTEMS.
		ASSISTANT FOR SYSTEMS INTEGRATION AND COMPATIBILITY.
		BRANCH HEAD REENTRY SYSTEMS BRANCH.
		CHIEF ENGINEER.
		COUNSEL, STRATEGIC SYSTEMS PROGRAMS.
		DIRECTOR, INTEGRATED NUCLEAR WEAPONS SAFETY AND SECURITY.
		DIRECTOR, PLANS AND PROGRAMS DIVISION.
		HEAD, RESOURCES BRANCH (COMPTROLLER) AND DEPUTY DIRECTOR, PLANS AND PROGRAM DIVISION.
		TECHNICAL PLANS OFFICER.
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (FINANCIAL MANAGEMENT AND COMPTROLLER).	ASSISTANT GENERAL COUNSEL (FINANCIAL MANAGEMENT AND COMPTROLLER).
		ASSOCIATE DIRECTOR, OFFICE OF BUDGET/FISCAL MANAGEMENT DIVISION.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (FINANCIAL POLICY AND SYSTEMS).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR COST AND ECONOMICS.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL OPERATIONS.
		DIRECTOR, CIVILIAN RESOURCES AND BUSINESS AFFAIRS DIVISION.
		DIRECTOR, INVESTMENT AND DEVELOPMENT DIVISION.
		DIRECTOR, POLICY AND PROCEDURES.
		PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY FINANCIAL MANGEMENT AND COMPTROLLER.
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL (ACQUISITION INTEGRITY).
		ASSISTANT GENERAL COUNSEL (ENERGY, INSTALLATIONS, AND ENVIRONMENT).
		ASSISTANT GENERAL COUNSEL (INTELLIGENCE).
		COUNSEL, MILITARY SEALIFT COMMAND.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY COUNSEL NAVAL SEA SYSTEMS COMMAND.
		SPECIAL COUNSEL FOR LITIGATION.
	NAVAL CRIMINAL INVESTIGATIVE SERVICE.	CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR, NAVAL CRIMINIAL INVESTIGATIVE SERVICE.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR ATLANTIC OPERATIONS.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR CRIMINAL OPERATIONS.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR GLOBAL OPERATIONS.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR PACIFIC OPERATIONS.
		CRMINIAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR MANAGEMENT AND ADMINISTRATION.
		DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE.
	CHIEF OF NAVAL OPERATIONS	ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (RESOURCES, WARFARE REQUIREMENTS AND ASSESSMENTS) N8B.
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS FOR INFORMATION DOMINANCE (N2/N6).
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, FLEET READINESS AND LOGISTICS.
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, WARFARE SYSTEMS.
		DEPUTY CHIEF OF NAVY RESERVE.
		DEPUTY COMMANDER.
		DEPUTY DIRECTOR ASSESSMENT DIVISION (N8 1B).
		DEPUTY DIRECTOR ENERGY AND ENVIRONMENTAL READINESS (N45B).
		DEPUTY DIRECTOR FOR STRATEGY AND POLICY.
		DEPUTY DIRECTOR SURFACE WARFARE DIVISION.
		DEPUTY DIRECTOR, AIR WARFARE.
		DEPUTY DIRECTOR, EXPEDITIONARY WARFARE DIVISION.
		DEPUTY DIRECTOR, PROGRAM DIVISION (N80B).
		DEPUTY DIRECTOR, UNDERSEA WARFARE DIVISION.
		DEPUTY DIRECTOR, UNMANNED WARFARE.
		DIRECTOR NAVAL HISTORY AND HERITAGE COMMAND.
		DIRECTOR OF STRATEGY.
		DIRECTOR, COMMUNICATIONS AND NETWORK DIVISION (N2/N6F1).
		DIRECTOR, DIGITAL WARFARE OFFICE.
		DIRECTOR, FLEET READINESS.
		DIRECTOR, NAVAL SAFETY CENTER.
		DIRECTOR, SPECIAL PROGRAMS.
		DIRECTOR, SPECIAL PROGRAMS DIVISION (N89).
		DIRECTOR, STRATEGIC MOBILITY & COMBAT LOGISTICS DIVISION.
		EXECUTIVE DIRECTOR, NAVAL SPECIAL WARFARE COMMAND.
		FINANCIAL MANAGER AND CHIEF RESOURCES OFFICER FOR MANPOWER, PERSONNEL, TRAINING AND EDUCATION.
		HEAD, CAMPAIGN ANALYSIS BRANCH.
		VICE DIRECTOR NAVY STAFF.
	COMMANDER, NAVY INSTALLATIONS COMMAND.	COMPTROLLER.
		COUNSEL, COMMANDER NAVY INSTALLATIONS COMMAND.
		DEPUTY COMMANDER.
		DIRECTOR OF OPERATIONS.
		DIRECTOR STRATEGY AND FUTURE REQUIREMENTS.
	BUREAU OF MEDICINE AND SURGERY	DEPUTY CHIEF, TOTAL FORCE.
		DIRECTOR, BUSINESS OPERATIONS/COMPTROLLER.
		EXECUTIVE DIRECTOR, BUREAU OF MEDICINE AND SURGERY.
	MILITARY SEALIFT COMMAND	DIRECTOR, MARITIME OPERATIONS.
		DIRECTOR, MILITARY SEALIFT COMMAND MANPOWER AND PERSONNEL.
		DIRECTOR, SHIP MANAGEMENT.
		EXECUTIVE DIRECTOR.
	NAVAL METEOROLOGY AND OCEANOGRAPHY COMMUNICATIONS, STENNIS SPACE CENTER, MISSISSIPPI.	TECHNICAL/DEPUTY DIRECTOR.
	OFFICE OF COMMANDER, UNITED STATES FLEET FORCES COMMAND.	ASSISTANT DEPUTY CHIEF OF STAFF, FLEET POLICY AND CAPABILITIES REQUIREMENTS.
		DEPUTY CHIEF OF STAFF, FLEET INSTALLATION AND ENVIRONMENT.
		DEPUTY CHIEF OF STAFF, PERSONNEL DEVELOPMENT AND ALLOCATION.
		DEPUTY DIRECTOR, MARITIME OPERATIONS.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTER, COMBAT SYSTEMS, INTELLIGENCE AND STRATEGIC/COMMAND INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, NAVY WARFARE DEVELOPMENT COMMAND.
		EXECUTIVE DIRECTOR/CHIEF OF STAFF.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	COMMANDER, SUBMARINE FORCES	EXECUTIVE DIRECTOR, SUBMARINE FORCES.
	NAVY CYBER FORCES	DEPUTY COMMANDER.
	OFFICE OF THE COMMANDER, UNITED STATES PACIFIC FLEET.	CHIEF OF STAFF.
		DEPUTY FOR NAVAL MINE AND ANTI-SUBMARINE WARFARE COMMAND.
		EXECUTIVE DIRECTOR FOR COMMUNICATIONS AND INFORMATION SYSTEMS AND CIO.
		EXECUTIVE DIRECTOR, NAVAL AIR FORCES.
		EXECUTIVE DIRECTOR, NAVAL SURFACE FORCES.
		EXECUTIVE DIRECTOR, PACIFIC FLEET PLANS AND POLICY.
		EXECUTIVE DIRECTOR, TOTAL FORCE MANAGEMENT.
	NAVAL AIR SYSTEMS COMMAND HEADQUARTERS.	ASSISTANT COMMANDER FOR ACQUISITION PROCESSES AND EXECUTION.
		ASSISTANT COMMANDER FOR CONTRACTS.
		ASSISTANT COMMANDER, CORPORATE OPERATIONS AND TOTAL FORCE.
		CHIEF MANAGEMENT OFFICER.
		COMPTROLLER.
		COUNSEL, NAVAL AIR SYSTEMS COMMAND.
		DEPUTY ASSISTANT COMMANDER FOR LOGISTICS AND INDUSTRIAL OPERATIONS.
		DEPUTY ASSISTANT COMMANDER FOR RESEARCH AND ENGINEERING.
		DEPUTY COMMANDER, NAVAL AIR SYSTEMS COMMAND.
		DEPUTY COUNSEL, OFFICE OF COUNSEL.
		DIRECTOR INDUSTRIAL OPERATIONS.
		DIRECTOR OF CONTRACTS, F–35 JSF.
		DIRECTOR, AIR ANTI-SUBMARINE WARFARE, ASSAULT AND SPECIAL MISSION PROGRAMS CONTRACTS DEPARTMENT.
		DIRECTOR, AIR VEHICLE ENGINEERING.
		DIRECTOR, AVIATION READINESS AND RESOURCE ANALYSIS.
		DIRECTOR, COST ESTIMATING AND ANALYSIS.
		DIRECTOR, DESIGN INTERFACE AND MAINTAINANCE PLANNING.
		DIRECTOR, LOGISTICS MANAGEMENT INTEGRATION.
		DIRECTOR, MISSION ENGINEERING AND ANALYSIS.
		DIRECTOR, PROPULSION AND POWER.
		DIRECTOR, STRIKE WEAPONS, UNMANNED AVIATION, NAVAL AIR PROGRAMS CONTRACTS DEPARTMENT.
		DIRECTOR, SYSTEMS ENGINEERING DEPARTMENT.
		DIRECTOR, TACTICAL AIRCRAFT AND MISSILES CONTRACTS DEPARTMENT.
		F–35 PRODUCT SUPPORT MANAGER.
	NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION.	DEPUTY ASSISTANT COMMANDER FOR TEST AND EVALUATION/EXECUTIVE DIRECTOR NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION/DIRECTOR, TEST AND EVALUATION NAWCAD.
		DIRECTOR, AIRCRAFT LAUNCH AND RECOVERY EQUIPMENT/SUPPORT EQUIPMENT.
		DIRECTOR, BATTLESPACE SIMULATION.
		DIRECTOR, FLIGHT TEST ENGINEERING.
		DIRECTOR, INTEGRATED STYSTEMS EVALUATION EXPERIMENTATION AND TEST DEPARTMENT.
	NAVAL AIR WARFARE CENTER WEAPONS DIVISION, CHINA LAKE, CALIFORNIA.	DIRECTOR, ELECTRONIC WARFARE/COMBAT SYSTEMS.
		DIRECTOR, RANGE DEPARTMENT.
		DIRECTOR, SOFTWARE ENGINEERING.
		DIRECTOR, WEAPONS AND ENERGETICS DEPARTMENT.
		EXECUTIVE DIRECTOR, NAVAL AIR WARFARE CENTER WEAPONS DIVISION/DIRECTOR, RESEARCH ENGINEERING.
	NAVAL AIR WARFARE CENTER TRAINING SYSTEMS DIVISION.	DIRECTOR, HUMAN SYSTEMS DEPARTMENT.
	SPACE AND NAVAL WARFARE SYSTEMS COMMAND.	ASSISTANT CHIEF ENGINEER FOR CERTIFICATION AND MISSION ASSURANCE.
		ASSISTANT CHIEF ENGINEER FOR MISSION ARCHITECTURE AND SYSTEMS ENGINEERING.
		ASSISTANT CHIEF ENGINEER FOR MISSION ENGINEERING.
		ASSISTANT COMMANDER FOR NAVY CYBER IMPLEMENTATION.
		DEPUTY CHIEF ENGINEER.
		DIRECTOR CORPORATE OPERATIONS/COMMAND INFORMATION OFFICER.
		DIRECTOR, CONTRACTS.
		DIRECTOR, READINESS/LOGISTICS DIRECTORATE.
		EXECUTIVE DIRECTOR.
		EXECUTIVE DIRECTOR, FLEET READINESS DIRECTORATE.
	SPACE AND NAVAL WARFARE SYSTEMS CENTER.	COMPTROLLER/BUSINESS RESOURCE MANAGER.
		COUNSEL, SPACE AND NAVAL WARFARE SYSTEMS COMMAND.
		DIRECTOR, SCIENCE AND TECHNOLOGY.
		EXECUTIVE DIRECTOR.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, ENTERPRISE INFORMATION SYSTEMS.
	SPACE AND NAVAL WARFARE SYSTEMS CENTER, CHARLESTON.	EXECUTIVE DIRECTOR.
	NAVAL FACILITIES ENGINEERING COMMAND.	ASSISTANT COMMANDER/CHIEF MANAGEMENT OFFICER.
		CHIEF ENGINEER.
		COMPTROLLER.
		COUNSEL, NAVAL FACILITIES ENGINEERING COMMAND.
		DEPUTY COMMANDER, ACQUISITION.
		DIRECTOR OF ASSEST MANAGEMENT.
		DIRECTOR OF ENVIRONMENT.
		DIRECTOR OF PUBLIC WORKS.
		DIRECTOR, NAVY CRANE CENTER.
		EXECUTIVE DIRECTOR.
	NAVAL SEA SYSTEMS COMMAND	ASSISTANT COMMANDER, SUPPLY CHAIN TECHNOLOGY AND SYSTEM INTEGRATION.
		ASSISTANT DEPUTY COMMANDER FOR INDUSTRIAL OPERATIONS.
		COUNSEL, NAVAL SEA SYSTEMS COMMAND.
		DEPUTY COMMANDER, CORPORATE OPERATIONS DIRECTORATE.
		DEPUTY COMMANDER/COMPTROLLER.
		DEPUTY DIRECTOR, ADVANCED AIRCRAFT CARRIER SYSTEM DIVISION.
		DEPUTY DIRECTOR, REACTOR REFUELING DIVISION.
		DEPUTY FOR WEAPONS SAFETY.
		DIRECTOR FOR ADVANCED UNDERSEA INTEGRATION.
		DIRECTOR FOR AIRCRAFT CARRIER DESIGN AND SYSTEMS ENGINEERING.
		DIRECTOR FOR CONTRACTS.
		DIRECTOR FOR MARINE ENGINEERING.
		DIRECTOR FOR SHIP INTEGRITY AND PERFORMANCE ENGINEERING.
		DIRECTOR FOR SUBMARINE/SUBMERSIBLE DESIGN AND SYSTEMS ENGINEERING.
		DIRECTOR FOR SURFACE SHIP DESIGN AND SYSTEMS ENGINEERING.
		DIRECTOR OF RADIOLOGICAL CONTROLS.
		DIRECTOR, COST ENGINEERING AND INDUSTRIAL ANALYSIS.
		DIRECTOR, FLEET READINESS DIVISION.
		DIRECTOR, INTEGRATED WARFARE SYSTEMS ENGINEERING GROUP.
		DIRECTOR, NUCLEAR COMPONENTS DIVISION.
		DIRECTOR, OFFICE OF RESOURCE MANAGEMENT.
		DIRECTOR, REACTOR MATERIALS DIVISION.
		DIRECTOR, REACTOR PLANT COMPONENTS AND AUXILIARY EQUIPMENT DIVISION.
		DIRECTOR, REACTOR REFUELING DIVISION.
		DIRECTOR, REACTOR SAFETY AND ANALYSIS DIVISION.
		DIRECTOR, SHIPBUILDING CONTRACTS DIVISION.
		DIRECTOR, SURFACE SHIP SYSTEMS DIVISION.
		DIRECTOR, SURFACE SYSTEMS CONTRACTS DIVISION.
		DIRECTOR, UNDERSEA SYSTEMS CONTRACTS DIVISION.
		DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER PORT HUENEME DIVISION.
		DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, PHILADELPHIA DIVISION.
		DIVISION TECHNICAL DIRECTOR, NSWC CORONA DIVISION.
		EXECUTIVE DIRECTOR.
		EXECUTIVE DIRECTOR FOR COMMANDER, NAVY REGIONAL MAINTENANCE CENTERS (CNRMC).
		EXECUTIVE DIRECTOR FOR LOGISTICS MAINTENANCE AND INDUSTRIAL OPERATIONS DIRECTORATE.
		EXECUTIVE DIRECTOR NAVAL SURFACE AND UNDERSEA WARFARE CENTERS.
		EXECUTIVE DIRECTOR, ACQUISITION AND COMMONALITY.
		EXECUTIVE DIRECTOR, SHIP DESIGN, AND ENGINEERING DIRECTORATE.
		EXECUTIVE DIRECTOR, SURFACE WARFARE DIRECTORATE.
		EXECUTIVE DIRECTOR, UNDERSEA WARFARE DIRECTORATE.
		HEAD, ADVANCED REACTOR BRANCH.
		NUCLEAR ENGINEERING AND PLANNING MANAGER.
		PROGRAM MANAGER FOR COMMISSIONED SUBMARINES.
		SPECIAL ASSISTANT (KNOWLEDGE TRANSFER).
		SPECIAL ASSISTANT, DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, PHILADELPHIA DIVISION.
	NAVAL SHIPYARDS	NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, NORFOLK NAVAL SHIPYARD.
		NUCLEAR ENGINEERING AND PLANNING MANAGER, PUGET SOUND NAVAL SHIPYARD.
		NUCLEAR ENGINEERING AND PLANNING MANAGER; PORTSMOUTH NAVAL SHIPYARD.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	NAVAL SURFACE WARFARE CENTER	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION.
	NAVAL SURFACE WARFARE CENTER, CRANE DIVISION.	DIVISION TECHNICAL DIRECTOR, NSWC CRANE DIVISION.
	NAVAL UNDERSEA WARFARE CENTER DIVISION, KEYPORT, WASHINGTON.	DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION KEYPORT.
	NAVAL SURFACE WARFARE CENTER, INDIAN HEAD DIVISION.	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER INDIAN HEAD EXPLOSIVE ORDINANCE DISPOSAL TECHNOLOGY DIVISION.
	NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION.	DIVISION TECNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION.
	NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION.	DIVISION TECHNICAL DIRECTOR NAVAL SURFACE WARFARE CENTER PANAMA CITY DIVISION.
	NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPORT, RHODE ISLAND.	DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION NEWPORT.
	NAVAL SUPPLY SYSTEMS COMMAND HEADQUARTERS.	ASSISTANT COMMANDER FOR CONTRACTING MANAGEMENT.
		ASSISTANT COMMANDER FOR SUPPLY CHAIN MANAGEMENT (SCM) POLICY AND PERFORMANCE.
		COUNSEL, NAVAL SUPPLY SYSTEMS COMMAND.
		DEPUTY COMMANDER FOR FINANCIAL MANAGEMENT/COMPTROLLER.
		DEPUTY COMMANDER, ACQUISITION, NAVAL SUPPLY SYSTEMS COMMAND.
		DEPUTY COMMANDER, CORPORATE OPERATIONS.
		EXECUTIVE DIRECTOR, OFFICE OF SPECIAL PROJECTS.
		VICE COMMANDER.
	NAVY SUPPLY INFORMATION SYSTEMS ACTIVITY.	DIRECTOR OF FINANCE/COMPTROLLER.
	WEAPON SYSTEMS SUPPORT	VICE COMMANDER, NAVSUP WEAPON SYSTEMS SUPPORT.
	UNITED STATES MARINE CORPS HEADQUARTERS OFFICE.	ASSISTANT DEPUTY COMMANDANT FOR MANPOWER AND RESERVE AFFAIRS.
		ASSISTANT DEPUTY COMMANDANT FOR PLANS POLICIES AND OPERATIONS (SECURITY).
		ASSISTANT DEPUTY COMMANDANT FOR PROGRAMS AND RESOURCES/FISCAL DIRECTOR OF THE MARINE CORPS.
		ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS.
		ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS (E-BUSINESS AND CONTRACTS).
		ASSISTANT DEPUTY COMMANDANT, RESOURCES (PERSONNEL AND READINESS).
		COUNSEL FOR THE COMMANDANT.
		DEPUTY COUNSEL FOR THE COMMANDANT OF THE MARINE CORPS.
		DEPUTY DIRECTOR, MANPOWER PLANS AND POLICY DIVISION.
		DIRECTOR OFFICE OF MARINE CORPS COMMUNICATION.
		DIRECTOR PROGRAM ANALYSIS AND EVALUATION DIVISION.
		EXECUTIVE DEPUTY, MARINE CORPS LOGISTICS COMMAND.
		EXECUTIVE DIRECTOR, MARINE CORPS INSTALLATIONS COMMAND.
	MARINE CORPS SYSTEMS COMMAND	CHIEF ENGINEER, MARINE CORPS SYSTEMS COMMAND.
		DEPUTY TO THE COMMANDER FOR RESOURCE MANAGEMENT.
		EXECUTIVE DIRECTOR.
	MARINE CORPS COMBAT DEVELOPMENT COMMAND; QUANTICO, VIRGINIA.	EXECUTIVE DEPUTY TRAINING AND EDUCATION COMMAND.
	OFFICE OF NAVAL RESEARCH	COMPTROLLER.
		COUNSEL, OFFICE OF NAVAL RESEARCH.
		DIRECTOR FOR AEROSPACE SCIENCE RESEARCH DIVISION.
		DIRECTOR, CONTRACTS, GRANTS AND ACQUISITIONS.
		DIRECTOR, ELECTRONICS, SENSORS, AND NETWORKS RESEARCH DIVISION.
		DIRECTOR, HUMAN AND BIOENGINEERED SYSTEMS DIVISION.
		DIRECTOR, HYBRID COMPLEX WARFARE SCIENCE AND TECHNOLOGY DIVISION.
		DIRECTOR, MATHEMATICS COMPUTER AND INFORMATION SCIENCES (MCIS) DIVISION.
		DIRECTOR, MISSION SUPPORT.
		DIRECTOR, OCEAN, ATMOSPHERE AND SPACE SCIENCE AND TECHNOLOGY PROCESSES AND PREDICTION DIVISION.
		DIRECTOR, SHIP SYSTEMS AND ENGINEERING DIVISION.
		DIRECTOR, UNDERSEA WEAPONS AND NAVAL MATERIALS SCIENCE AND TECHNOLOGY DIVISION.
		EXECUTIVE DIRECTOR.
		HEAD, AIR WARFARE AND WEAPONS SCIENCE AND TECHNOLOGY DEPARTMENT.
		HEAD, COMMAND, CONTROL, COMMUNICATIONS, INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (C4ISR) SCIENCE AND TECHNOLOGY DEPARTMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		HEAD, EXPEDITIONARY WARFARE AND COMBATING TERRORISM SCIENCE AND TECHNOLOGY DEPARTMENT.
		HEAD, OCEAN, BATTLESPACE SENSING SCIENCE AND TECHNOLOGY DEPARTMENT.
		HEAD, SEA WARFARE AND WEAPONS SCIENCE AND TECHNOLOGY DEPARTMENT.
		HEAD, WARFIGHTER PERFORMANCE SCIENCE AND TECHNOLOGY DEPARTMENT.
		PATENT COUNSEL OF THE NAVY.
		PORTFOLIO DIRECTOR.
	NAVAL RESEARCH LABORATORY	ASSOCIATE DIRECTOR OF RESEARCH FOR BUSINESS OPERATIONS.
		ASSOCIATE DIRECTOR OF RESEARCH FOR MATERIAL SCIENCE AND COMPONENT TECHNOLOGY.
		ASSOCIATE DIRECTOR OF RESEARCH FOR OCEAN AND ATMOSPHERIC SCIENCE AND TECHNOLOGY.
		ASSOCIATE DIRECTOR OF RESEARCH FOR SYSTEMS.
		DIRECTOR OF RESEARCH.
		DIRECTOR, NAVAL CENTER FOR SPACE TECHNOLOGY.
		SUPERINTENDANT, INFORMATION TECHNOLOGY DIVISION.
		SUPERINTENDENT CHEMISTRY DIVISION.
		SUPERINTENDENT, ACOUSTICS DIVISION.
		SUPERINTENDENT, CENTER FOR BIO-MOLECULAR SCIENCE AND ENGINEERING.
		SUPERINTENDENT, ELECTRONICS SCIENCE AND TECHNOLOGY DIVISION.
		SUPERINTENDENT, MARINE METEROLOGY DIVISION.
		SUPERINTENDENT, MATERIAL SCIENCE AND TECHNOLOGY DIVISION.
		SUPERINTENDENT, OCEANOGRAPHY DIVISION.
		SUPERINTENDENT, OPTICAL SCIENCES DIVISION.
		SUPERINTENDENT, RADAR DIVISION.
		SUPERINTENDENT, REMOTE SENSING DIVISION.
		SUPERINTENDENT, SPACE SYSTEMS DEVELOPMENT DEPARTMENT.
		SUPERINTENDENT, SPACECRAFT ENGINEERING DEPARTMENT.
		SUPERINTENDENT, TACTICAL ELECTRONIC WARFARE DIVISION.
		SUPERINTENDENT, PLASMA PHYSICS DIVISION.
OFFICE OF THE SECRETARY OF DEFENSE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR DATA ANAYTICS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS/DEPUTY DIRECTOR DCIS.
		DEPUTY CHIEF OF STAFF.
		DEPUTY INSPECTOR GENERAL FOR EVALUATIONS.
		DEPUTY INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
	DEPUTY INSPECTOR GENERAL FOR AUDITING.	ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SUSTAINMENT MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR READINESS AND GLOBAL OPERATIONS.
		DEPUTY INSPECTOR GENERAL FOR AUDITING.
	OFFICE OF THE PRINCIPAL DEPUTY INSPECTOR GENERAL FOR AUDITING.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING.
	FINANCIAL MANAGEMENT AND REPORTING.	ASSISTANT INSPECTOR GENERAL FOR FINANCIAL MANAGEMENT AND REPORTING.
	READINESS, OPERATIONS AND SUPPORT	ASSISTANT INSPECTOR GENERAL FOR READINESS AND CYBER OPERATIONS.
	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.	DEPUTY DIRECTOR DEFENSE CRIMINAL INVESTIGATIVE SERVICE.
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
	DEFENSE CRIMINAL INVESTIGATIVE SERVICE.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIVE OPERATIONS.
	DEPUTY INSPECTOR GENERAL FOR POLICY AND OVERSIGHT.	DEPUTY INSPECTOR GENERAL FOR POLICY AND OVERSIGHT.
	AUDIT POLICY AND OVERSIGHT	ASSISTANT INSPECTOR GENERAL FOR AUDIT POLICY AND OVERSIGHT.
	INVESTIGATIVE POLICY AND OVERSIGHT	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIVE POLICY AND OVERSIGHT.
	DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE AND SPECIAL PROGRAM ASSESSMENTS.	DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE AND SPECIAL PROGRAM ASSESSMENTS.
	OFFICE OF ADMINISTRATION AND MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.
	DEPUTY INSPECTOR GENERAL FOR SPECIAL PLANS AND OPERATIONS.	DEPUTY INSPECTOR GENERAL FOR SPECIAL PLANS AND OPERATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	DEPUTY INSPECTOR GENERAL FOR ADMINISTRATIVE INVESTIGATIONS.	DEPUTY INSPECTOR GENERAL ADMINISTRATIVE INVESTIGATIONS.
DEFENSE NUCLEAR FACILITIES SAFETY BOARD.	DEFENSE NUCLEAR FACILITIES SAFETY BOARD.	ASSOCIATE TECHNICAL DIRECTOR FOR ENGINEERING PERFORMANCE.
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR MATERIALS PROCESSING AND STABILIZATION.
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR PROGRAMS & ANALYSIS.
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR WEAPON PROGRAMS.
		DEPUTY GENERAL COUNSEL.
		DEPUTY GENERAL MANAGER.
		DEPUTY TECHNICAL DIRECTOR.
		SPECIAL ASSISTANT TO THE CHAIRMAN.
		TECHNICAL DIRECTOR.
DEPARTMENT OF EDUCATION	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DEPUTY CHIEF ACQUISITION OFFICER AND SENIOR PROCUREMENT EXECUTIVE.
		DEPUTY CHIEF FINANCIAL OFFICER, FINANCIAL MANAGEMENT.
		DIRECTOR, CONTRACTS AND ACQUISITIONS MANAGEMENT.
		DIRECTOR, FINANCIAL IMPROVEMENT AND POST AUDIT OPERATIONS.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	CHIEF INFORMATION OFFICER.
		DIRECTOR, INFORMATION ASSURANCE SERVICES AND CHIEF INFORMATION SECURITY OFFICER.
	OFFICE OF MANAGEMENT	CHAIRPERSON, EDUCATION APPEAL BOARD.
		DEPUTY DIRECTOR OF HUMAN RESOURCES.
		DIRECTOR OF HUMAN RESOURCES.
		DIRECTOR OF SECURITY, FACILITIES AND LOGISTICAL SERVICES.
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR BUSINESS AND ADMINISTRATION LAW.
		ASSISTANT GENERAL COUNSEL FOR EDUCTIONAL EQUITY.
		ASSISTANT GENERAL COUNSEL, DIVISION OF POSTSECONDARY EDUCATION.
	OFFICE FOR CIVIL RIGHTS	DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT.
		ENFORCEMENT DIRECTOR.
	INSTITUTE OF EDUCATION SCIENCES	ASSOCIATE COMMISSIONER, ASSESSMENTS DIVISION.
	FEDERAL STUDENT AID	CHIEF FINANCIAL OFFICER.
DEPARTMENT OF EDUCATION OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS AND COMPUTER CRIME INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT SERVICES.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS AND COMPUTER CRIME INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES.
		DEPUTY INSPECTOR GENERAL.
DEPARTMENT OF ENERGY	ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.	CHIEF COUNSEL.
	LOAN PROGRAMS OFFICE	CHIEF COUNSEL.
		DIRECTOR, RISK MANAGEMENT.
		DIRECTOR, PORTFOLIO MANAGEMENT DIVISION.
		SENIOR ADVISOR.
	NATIONAL NUCLEAR SECURITY ADMINISTRATION.	ASSISTANT DEPUTY ADMINISTRATOR FOR MATERIAL MANAGEMENT AND MINIMIZATION.
		ASSISTANT DEPUTY ADMINISTRATOR FOR STRATEGIC PARTNERSHIP PROGRAMS.
		ASSISTANT DEPUTY ADMINISTRATOR, FOR GLOBAL MATERIAL SECURITY.
		ASSOCIATE ADMINISTRATOR FOR INFORMATION MANAGEMENT AND CHIEF INFORMATION OFFICER.
		ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR, FOR GLOBAL MATERIAL SECURITY.
		ASSOCIATE ASSISTANT DEPUTY ADMNISTRATOR FOR MATERIAL MANAGEMENT AND MINIMIZATION.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR SECURE TRANSPORTATION.
		CHIEF OF STAFF AND ASSOCIATE PRINCIPAL DEPUTY ADMINISTRATOR.
		CHIEF SCIENTIST.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR EMERGENCY MANAGEMENT AND PREPAREDNESS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTERPRISE STEWARDSHIP.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY ASSOCIATE ADMINISTRATOR FOR SAFETY.
		DEPUTY DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION.
		DEPUTY GENERAL COUNSEL FOR GENERAL LAW AND LITIGATION.
		DEPUTY MANAGER, LIVERMORE FIELD OFFICE.
		DIRECTOR, EMPLOYEE EMPOWERMENT.
		DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		DIRECTOR, OFFICE OF ASC AND INSTITUTIONAL RESEARCH AND DEVELOPMENT PROGRAMS.
		DIRECTOR, OFFICE OF COST ESTIMATING AND PROGRAM EVALUATION.
		DIRECTOR, OFFICE OF EXPERIMENTAL SCIENCES.
		DIRECTOR, OFFICE OF NUCLEAR INCIDENT RESPONSE.
		DIRECTOR, OFFICE OF POLICY.
		DIRECTOR, OFFICE OF QUALITY MANAGEMENT.
		DIRECTOR, REGULATORY AFFAIRS.
		FEDERAL PROJECT DIRECTOR, CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT FACILITY.
		MANAGER, LIVERMORE FIELD OFFICE.
		MANAGER, SANDIA FIELD OFFICE.
		PROGRAM EXECUTIVE OFFICER FOR STRATEGIC MATERIALS.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.	ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.
		DEPUTY DIRECTOR, ACQUISITION MANAGEMENT.
		DIRECTOR, ACQUISITION MANAGEMENT.
		DIRECTOR, OFFICE OF ENTERPRISE PROJECT MANAGEMENT.
		FEDERAL PROJECT DIRECTOR (URANIUM PROCESSING FACILITY).
	OFFICE OF MANAGEMENT AND BUDGET	ASSOCIATE ADMINISTRATOR FOR MANAGEMENT AND BUDGET.
		DEPUTY ASSOCIATE ADMINISTRATOR MANAGEMENT & BUDGET.
		DIRECTOR, FINANCIAL PERFORMANCE.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
	DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.	ADA FOR MAJOR MODERNIZATION PROGRAMS.
		ADA FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION.
		ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE MANAGEMENT.
		ASSISTANT DEPUTY ADMINISTRATOR FOR SYSTEMS ENGINEERING INTEGRATION.
		MANAGER, KANSAS CITY SITE OFFICE.
		MANAGER, LOS ALAMOS FIELD OFFICE.
		MANAGER, NEVADA FIELD OFFICE.
		MANAGER, NNSA PRODUCTION OFFICE.
		MANAGER, SAVANNAH RIVER FIELD OFFICE.
		PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAM.
		PROGRAM EXECUTIVE OFFICER FOR LIFE EXTENSION PROGRAMS.
	DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION.	AADA ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION RESEARCH AND DEVELOPMENT.
		ASSISTANT DEPUTY ADMINISTRATOR FOR NONPROLIFERATION AND INTERNATIONAL SECURITY.
		ASSISTANT DEPUTY ADMINISTRATOR FOR NONPROLIFERATION RESEARCH AND DEVELOPMENT.
		ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR, OFFICE OF NONPROLIFERATION AND ARMS CONTROL.
		CHIEF OF STAFF AND OPERATIONS.
		CHIEF SCIENCE AND TECHNOLOGY OFFICER.
		PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR.
	DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.	ASSISTANT MANAGER FOR OPERATIONS.
		DEPUTY DIRECTOR FOR NAVAL REACTORS.
		DEPUTY DIRECTOR, ADVANCED SUBMARINE SYSTEMS DIVISION.
		DEPUTY DIRECTOR, NUCLEAR TECHNOLOGY DIVISION.
		DIRECTOR ADVANCED SUBMARINE SYSTEMS DIVISION.
		DIRECTOR NUCLEAR TECHNOLOGY DIVISION.
		DIRECTOR, ACQUISITION DIVISION.
		DIRECTOR, COMMISSIONED SUBMARINE SYSTEMS DIVISION.
		DIRECTOR, GOVERNMENTAL AFFAIRS.
		DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT.
		DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION.
		DIRECTOR, REACTOR ENGINEERING DIVISION.
		MANAGER, NAVAL REACTORS LABORATORY FIELD OFFICE.
		PROGRAM MANAGER FOR SURFACE SHIP NUCLEAR PROPULSION.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		PROGRAM MANAGER, ADVANCED TECHNOLOGY DEVELOPMENT.
		PROGRAM MANAGER, NEW SHIP DESIGN.
		PROGRAM MANAGER, PROTOTYPE AND MOORED TRAINING SHIP OPERATIONS AND INACTIVATION PROGRAM.
		PROGRAM MANAGER, VA CLASS SUBS AND US/UK TECHNOLOGY EXCHANGE.
		SENIOR NAVAL REACTORS REPRESENTATIVE (GROTON, CT).
		SENIOR NAVAL REACTORS REPRESENTATIVE (NEWPORT NEWS, VA).
		SENIOR NAVAL REACTORS REPRESENTATIVE (UNITED KINGDOM).
		SENIOR NAVAL REACTOS REPRESENTATIVE (PUGET SOUND NAVAL SHIP).
	ASSOCIATE ADMINISTRATOR FOR EMERGENCY OPERATIONS.	ASSOCIATE ADMINISTRATOR AND DEPUTY UNDER SECRETARY FOR EMERGENCY OPERATIONS.
	ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY.	ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY AND CHIEF OF DEFENSE NUCLEAR SECURITY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY.
		DIRECTOR OFFICE OF SECURITY OPERATIONS AND PROGRAMMATIC PLANNING.
	NATIONAL NUCLEAR SECURITY ADMINISTRATION FIELD SITE OFFICES.	DEPUTY MANAGER FOR BUSINESS, SECURITY AND MISSIONS.
		DEPUTY MANAGER SANDIA FIELD OFFICE.
		DEPUTY MANAGER Y–12.
		DEPUTY MANAGER, NEVADA FIELD OFFICE.
		DEPUTY MANAGER, NNSA PRODUCTION OFFICE—PANTEX.
		MANAGER, SAVANNAH RIVER FIELD OFFICE.
	OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.	DEPUTY DIRECTOR FOR COUNTERINTELLIGENCE.
		DEPUTY DIRECTOR FOR INTELLIGENCE ANALYSIS.
		DIRECTOR OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.
		PRINCIPAL DEPUTY DIRECTOR, OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	CHIEF PRIVACY OFFICER.
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	DEPUTY CHIEF, HUMAN CAPITAL OFFICER.
		DIRECTOR, CORPORATE HUMAN RESOURCES OPERATIONS.
		DIRECTOR, HUMAN CAPITAL POLICY AND ACCOUNTABILITY.
		DIRECTOR, HUMAN RESOURCES SHARED SERVICE CENTER FOR MANAGEMENT AND PERFORMANCE.
		DIRECTOR, HUMAN RESOURCES SHARED SERVICE CENTER, SCIENCE AND ENERGY.
		DIRECTOR, OAK RIDGE HUMAN RESOURCES SHARED SERVICE CENTER.
		DIRECTOR, OFFICE OF CORPORATE EXECUTIVE MANAGEMENT.
		DIRECTOR, OFFICE OF HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, OFFICE OF STRATEGY, ANALYSIS, AND PROJECT MANAGEMENT.
		DIRECTOR, OFFICE OF TALENT MANAGEMENT.
	OFFICE OF MANAGEMENT	DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
		DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, OFFICE OF HEADQUARTERS PROCUREMENT SERVICES.
		DIRECTOR, OFFICE OF MANAGEMENT.
		DIRECTOR, OFFICE OF THE OMBUDSMAN.
		DIRECTOR, SUSTAINABILITY PERFORMANCE OFFICE.
		DIRECTOR, OFFICE OF POLICY.
	OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.	DEPUTY DIRECTOR, OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.
		DIRECTOR, OFFICE OF PROJECT ASSESSMENTS.
		DIRECTOR, OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	ASSISTANT DEPUTY CHIEF FINANCIAL OFFICER, FINANCIAL SYSTEM INTEGRATION.
		ASSISTANT DIRECTOR, FINANCIAL POLICY AND INTERNAL CONTROLS.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, BUDGET ANALYSIS AND COORDINATION.
		DEPUTY DIRECTOR, BUDGET OPERATIONS.
		DEPUTY DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING.
		DIRECTOR, OFFICE OF BUDGET.
		DIRECTOR, OFFICE OF CORPORATE INFORMATION SYSTEMS.
		DIRECTOR, OFFICE OF FINANCE AND OVERSIGHT.
		SENIOR ADVISOR.
	ASSISTANT SECRETARY FOR ELECTRICITY DELIVERY AND ENERGY RELIABILITY.	DEPUTY ASSISTANT SECRETARY FOR CYBERSECURITY EMERGING THREATS RESEARCH.
	ASSISTANT SECRETARY FOR CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS.	CHIEF OPERATIONS OFFICER.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	ASSISTANT SECRETARY FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY.	DIRECTOR FOR PROCUREMENT SERVICES DIVISION.
		SENIOR ADVISOR.
	UNITED STATES ENERGY INFORMATION ADMINISTRATION.	ASSISTANT ADMINISTRATOR FOR COMMUNICATIONS.
		ASSISTANT ADMINISTRATOR FOR ENERGY ANALYSIS.
		ASSISTANT ADMINISTRATOR FOR ENERGY STATISTICS.
		ASSISTANT ADMINISTRATOR FOR RESOURCES AND TECHNOLOGY MANAGEMENT.
		DEPUTY ADMINISTRATOR ENERGY INFORMATION ADMINISTRATION.
		DIRECTOR OFFICE OF INTEGRATED AND INTERNATIONAL ENERGY ANALYSIS.
		DIRECTOR OFFICE OF PETROLEUM GAS AND BIOFUELS ANALYSIS.
		DIRECTOR, OFFICE OF ELECTRICITY, COAL, NUCLEAR AND RENEWABLE.
		DIRECTOR, OFFICE OF ELECTRICITY, RENEWABLES AND URANIUM STATISTICS.
		DIRECTOR, OFFICE OF ENERGY CONSUMPTION AND EFFICIENCY ANALYSIS.
		DIRECTOR, OFFICE OF ENERGY MARKETS AND FINANCIAL ANALYSIS.
		DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY (CIO).
		DIRECTOR, OFFICE OF OIL, GAS AND COAL SUPPLY STATISTICS.
		DIRECTOR, OFFICE OF PETROLEUM AND BIOFUELS STATISTICS.
		DIRECTOR, OFFICE OF SURVEY DEVELOPMENT AND STATISTICAL INTEGRATION.
		SENIOR ADVISOR.
	ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT.	DEPUTY MANAGER, OAK RIDGE EM.
		DIRECTOR FOR REGULATORY, INTERGOVERNMENTAL AND STAKEHOLDER ENGAGEMENT.
		DIRECTOR, SPECIAL PROJECTS OFFICE.
		SENIOR ADVISOR FOR IMDP.
		SENIOR LIAISON ADVISOR FOR FIELD OPERATIONS.
		SENIOR MANAGEMENT ANALYST ADVISOR.
		SENIOR PROJECT MANAGEMENT ADVISOR.
		SITE MANAGER, OAK RIDGE.
	ENVIRONMENTAL MANAGEMENT CONSOLIDATED BUSINESS CENTER.	CHIEF COUNSEL.
	OFFICE OF SCIENCE	BERKELEY/SLAC SITE OFFICE MANAGER.
		CHIEF COUNSEL.
		DIRECTOR OFFICE OF SCIENTIFIC AND TECHNICAL INFORMATION.
		DIRECTOR, OFFICE OF WORKFORCE MANAGEMENT.
		MANAGER.
		SITE OFFICE MANAGER, ARGONNE.
		SITE OFFICE MANAGER, BROOKHAVEN.
		SITE OFFICE MANAGER, FERMI.
		SITE OFFICE MANAGER, PRINCETON.
	ASSISTANT SECRETARY FOR FOSSIL ENERGY.	CHIEF COUNSEL.
		CHIEF INFORMATION OFFICER AND CHIEF SECURITY OFFICER.
		DEPUTY DIRECTOR AND CHIEF RESEARCH OFFICER.
		DEPUTY DIRECTOR, LABORATORY OPERATIONS AND CHIEF OPERATING OFFICER.
		DEPUTY DIRECTOR, SCIENCE AND TECHNOLOGY STRATEGIC PLANS AND PROGRAMS.
		DEPUTY EXECUTIVE DIRECTOR, TECHNOLOGY DEVELOPMENT AND INTEGRATION.
		DIRECTOR FOR EXPLORATORY RESEARCH AND INNOVATION.
		DIRECTOR, OFFICE OF RESEARCH.
		EXECUTIVE DIRECTOR, FINANCE, ACQUISITION AND CHIEF FINANCIAL OFFICER.
		EXECUTIVE DIRECTOR, RESEARCH AND INNOVATIONS.
		EXECUTIVE DIRECTOR, TECHNOLOGY DEVELOPMENT AND INTEGRATION.
		PROJECT MANAGER, STRATEGIC PETROLEUM RESERVE.
	CHICAGO OFFICE	ASSISTANT MANAGER, ACQUISITION AND ASSISTANCE.
		DEPUTY MANAGER, CHICAGO OFFICE.
		MANAGER, CHICAGO OFFICE.
	IDAHO OPERATIONS OFFICE	ASSOCIATE DEPUTY MANAGER, IDAHO.
		CHIEF COUNSEL.
		DEPUTY MANAGER FOR ADMINISTRATIVE SUPPORT, CHIEF FINANCIAL OFFICER.
		DEPUTY MANAGER FOR IDAHO CLEANUP PROJECT.
		DEPUTY MANAGER FOR NUCLEAR ENERGY.
		MANAGER, IDAHO OPERATIONS OFFICE.
	OAK RIDGE OFFICE	ASSISTANT MANAGER FOR ADMINISTRATION.
		CHIEF COUNSEL.
		CHIEF FINANCIAL OFFICER.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		SITE MANAGER, ORNL SITE OFFICE.
		SITE MANAGER, THOMAS JEFFERSON NATIONAL ACCELERATOR FACILITY.
	RICHLAND OPERATIONS OFFICE	CHIEF COUNSEL.
	SAVANNAH RIVER OPERATIONS OFFICE	ASSOCIATE DEPUTY MANAGER.
	OFFICE OF GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR ENFORCEMENT.
		ASSISTANT GENERAL COUNSEL FOR GENERAL LAW.
		ASSISTANT GENERAL COUNSEL FOR PROCUREMENT AND FINANCIAL ASSISTANCE.
		ASSISTANT GENERAL COUNSEL FOR TECHNOLOGY TRANSFER AND INTELLECTUAL PROPERTY.
		ASSOCIATE GENERAL COUNSEL.
		DEPUTY GENERAL COUNSEL.
		DEPUTY GENERAL COUNSEL FOR TRANSACTIONS, TECHNOLOGY, AND CONTRACTOR HUMAN RESOURCES.
	OFFICE OF HEARINGS AND APPEALS	DEPUTY DIRECTOR, HEARINGS AND APPEALS (DEPUTY CHIEF ADMINISTRATIVE JUDGE).
		DIRECTOR, HEARINGS AND APPEALS (CHIEF ADMINISTRATIVE JUDGE).
	ASSISTANT SECRETARY FOR NUCLEAR ENERGY.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR FACILITY OPERATIONS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR REACTOR TECHNOLOGIES.
		ASSOCIATE PRINCIPAL DEPUTY ASSISTANT SECRETARY, OFFICE OF NUCLEAR ENERGY.
		CHIEF OF NUCLEAR SAFETY.
		CHIEF OPERATING OFFICER.
		DEPUTY MANAGER FOR OPERATIONS SUPPORT.
		DIRECTOR OFF OF USED NUCLEAR FUEL DISPOSITION RESEARCH AND DEVELOPMENT.
		DIRECTOR, OFFICE OF ADVANCED REACTOR TECHNOLOGIES.
		DIRECTOR, OFFICE OF INNOVATIVE NUCLEAR RESEARCH.
		DIRECTOR, OFFICE OF LIGHT WATER REACTOR DEPLOYMENT.
	ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS.	DEPUTY ASSISTANT SECRETARY FOR ASIA AND THE AMERICAS.
		DEPUTY ASSISTANT SECRETARY FOR MIDDLE EAST, AFRICA AND EURASIA.
		DIRECTOR FOR EUROPEAN AND EURASIAN AFFAIRS.
		DIRECTOR, OFFICE OF AFRICAN AND MIDDLE EASTERN AFFAIRS.
		DIRECTOR, OFFICE OF EAST ASIAN AFFAIRS.
		SENIOR ADVISOR.
	OFFICE OF POLICY	CHIEF OPERATING OFFICER.
		DEPUTY DIRECTOR FOR ENERGY FINANCE INCENTIVES AND PROGRAM ANALYSIS.
	BONNEVILLE POWER ADMINISTRATION	CHIEF OPERATING OFFICER.
		DEPUTY ADMINISTRATOR.
		DIRECTOR, HUMAN RESOURCES SERVICE CENTER.
		EXECUTIVE VICE PRESIDENT INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		EXECUTIVE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER.
		EXECUTIVE VICE PRESIDENT, BUSINESS TRANSFORMATION.
		GENERAL COUNSEL/EXECUTIVE VICE PRESIDENT.
		SENIOR VICE PRESIDENT FOR POWER SERVICES.
		SENIOR VICE PRESIDENT TRANSMISSION SERVICES.
		VICE PRESIDENT FOR ENGINEERING AND TECHNICAL SERVICES.
		VICE PRESIDENT FOR GENERATION ASSET MANAGEMENT.
		VICE PRESIDENT FOR TRANSMISSION FIELD SERVICES.
		VICE PRESIDENT, TRANSMISSION SYSTEM OPERATIONS.
		VICE PRESIDENT, BULK MARKETING.
		VICE PRESIDENT, ENERGY EFFICIENCY.
		VICE PRESIDENT, ENVIRONMENT, FISH AND WILDLIFE.
		VICE PRESIDENT, NORTHWEST REQUIREMENTS MARKETING.
		VICE PRESIDENT, PLANNING AND ASSET MANAGEMENT.
		VICE PRESIDENT, TRANSMISSION MARKETING AND SALES.
	SOUTHWESTERN POWER ADMINISTRATION.	DEPUTY ADMINISTRATOR, OFFICE OF POWER DELIVERY.
	WESTERN AREA POWER ADMINISTRATION.	CHIEF ADMINISTRATIVE OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		CHIEF OPERATING OFFICER.
		DESERT SOUTHWEST REGIONAL MANAGER.
		GENERAL COUNSEL.
		REGIONAL MANAGER, ROCKY MOUNTAIN REGION.
		REGIONAL MANAGER, SIERRA NEVADA REGION.
		REGIONAL MANAGER, UPPER GREAT PLAINS REGION.
	OFFICE OF ENTERPRISE ASSESSMENTS	DEPUTY DIRECTOR, OFFICE OF ENVIRONMENT, SAFETY AND HEALTH ASSESSMENTS.
		DEPUTY DIRECTOR, OFFICE OF INDEPENDENT ENTERPRISE ASSESSMENTS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, OFFICE OF ENVIRONMENT, SAFETY AND HEALTH ASSESSMENTS.
		DIRECTOR, OFFICE OF SECURITY ASSESSMENTS.
	ASSOCIATE UNDER SECRETARY FOR ENVIRONMENT, HEALTH, SAFETY AND SECURITY.	CHIEF OPERATING OFFICER.
		DEPUTY ASSOCIATE UNDER SECRETARY FOR SECURITY.
		DIRECTOR, OFFICE OF ENVIRONMENTAL PROTECTION SUSTAINIABILITY.
		DIRECTOR, OFFICE OF NUCLEAR SAFETY.
		SENIOR ADVISOR.
DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITS AND ADMINISTRATION.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS AND INSPECTIONS—EAST.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS AND INSPECTIONS—WEST.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL MANAGEMENT AND ADMINISTRATION.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS—CENTRAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND INSPECTIONS—EAST.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND INSPECTIONS—WEST.
		DEPUTY INSPECTOR GENERAL FOR AUDITS AND INSPECTIONS.
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
ENVIRONMENTAL PROTECTION AGENCY	OFFICE OF ADMINISTRATIVE AND EXECUTIVE SERVICES.	DIRECTOR, OFFICE OF ADMINISTRATIVE AND EXECUTIVE SERVICES.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	ASSOCIATE CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY.	DIRECTOR, OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY.
	OFFICE OF BUDGET	DIRECTOR, OFFICE OF BUDGET.
	OFFICE OF THE CONTROLLER	CONTROLLER.
		DEPUTY CONTROLLER.
	OFFICE OF TECHNOLOGY SOLUTIONS	DIRECTOR, OFFICE OF TECHNOLOGY SOLUTIONS.
	OFFICE OF POLICY AND RESOURCE MANAGEMENT.	DIRECTOR, OFFICE OF RESOURCES, OPERATIONS AND MANAGEMENT.
	OFFICE OF ADMINISTRATION	DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, OFFICE OF ADMINISTRATION.
	OFFICE OF HUMAN RESOURCES	DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
	OFFICE OF ACQUISITION MANAGEMENT	DEPUTY DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
		DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
	OFFICE OF GRANTS AND DEBARMENT	DEPUTY DIRECTOR, OFFICE OF GRANTS AND DEBARMENT.
		DIRECTOR, OFFICE OF GRANTS AND DEBARMENT.
	OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT—CINCINNATI, OHIO.	DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT.
	OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT—RESEARCH TRIANGLE PARK, NORTH CAROLINA.	DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT.
	OFFICE OF DIVERSITY, ADVISORY COMMITTEE MANAGEMENT AND OUTREACH.	DIRECTOR, OFFICE OF DIVERSITY, ADVISORY COMMITTEE MANAGEMENT AND OUTREACH.
	ENVIRONMENTAL APPEALS BOARD	ENVIRONMENTAL APPEALS JUDGE.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE.	SENIOR POLICY DIRECTOR FOR INNOVATION AND NEXT GENERATION COMPLIANCE.
	FEDERAL FACILITIES ENFORCEMENT OFFICE.	DIRECTOR, FEDERAL FACILITIES ENFORCEMENT OFFICE.
	OFFICE OF ENVIRONMENTAL JUSTICE	DIRECTOR, OFFICE OF ENVIRONMENTAL JUSTICE.
	OFFICE OF COMPLIANCE	DEPUTY DIRECTOR, OFFICE OF COMPLIANCE.
		DIRECTOR, ENFORCEMENT TARGETING AND DATA DIVISION.
		DIRECTOR, MONITORING ASSISTANCE AND MEDIA PROGRAMS DIVISION.
		DIRECTOR, OFFICE OF COMPLIANCE.
	OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING.	DEPUTY DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING.
		DIRECTOR, CRIMINAL INVESTIGATION DIVISION.
		DIRECTOR, NATIONAL ENFORCEMENT INVESTIGATIONS CENTER.
		DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING.
	OFFICE OF CIVIL ENFORCEMENT	DEPUTY DIRECTOR, OFFICE OF CIVIL ENFORCEMENT.
		DIRECTOR, AIR ENFORCEMENT DIVISION.
		DIRECTOR, OFFICE OF CIVIL ENFORCEMENT.
		DIRECTOR, WATER ENFORCEMENT DIVISION.
	OFFICE OF SITE REMEDIATION ENFORCEMENT.	DEPUTY DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT.
	OFFICE OF DEPUTY GENERAL COUNSEL	DIRECTOR, RESOURCES MANAGEMENT OFFICE.
	OFFICE OF GROUND WATER AND DRINKING WATER.	DIRECTOR, DRINKING WATER PROTECTION DIVISION.
		DIRECTOR, STANDARDS AND RISK MANAGEMENT DIVISION.
	OFFICE OF SCIENCE AND TECHNOLOGY	DIRECTOR, ENGINEERING AND ANALYSIS DIVISION.
		DIRECTOR, HEALTH AND ECOLOGICAL CRITERIA DIVISION.
		DIRECTOR, STANDARDS AND HEALTH PROTECTION DIVISION.
	OFFICE OF WASTE WATER MANAGEMENT.	DIRECTOR, WATER INFRASTRUCTURE DIVISION.
		DIRECTOR, WATER PERMITS DIVISION.
	OFFICE OF WETLANDS, OCEANS AND WATERSHEDS.	DIRECTOR, OCEANS, WETLANDS AND COMMUNITIES DIVISION.
		DIRECTOR, WATERSHED RESTORATION, ASSESSMENT AND PROTECTION DIVISION.
	OFFICE OF SUPERFUND REMEDIATION AND TECHNOLOGY INNOVATION.	DIRECTOR, ASSESSMENT AND REMEDIATION DIVISION.
		DIRECTOR, RESOURCES MANAGEMENT DIVISION.
		DIRECTOR, TECHNOLOGY INNOVATION AND FIELD SERVICES DIVISION.
	OFFICE OF RESOURCE CONSERVATION AND RECOVERY.	DIRECTOR, MATERIALS RECOVERY AND WASTE MANAGEMENT DIVISION.
		DIRECTOR, PROGRAM IMPLEMENTATION AND INFORMATION DIVISION.
		DIRECTOR, RESOURCE CONSERVATION AND SUSTAINABILITY DIVISION.
	OFFICE OF AIR QUALITY PLANNING AND STANDARDS.	ASSOCIATE OFFICE DIRECTOR FOR PROGRAM INTEGRATION AND INTERNATIONAL AIR QUALITY ISSUES.
		DIRECTOR, AIR QUALITY ASSESSMENT DIVISION.
		DIRECTOR, AIR QUALITY POLICY DIVISION.
		DIRECTOR, HEALTH AND ENVIRONMENTAL IMPACTS DIVISION.
		DIRECTOR, OUTREACH AND INFORMATION DIVISION.
		DIRECTOR, SECTOR POLICIES AND PROGRAMS DIVISION.
	OFFICE OF TRANSPORTATION AND AIR QUALITY.	DIRECTOR, ASSESSMENT AND STANDARDS DIVISION.
		DIRECTOR, COMPLIANCE DIVISION.
		DIRECTOR, TESTING AND ADVANCED TECHNOLOGY DIVISION.
		DIRECTOR, TRANSPORTATION AND CLIMATE DIVISION.
	OFFICE OF RADIATION AND INDOOR AIR	DIRECTOR, INDOOR ENVIRONMENTS DIVISION.
		DIRECTOR, RADIATION PROTECTION DIVISION.
	OFFICE OF ATMOSPHERIC PROGRAMS ...	DIRECTOR, CLEAN AIR MARKETS DIVISION.
		DIRECTOR, CLIMATE CHANGE DIVISION.
		DIRECTOR, CLIMATE PROTECTION PARTNERSHIP DIVISION.
	OFFICE OF PROGRAM MANAGEMENT OPERATIONS.	ASSOCIATE ASSISTANT ADMINISTRATOR (MANAGEMENT).
	OFFICE OF PESTICIDE PROGRAMS	DIRECTOR, ANTIMICROBIALS DIVISION.
		DIRECTOR, BIOLOGICAL AND ECONOMIC ANALYSIS DIVISION.
		DIRECTOR, BIOPESTICIDES AND POLLUTION PREVENTION DIVISION.
		DIRECTOR, ENVIRONMENTAL FATE AND EFFECTS DIVISION.
		DIRECTOR, FIELD AND EXTERNAL AFFAIRS DIVISION.
		DIRECTOR, HEALTH EFFECTS DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY AND RESOURCES MANAGEMENT DIVISION.
		DIRECTOR, PESTICIDES RE-EVALUATION DIVISION.
		DIRECTOR, REGISTRATION DIVISION.
	OFFICE OF POLLUTION PREVENTION AND TOXICS.	DIRECTOR, CHEMICAL CONTROL DIVISION.
		DIRECTOR, CHEMISTRY, ECONOMICS AND SUSTAINABLE STRATEGIES DIVISION.
		DIRECTOR, ENVIRONMENTAL ASSISTANCE DIVISION.
		DIRECTOR, INFORMATION MANAGEMENT DIVISION.
		DIRECTOR, NATIONAL PROGRAM CHEMICALS DIVISION.
		DIRECTOR, RISK ASSESSMENT DIVISION.
		DIRECTOR, TOXICS RELEASE INVENTORY DIVISION.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.	DIRECTOR, ENVIRONMENTAL TECHNOLOGY INNOVATION CLUSTER PROGRAM.
		DIRECTOR, OFFICE OF SCIENCE INFORMATION MANAGEMENT.
	OFFICE OF THE SCIENCE ADVISOR	DIRECTOR, OFFICE OF THE SCIENCE ADVISOR.
	NATIONAL HOMELAND SECURITY RESEARCH CENTER.	DIRECTOR, NATIONAL HOMELAND SECURITY RESEARCH CENTER.
	OFFICE OF PROGRAM ACCOUNTABILITY AND RESOURCE MANAGEMENT.	DIRECTOR, OFFICE OF PROGRAM ACCOUNTABILITY AND RESOURCE MANAGEMENT.
	NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS RESEARCH LABORATORY.	DEPUTY DIRECTOR FOR MANAGEMENT.
	WESTERN ECOLOGY DIVISION	DIRECTOR, WESTERN ECOLOGY DIVISION.
	GULF ECOLOGY DIVISION	DIRECTOR, GULF ECOLOGY DIVISION.
	MID-CONTINENT ECOLOGY DIVISION	DIRECTOR, MID-CONTINENT ECOLOGY DIVISION.
	NATIONAL EXPOSURE RESEARCH LABORATORY—NERL.	DEPUTY DIRECTOR FOR MANAGEMENT.
		DIRECTOR, NATIONAL EXPOSURE RESEARCH LABORATORY.
	NATIONAL RISK MANAGEMENT RESEARCH LABORATORY—NRMRL.	DEPUTY DIRECTOR FOR MANAGEMENT.
		DIRECTOR, NATIONAL RISK MANAGEMENT RESEARCH LABORATORY.
	NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT.	DEPUTY DIRECTOR FOR MANAGEMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT—WASHINGTON, DC.	DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT.
	NATIONAL CENTER FOR ENVIRONMENTAL RESEARCH.	DEPUTY DIRECTOR FOR MANAGEMENT.
	OFFICE OF ADMINISTRATIVE AND RESEARCH SUPPORT.	DEPUTY DIRECTOR, OFFICE OF ADMINISTRATIVE AND RESEARCH SUPPORT.
		DIRECTOR, OFFICE OF ADMINISTRATIVE AND RESEARCH SUPPORT.
	REGION 1—BOSTON, MASSACHUSETTS	ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION AND RESOURCES MANAGEMENT.
		DIRECTOR, OFFICE OF ECOSYSTEM PROTECTION.
		DIRECTOR, OFFICE OF ENVIRONMENTAL STEWARDSHIP.
		DIRECTOR, OFFICE OF SITE REMEDIATION RESTORATION.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	REGION 2—NEW YORK, NEW YORK	ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT.
		DIRECTOR, CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION.
		DIRECTOR, CLEAN AIR AND SUSTAINABILITY DIVISION.
		DIRECTOR, CLEAN WATER DIVISION.
		DIRECTOR, DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSISTANCE DIVISION.
		DIRECTOR, OFFICE OF EMERGENCY AND REMEDIAL RESPONSE.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	REGION 3—PHILADELPHIA, PENNSYLVANIA.	ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT.
		DIRECTOR, AIR PROTECTION DIVISION.
		DIRECTOR, CHESAPEAKE BAY PROGRAM OFFICE.
		DIRECTOR, ENVIRONMENTAL ASSESSMENT AND INNOVATION DIVISION.
		DIRECTOR, HAZARDOUS SITE CLEANUP DIVISION.
		DIRECTOR, LAND AND CHEMICALS DIVISION.
		DIRECTOR, WATER PROTECTION DIVISION.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	REGION 4—ATLANTA, GEORGIA	ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT.
		DIRECTOR, AIR, PESTICIDES AND TOXICS MANAGEMENT DIVISION.
		DIRECTOR, GULF OF MEXICO PROGRAM.
		DIRECTOR, RESOURCE CONSERVATION AND RESTORATION DIVISION.
		DIRECTOR, SCIENCE AND ECOSYSTEM SUPPORT DIVISION.
		DIRECTOR, SUPERFUND DIVISION.
		DIRECTOR, WATER PROTECTION DIVISION.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	REGION 5—CHICAGO, ILLINOIS	ASSISTANT REGIONAL ADMINISTRATOR FOR RESOURCES MANAGEMENT.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, GREAT LAKES NATIONAL PROGRAM OFFICE.
		DIRECTOR, LAND AND CHEMICALS DIVISION.
		DIRECTOR, SUPERFUND DIVISION.
		DIRECTOR, WATER DIVISION.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	REGION 6—DALLAS, TEXAS	ASSISTANT REGIONAL ADMINISTRATOR FOR MANAGEMENT.
		DIRECTOR, COMPLIANCE ASSURANCE AND ENFORCEMENT DIVISION.
		DIRECTOR, MULTIMEDIA PLANNING AND PERMITTING DIVISION.
		DIRECTOR, SUPERFUND DIVISION.
		DIRECTOR, WATER DIVISION.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	REGION 7—LENEXA, KANSAS	ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT.
		DIRECTOR, AIR AND WASTE MANAGEMENT DIVISION.
		DIRECTOR, ENVIRONMENTAL SERVICES DIVISION.
		DIRECTOR, SUPERFUND DIVISION.
		DIRECTOR, WATER, WETLANDS AND PESTICIDES DIVISON.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	REGION 8—DENVER, COLORADO	ASSISTANT REGIONAL ADMINISTRATOR FOR ECOSYSTEMS PROTECTION AND REMEDIATION.
		ASSISTANT REGIONAL ADMINISTRATOR FOR PARTNERSHIPS AND REGULATORY ASSISTANCE.
		ASSISTANT REGIONAL ADMINISTRATOR FOR TECHNICAL AND MANAGEMENT SERVICES.
		ASSISTANT REGIONAL ADMINISTRATOR FOR WATER PROTECTION.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	REGION 9—SAN FRANCISCO, CALIFORNIA.	ASSISTANT REGIONAL ADMINISTRATOR FOR ENVIRONMENTAL MANAGEMENT.
		DIRECTOR, AIR DIVISION.
		DIRECTOR, ENFORCEMENT DIVISION.
		DIRECTOR, LAND DIVISION.
		DIRECTOR, SUPERFUND DIVISION.
		DIRECTOR, WATER DIVISION.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	REGION 10—SEATTLE, WASHINGTON	ASSISTANT REGIONAL ADMINISTRATOR FOR MANAGEMENT PROGRAMS.
		DIRECTOR, OFFICE OF AIR AND WASTE.
		DIRECTOR, OFFICE OF COMPLIANCE AND ENFORCEMENT.
		DIRECTOR, OFFICE OF ENVIRONMENTAL CLEANUP.
		DIRECTOR, OFFICE OF ENVIRONMENTAL REVIEW AND ASSESSMENT.
		DIRECTOR, OFFICE OF WATER AND WATERSHEDS.
	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
	OFFICE OF MISSION SUPPORT	DIRECTOR, OFFICE OF DIGITAL SERVICES AND TECHNICAL ARCHITECTURE.
ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
	OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS (OCLA).	ASSOCIATE DIRECTOR, OCLA.
	OFFICE OF FIELD PROGRAMS	DISTRICT DIRECTOR (BIRMINGHAM).
		DISTRICT DIRECTOR (CLEVELAND).
		DISTRICT DIRECTOR (DALLAS).
		DISTRICT DIRECTOR (DETROIT).
		DISTRICT DIRECTOR (LOS ANGELES).
		DISTRICT DIRECTOR (MEMPHIS).
		DISTRICT DIRECTOR (MIAMI).
		DISTRICT DIRECTOR (MILWAUKEE).
		DISTRICT DIRECTOR (SAN FRANCISCO).
		DISTRICT DIRECTOR—(ATLANTA).
		DISTRICT DIRECTOR—(BIRMINGHAM).
		DISTRICT DIRECTOR—(CHARLOTTE).
		DISTRICT DIRECTOR—(CHICAGO).
		DISTRICT DIRECTOR—(DENVER).
		DISTRICT DIRECTOR—(HOUSTON).
		DISTRICT DIRECTOR—(INDIANAPOLIS).
		DISTRICT DIRECTOR—(NEW ORLEANS).
		DISTRICT DIRECTOR—(NEW YORK).
		DISTRICT DIRECTOR—(PHILADELPHIA).
		DISTRICT DIRECTOR—(PHOENIX).
		DISTRICT DIRECTOR—(SAN ANTONIO).
		DISTRICT DIRECTOR—(ST LOUIS).
		NATIONAL LEGAL/ENFORCEMENT EXECUTIVE ADVISOR.
		NATIONAL SYSTEMIC INVESTIGATIONS EXECUTIVE ADVISOR.
		PROGRAM MANAGER.
	FIELD MANAGEMENT PROGRAMS	DIRECTOR FIELD MANAGEMENT PROGRAMS.
	FIELD COORDINATION PROGRAMS	DIRECTOR, FIELD COORDINATION PROGRAMS.
FEDERAL COMMUNICATIONS COMMISSION.	OFFICE OF INSPECTOR GENERAL	INSPECTOR GENERAL, OIG.
	MEDIA BUREAU	CHIEF, VIDEO DIVISION, MEDIA BUREAU.
FEDERAL ENERGY REGULATORY COMMISSION.	OFFICE OF ENERGY PROJECTS	DIRECTOR OF DAM SAFETY AND INSPECTION.
	OFFICE OF ADMINISTRATIVE LITIGATION	DIRECTOR, LEGAL DIVISION.
		DIRECTOR, TECHNICAL DIVISION.
	OFFICE OF ENFORCEMENT	CHIEF ACCOUNTANT AND DIRECTOR, DIVISION OF AUDITS AND ACCOUNTING.
FEDERAL LABOR RELATIONS AUTHORITY	OFFICE OF THE CHAIRMAN	CHIEF COUNSEL.
		DIRECTOR, POLICY AND PERFORMANCE MANAGEMENT.
		SENIOR ADVISOR.
		SOLICITOR.
	OFFICE OF MEMBER	CHIEF COUNSEL (2).
	FEDERAL SERVICE IMPASSES PANEL	EXECUTIVE DIRECTOR, FEDERAL SERVICE IMPASSES PANEL.
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL.
	OFFICE OF THE GENERAL COUNSEL REGIONAL OFFICES.	REGIONAL DIRECTOR, CHICAGO ILLINOIS.
		REGIONAL DIRECTOR, DENVER.
		REGIONAL DIRECTOR, SAN FRANCISCO.
		REGIONAL DIRECTOR—ATLANTA.
		REGIONAL DIRECTOR—BOSTON.
		REGIONAL DIRECTOR—DALLAS.
		REGIONAL DIRECTOR—WASHINGTON, D.C.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
FEDERAL LABOR RELATIONS AUTHORITY OFFICE OF THE INSPECTOR GENERAL.	FEDERAL LABOR RELATIONS AUTHORITY OFFICE OF INSPECTOR GENERAL.	INSPECTOR GENERAL.
FEDERAL MARITIME COMMISSION	OFFICE OF THE SECRETARY	SECRETARY.
	OFFICE OF CONSUMER AFFAIRS AND DISPUTE RESOLUTION SERVICES.	DIRECTOR, OFFICE OF CONSUMER AFFAIRS AND DISPUTE RESOLUTION SERVICES.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL FOR REPORTS OPINIONS AND DECISIONS.
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
	OFFICE OF THE MANAGING DIRECTOR	DEPUTY MANAGING DIRECTOR.
		DIRECTOR, STRATEGIC PLANNING AND REGULATORY REVIEW.
	BUREAU OF CERTIFICATION AND LICENSING.	DIRECTOR, BUREAU OF CERTIFICATION AND LICENSING.
	BUREAU OF TRADE ANALYSIS	DIRECTOR, BUREAU OF TRADE ANALYSIS.
	BUREAU OF ENFORCEMENT	DIRECTOR BUREAU OF ENFORCEMENT.
FEDERAL MEDIATION AND CONCILIATION SERVICE.	OFFICE OF THE DIRECTOR	DEPUTY DIRECTOR OF NATIONAL PROGRAMS AND INITIATIVES.
		NATIONAL REPRESENTATIVE.
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	CHIEF FINANCIAL OFFICER.
		CHIEF OPERATING OFFICER.
		CHIEF TECHNOLOGY OFFICER.
		DEPUTY CHIEF INVESTMENT OFFICER.
		DIRECTOR OF COMMUNICATIONS AND EDUCATION.
		DIRECTOR OF ENTERPRISE RISK MANAGEMENT.
		DIRECTOR OF PARTICIPANT OPERATIONS AND POLICY.
		DIRECTOR OF RESOURCE MANAGEMENT.
		SENIOR ADVISOR FOR UNIFORMED SERVICES.
FEDERAL TRADE COMMISSION	OFFICE OF THE GENERAL COUNSEL	PRINCIPAL DEPUTY GENERAL COUNSEL.
	OFFICE OF EXECUTIVE DIRECTOR	CHIEF INFORMATION OFFICER.
		DEPUTY EXECUTIVE DIRECTOR.
	BUREAU OF COMPETITION	DEPUTY DIRECTOR, BUREAU OF COMPETITION.
	BUREAU OF ECONOMICS	DEPUTY DIRECTOR FOR RESEARCH AND MANAGEMENT.
	BUREAU OF CONSUMER PROTECTION	DEPUTY DIRECTOR, BUREAU OF CONSUMER PROTECTION.
FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL.
GENERAL SERVICES ADMINISTRATION	OFFICE OF THE ADMINISTRATOR	DIRECTOR, OPM–GSA MERGER PROJECT MANAGEMENT OFFICE.
		DIRECTOR, PRESIDENTIAL TRANSITION.
	OFFICE OF MISSION ASSURANCE	ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE.
		PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE.
	OFFICE OF HUMAN RESOURCES MANAGEMENT.	CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF GOVERNMENTWIDE POLICY	DEPUTY ASSOCIATE ADMINISTRATOR FOR ASSET AND TRANSPORTATION MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR INFORMATION, INTEGRITY AND ACCESS.
		DEPUTY CHIEF ACQUISITION OFFICER AND SENIOR PROCUREMENT EXECUTIVE.
		DIRECTOR OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS.
		DIRECTOR OF GENERAL SERVICES ACQUISITION POLICY, INTEGRITY AND WORKFORCE.
		DIRECTOR OF GOVERNMENTWIDE ACQUISITION POLICY.
		DIRECTOR OF THE FEDERAL ACQUISITION INSTITUTE.
		DIRECTOR, UNIFIED SHARED SERVICES MANAGEMENT.
		PRINCIPAL DEPUTY FOR ASSET AND TRANSPORTATION MANAGEMENT.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR OF BUDGET.
		DIRECTOR OF FINANCIAL MANAGEMENT.
		DIRECTOR OF REGIONAL FINANCIAL SERVICES.
		DIRECTOR, OFFICE OF ANALYTICS, PERFORMANCE AND IMPROVEMENT.
	PUBLIC BUILDINGS SERVICE	ASSISTANT COMMISSIONER FOR ACQUISITION MANAGEMENT.
		ASSISTANT COMMISSIONER FOR FACILITIES MANAGEMENT AND SERVICES PROGRAMS.
		ASSISTANT COMMISSIONER FOR LEASING.
		ASSISTANT COMMISSIONER FOR PROJECT DELIVERY.
		ASSISTANT COMMISSIONER FOR REAL PROPERTY ASSET MANAGEMENT.
		ASSISTANT COMMISSIONER FOR REAL PROPERTY UTILIZATION AND DISPOSAL.
		CHIEF ARCHITECT.
		DEPUTY ASSISTANT COMMISSIONER FOR REAL PROPERTY ASSET MANAGEMENT.
		SENIOR ADVISOR.
	OFFICE OF GENERAL SERVICE ADMINISTRATION INFORMATION TECHNOLOGY.	ASSOCIATE CHIEF INFORMATION OFFICER FOR ACQUISITION INFORMATION TECHNOLOGY SERVICES.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR CORPORATE INFORMATION TECHNOLOGY SERVICES.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE INFRASTRUCTURE.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE PLANNING AND GOVERNANCE.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR PUBLIC BUILDINGS INFORMATION TECHNOLOGY SERVICES.
		CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER.
	FEDERAL ACQUISITION SERVICE	ASSISTANT COMMISSIONER FOR ASSISTED ACQUISITION SERVICES.
		ASSISTANT COMMISSIONER FOR CUSTOMER AND STAKEHOLDER ENGAGEMENT.
		ASSISTANT COMMISSIONER FOR ENTERPRISE STRATEGY MANAGEMENT.
		ASSISTANT COMMISSIONER FOR GENERAL SUPPLIES AND SERVICES CATEGORIES.
		ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY.
		ASSISTANT COMMISSIONER FOR POLICY AND COMPLIANCE.
		ASSISTANT COMMISSIONER FOR SYSTEMS MANAGEMENT.
		ASSISTANT COMMISSIONER FOR TRAVEL, TRANSPORTATION AND LOGISTICS CATEGORIES.
		DEPUTY ASSISTANT COMMISSIONER FOR ACQUISITION.
		DEPUTY ASSISTANT COMMISSIONER FOR CATEGORY MANAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY.
		DIRECTOR OF FLEET MANAGEMENT.
		DIRECTOR OF SUPPLY CHAIN MANAGEMENT.
		DIRECTOR OF TRAVEL, EMPLOYEE RELOCATION, AND TRANSPORTATION.
		DIRECTOR, FEDERAL SYSTEMS INTEGRATION AND MANAGEMENT CENTER.
		DIRECTOR, INFORMATION TECHNOLOGY SCHEDULE CONTRACT OPERATIONS.
		DIRECTOR, INFORMATION TECHNOLOGY SERVICES.
		DIRECTOR, TELECOMMUNICATIONS SERVICES.
	TECHNOLOGY TRANSFORMATION SERVICES.	DIRECTOR, PUBLIC EXPERIENCE PORTFOLIO.
	NEW ENGLAND REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	NORTHEAST AND CARIBBEAN REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	MID-ATLANTIC REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	NATIONAL CAPITAL REGION	DEPUTY DIRECTOR OF PORTFOLIO MANAGEMENT AND LEASING.
		DIRECTOR OF FACILITIES MANAGEMENT AND SERVICES PROGRAMS.
		DIRECTOR OF PORTFOLIO MANAGEMENT AND REAL ESTATE.
		DIRECTOR OF PROJECT DELIVERY.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	SOUTHEAST SUNBELT REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	GREAT LAKES REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	THE HEARTLAND REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	GREATER SOUTHWEST REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	ROCKY MOUNTAIN REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	PACIFIC RIM REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	NORTHWEST/ARCTIC REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION.
		ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSOCIATE INSPECTOR GENERAL.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR ACQUISITION PROGRAMS AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR REAL PROPERTY AUDITS.
		DEPUTY INSPECTOR GENERAL.
GULF COAST ECOSYSTEM RESTORATION COUNCIL.	GULF COAST ECOSYSTEM RESTORATION COUNCIL.	DEPUTY EXECUTIVE DIRECTOR AND DIRECTOR OF PROGRAMS.
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	ADMINISTRATION FOR COMMUNITY LIVING.	DEPUTY ADMINISTRATOR FOR THE CENTER FOR INTEGRATED PROGRAMS.
	OFFICE OF SECURITY AND STRATEGIC INFORMATION.	ASSOCIATE DIRECTOR FOR PERSONNEL AND CLASSIFIED INFORMATION SECURITY.
		ASSOCIATE DIRECTOR FOR STRATEGIC INFORMATION.
		DIRECTOR, INTEL AND COUNTERINTEL.
	OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	DIRECTOR, OFFICE OF PANDEMICS AND EMERGING THREATS.
	OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL RESOURCES.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCE.
	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR INFORMATION RESOURCES MANAGEMENT.	DEPUTY CHIEF INFORMATION OFFICER.
	OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PLANNING AND EVALUATION (HEALTH SERVICES POLICY).
	OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH.	DIRECTOR, OFFICE OF RESEARCH INTEGRITY.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY ASSOCIATE GENERAL COUNSEL FOR ETHICS ADVICE AND POLICY (ADAEO).
	ASSOCIATE GENERAL COUNSEL DIVISIONS.	ASSOCIATE GENERAL COUNSEL, GENERAL LAW DIVISION.
		DEPUTY ASSOCIATE GENERAL COUNSEL FOR CLAIMS AND EMPLOYMENT LAW.
		DEPUTY ASSOCIATE GENERAL COUNSEL, BUSINESS AND ADMINISTRATIVE LAW DIVISION.
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL FOR LEGAL AFFAIRS.
		DEPUTY INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
	OFFICE OF THE DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIVE OPERATIONS.
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF THE DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES.	ASSISTANT INSPECTOR GENERAL FOR AUDIT MANAGEMENT AND POLICY.
		ASSISTANT INSPECTOR GENERAL FOR FINANCIAL MANAGEMENT AND REGIONAL OPERATIONS.
		ASSISTANT INSPECTOR GENERAL FOR GRANTS AND INTERNAL ACTIVITIES.
		ASSISTANT INSPECTOR GENERAL FOR MEDICARE AND MEDICAID SERVICE AUDITS.
		DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES.
	OFFICE OF THE DEPUTY INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.	DEPUTY INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.
	PROGRAM SUPPORT CENTER	DEPUTY ASSISTANT SECRETARY FOR PROGRAM SUPPORT.
		DIRECTOR, INFORMATION SYSTEMS MANAGEMENT SERVICE.
	OFFICE OF FINANCIAL MANAGEMENT SERVICE.	DIRECTOR, FINANCIAL MANAGEMENT SERVICE.
	OFFICE OF PROGRAM SUPPORT	DIRECTOR OFFICE OF FINANCIAL MANAGEMENT.
	OFFICE OF THE ACTUARY	DIRECTOR, MEDICARE AND MEDICAID COST ESTIMATES GROUP.
		DIRECTOR, NATIONAL HEALTH STATISTICS GROUP.
		DIRECTOR, OFFICE OF THE ACTUARY (CHIEF ACTUARY).
		DIRECTOR, PARTS C AND D ACTUARIAL GROUP.
	CENTER FOR MEDICARE	DIRECTOR, MEDICARE CONTRACTOR MANAGEMENT GROUP.
	OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT.	DEPUTY DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT.
		DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT.
	OFFICE OF INFORMATION TECHNOLOGY	DEPUTY DIRECTOR, OFFICE OF TECHNOLOGY SOLUTIONS.
		DIRECTOR, OFFICE OF TECHNOLOGY SOLUTIONS.
	OFFICE OF FINANCIAL MANAGEMENT	DEPUTY DIRECTOR OFFICE OF FINANCIAL MANAGEMENT.
		DIRECTOR OFFICE OF FINANCIAL MANAGEMENT.
		DIRECTOR, ACCOUNTING MANAGEMENT GROUP.
		DIRECTOR, FINANCIAL SERVICES GROUP.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.	DIRECTOR, OFFICE OF FINANCIAL SERVICES.
	OFFICE OF POLICY, PLANNING, AND BUDGET.	ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAMS COORDINATOR.
	CENTER FOR MENTAL HEALTH SERVICES	DIRECTOR CENTER FOR MENTAL HEALTH SERVICES.
		DIRECTOR DIVISION OF STATE AND COMMUNITY SYSTEMS DEVELOPMENT.
	CENTERS FOR DISEASE CONTROL AND PREVENTION.	BUDGET OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		CHIEF INFORMATION SECURITY OFFICER.
		CHIEF LEARNING OFFICER.
		CHIEF OPERATING OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR CENTER FOR GLOBAL HEALTH (2).
		DIRECTOR OFFICE OF GRANTS SERVICES.
		DIRECTOR, BUILDINGS AND FACILITIES OFFICE.
		DIRECTOR, CENTER FOR GLOBAL HEALTH.
		DIRECTOR, CENTERS FOR DISEASE CONTROL AND PREVENTION, WASHINGTON OFFICE.
		DIRECTOR, DIVISION OF ACQUISITION SERVICES.
		DIRECTOR, DIVISION OF EMERGENCY OPERATIONS.
		DIRECTOR, INFORMATION TECHNOLOGY SERVICES OFFICE.
		DIRECTOR, MANAGEMENT INFORMATION SYSTEMS OFFICE.
		DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING.
		DIRECTOR, OFFICE OF SAFETY, SECURITY AND ASSET MANAGEMENT.
		DIRECTOR, PROCUREMENT AND GRANTS OFFICE.
		ISSUES ANALYSIS AND COORDINATION OFFICER.
	NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.	DEPUTY DIRECTOR FOR MANAGEMENT.
	OFFICE OF THE COMMISSIONER	ASSISTANT COMMISSIONER FOR GLOBAL REGULATORY OPERATIONS.
	OFFICE OF REGULATORY AFFAIRS	ASSOCIATE COMMISSIONER FOR REGULATORY AFFAIRS.
		DEPUTY DIRECTOR FOR INVESTIGATIONS.
		DIRECTOR OFFICE OF CRIMINAL INVESTIGATIONS.
		REGIONAL FOOD AND DRUG DIRECTOR, NORTHEAST REGION.
	CENTER FOR BIOLOGICS EVALUATION AND RESEARCH.	DIRECTOR, OFFICE OF COMPLIANCE AND BIOLOGICS QUALITY.
	CENTER FOR DRUG EVALUATION AND RESEARCH.	ASSOCIATE DIRECTOR FOR MANAGEMENT.
		DIRECTOR, OFFICE OF COMPLIANCE.
	CENTER FOR DEVICES AND RADIOLOGICAL HEALTH.	DIRECTOR OFFICE OF COMPLIANCE.
		DIRECTOR OFFICE OF SYSTEM AND MANAGEMENT.
		DIRECTOR, OFFICE OF DEVICE EVALUATION.
	CENTER FOR FOOD SAFETY AND APPLIED NUTRITION.	DIRECTOR, OFFICE OF PLANT AND DAIRY FOODS AND BEVERAGES.
	CENTER FOR VETERINARY MEDICINE	DIRECTOR, OFFICE OF SURVEILLANCE AND COMPLIANCE.
	OFFICE OF OPERATIONS	DIRECTOR, DIVISION OF ETHICS AND INTEGRITY.
		DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS SERVICES.
		DIRECTOR, OFFICE OF BUDGET.
		DIRECTOR, OFFICE OF BUSINESS AND CUSTOMER ASSURANCE.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT/CFO.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DIRECTOR, OFFICE OF SAFETY, SECURITY AND CRISIS MANAGEMENT.
	NATIONAL INSTITUTES OF HEALTH	ASSOCIATE DIRECTOR FOR MANAGEMENT.
		ASSOCIATE DIRECTOR OF MANAGEMENT.
		DIRECTOR, OFFICE OF ACQUISITION AND LEGISTICS MANAGEMENT.
		DIRECTOR, OFFICE OF RESEARCH INFORMATION SYSTEMS.
	OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR SECURITY AND EMERGENCY RESPONSE.
		DEPUTY DIRECTOR, DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT.
		DIRECTOR, OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION.
		DIRECTOR, OFFICE OF RESEARCH FACILITIES DEVELOPMENT AND OPERATIONS.
		DIRECTOR, OFFICE OF STRATEGIC PLANNING AND MANAGEMENT OPERATIONS.
		ERA PROGRAM MANAGER.
		SENIOR POLICY OFFICER (ETHICS).
	NATIONAL HEART, LUNG AND BLOOD INSTITUTE.	ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT.
	NATIONAL CANCER INSTITUTE	DEPUTY DIRECTOR FOR MANAGEMENT.
	NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES.	ASSOCIATE DIRECTOR FOR MANAGEMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES.	ASSOCIATE DIRECTOR FOR MANAGEMENT AND OPERATIONS.
	NATIONAL LIBRARY OF MEDICINE	ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT.
		ASSOCIATE DIRECTOR FOR EXTRAMURAL PROGRAMS.
		ASSOCIATE DIRECTOR FOR LIBARY OPERATIONS.
		DEPUTY DIRECTOR, NATIONAL LIBRARY OF MEDICINE.
		DIRECTOR, INFORMATION SYSTEMS.
	NATIONAL INSTITUTE ON AGING	DIRECTOR OF MANAGEMENT.
	NATIONAL INSTITUTES OF CHILD HEALTH AND HUMAN DEVELOPMENT.	ASSOCIATE DIRECTOR FOR ADMINISTRATION.
	NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH.	ASSOCIATE DIRECTOR FOR MANAGEMENT.
	NATIONAL INSTITUTES OF GENERAL MEDICAL SCIENCES.	ASSOCIATE DIRECTOR FOR MANAGEMENT.
	NATIONAL INSTITUTES OF NEUROLOGICAL DISORDERS AND STROKE.	DEPUTY DIRECTOR FOR MANAGEMENT.
	NATIONAL INSTITUTES ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.	ASSOCIATE DIRECTOR FOR ADMINISTRATION.
	NATIONAL INSTITUTES OF HEALTH CLINICAL CENTER.	CHIEF FINANCIAL OFFICER.
		CHIEF OPERATING OFFICER.
	CENTER FOR INFORMATION TECHNOLOGY.	DEPUTY DIRECTOR.
		DIRECTOR, CENTER FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY SERVICES MANAGEMENT.
		DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT.
	NATIONAL HUMAN GENOME RESEARCH INSTITUTE.	ASSOCIATE DIRECTOR FOR MANAGEMENT.
		DIRECTOR, OFFICE OF POPULATION GENOMICS.
	NATIONAL INSTITUTE ON DRUG ABUSE	DEPUTY DIRECTOR FOR MANAGEMENT.
	NATIONAL INSTITUTE OF MENTAL HEALTH.	ASSOCIATE DIRECTOR FOR MANAGEMENT.
	NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.	ASSOCIATE DIRECTOR FOR ADMINISTRATION.
	NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.	ASSOCIATE DIRECTOR FOR ADMINISTRATION.
	AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.	EXECUTIVE OFFICER.
DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	CHIEF OF STAFF.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR LEGAL AFFAIRS.
		CHIEF COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF AUDIT SERVICES	ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR FINANCIAL MANAGEMENT AND REGIONAL OPERATIONS.
		ASSISTANT INSPECTOR GENERAL FOR MEDICARE AND MEDICAID SERVICE AUDITS.
		DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES.
	OFFICE OF EVALUATION AND INSPECTIONS.	ASSISTANT INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.
		DEPUTY INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF MANAGEMENT AND POLICY	ASSISTANT INSPECTOR GENERAL (CHIEF DATA OFFICER).
		ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER).
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY (DEPUTY CHIEF FINANCIAL OFFICER).
		DEPUTY INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
DEPARTMENT OF HOMELAND SECURITY	OFFICE OF THE SECRETARY	DEPARTMENT OF HOMELAND SECURITY (DHS) ADVISOR TO THE DEPARTMENT OF DEFENSE (D0D).
		SENIOR DEPARTMENT OF HOMELAND SECURITY ADVISOR TO THE COMMANDER, UNITED STATES NORTHERN COMMAND/NORTH AMERICAN AEROSPACE DEFENSE COMMAND.
	OFFICE OF THE EXECUTIVE SECRETARIAT.	DEPUTY EXECUTIVE SECRETARY, OPERATIONS AND ADMINISTRATION.
	OFFICE OF OPERATIONS COORDINATION AND PLANNING DIRECTORATE.	PRINCIPAL DEPUTY DIRECTOR, TERRORIST SCREENING CENTER.
	OFFICE OF PARTNERSHIP AND ENGAGEMENT.	DEPUTY ASSISTANT SECRETARY.
	OFFICE OF THE GENERAL COUNSEL	CHIEF OF STAFF/MANAGING COUNSEL.
		DEPUTY ASSOCIATE GENERAL COUNSEL FOR ACQUISITION AND PROCUREMENT.
		DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		LEGAL ADVISOR OF ETHICS/ALTERNATE DESIGNATED AGENCY ETHICS OFFICIAL.
	OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.	DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY DIRECTOR.
		DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER, PROGRAMS AND COMPLIANCE.
		DIRECTOR CIVIL RIGHTS AND CIVIL LIBERTIES PROGRAMS BRANCH.
		DIRECTOR, COMPLIANCE BRANCH.
	OFFICE OF COUNTERING WEAPONS OF MASS DESTRUCTION.	DIRECTOR, WORKFORCE HEALTH AND MEDICAL SUPPORT/DEPUTY CHIEF MEDICAL OFFICER.
	OFFICE OF COUNTERING WEAPONS OF MASS DESTRUCTION (FORMERLY DNDO).	ASSISTANT DIRECTOR, ARCHITECTURE AND PLANS DIRECTORATE.
		ASSISTANT DIRECTOR, ASSESSMENTS DIRECTORATE.
		ASSISTANT DIRECTOR, NATIONAL TECHNICAL NUCLEAR FORENSICS CENTER.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT DIRECTORATE.
		ASSISTANT DIRECTOR, PRODUCT ACQUISITION AND DEPLOYMENT DIRECTORATE.
		ASSISTANT DIRECTOR, TRANSFORMATIONAL AND APPLIED RESEARCH DIRECTORATE.
		CHIEF OF STAFF.
		DEPUTY DIRECTOR.
	OFFICE OF THE ASSISTANT SECRETARY FOR POLICY.	DEPARTMENT OF HOMELAND SECURITY (DHS) ATTACHE TO CENTRAL AMERICA.
		DEPUTY ASSISTANT SECRETARY FOR CYBER POLICY.
		DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION STATISTICS.
		DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS.
		DEPUTY ASSISTANT SECRETARY FOR UNITY OF EFFORT INTEGRATION.
	UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.	ASSOCIATE DIRECTOR, FIELD OPERATIONS.
		ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY.
		ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION.
		ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT.
		ASSOCIATE DIRECTOR, REFUGEE, ASYLUM AND INTERNATIONAL OPERATIONS.
		ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS.
		CENTRAL REGIONAL DIRECTOR (DALLAS, TEXAS).
		CHIEF DATA OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		CHIEF TECHNOLOGY OFFICER.
		CHIEF, ADMINISTRATIVE APPEALS.
		CHIEF, ASYLUM DIVISION.
		CHIEF, HUMAN CAPITAL AND TRAINING.
		CHIEF, IMMIGRANT AND INVESTOR PROGRAM.
		CHIEF, INTAKE AND DOCUMENT PRODUCTION.
		CHIEF, INTERNATIONAL OPERATIONS.
		CHIEF, OFFICE OF ADMINISTRATION.
		CHIEF, OFFICE OF CONTRACTING.
		CHIEF, OFFICE OF LEGISLATIVE AFFAIRS.
		CHIEF, OFFICE OF SECURITY AND INTEGRITY.
		CHIEF, PERFORMANCE AND QUALITY.
		CHIEF, VERIFICATION DIVISION.
		DEPUTY ASSOCIATE DIRECTOR, EXTERNAL AFFAIRS DIRECTORATE.
		DEPUTY ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY.
		DEPUTY ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION.
		DEPUTY ASSOCIATE DIRECTOR, OFFICE OF FIELD OPERATIONS.
		DEPUTY ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT.
		DEPUTY ASSOCIATE DIRECTOR, REFUGEE, ASYLUM, AND INTERNATIONAL OPERATIONS.
		DEPUTY ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS.
		DEPUTY CHIEF COUNSEL FOR FIELD MANAGEMENT.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF INFORMATION OFFICE FOR OPERATIONS.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF OFFICE OF SECURITY AND INTEGRITY.
		DEPUTY CHIEF, PROGRAMS, INNOVATION, AND INITIATIVES.
		DEPUTY DIRECTOR, NATIONAL BENEFITS CENTER.
		DEPUTY DIRECTOR, POTOMAC SERVICE CENTER.
		DEPUTY DIRECTOR, SERVICE CENTER, DALLAS, TEXAS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA.
		DEPUTY DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA.
		DEPUTY DIRECTOR, SERVICE CENTER, SAINT ALBANS, VERMONT.
		DEPUTY GENERAL COUNSEL.
		DIRECTOR, NATIONAL BENEFITS CENTER.
		DIRECTOR, NATIONAL RECORDS CENTER.
		DIRECTOR, OFFICE OF REFUGEE AFFAIRS.
		DIRECTOR, POTOMAC SERVICE CENTER.
		DIRECTOR, SERVICE CENTER, DALLAS, TEXAS.
		DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA.
		DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA.
		DIRECTOR, VERMONT SERVICE CENTER, SAINT ALBANS, VERMONT.
		DISTRICT DIRECTOR, FIELD SERVICES, ATLANTA, GEORGIA.
		DISTRICT DIRECTOR, FIELD SERVICES, BOSTON, MASSACHUSETTS.
		DISTRICT DIRECTOR, FIELD SERVICES, CHICAGO, ILLINOIS.
		DISTRICT DIRECTOR, FIELD SERVICES, DALLAS, TEXAS.
		DISTRICT DIRECTOR, FIELD SERVICES, LOS ANGELES CALIFORNIA.
		DISTRICT DIRECTOR, FIELD SERVICES, MIAMI, FLORIDA.
		DISTRICT DIRECTOR, FIELD SERVICES, NEW YORK CITY, NEW YORK.
		DISTRICT DIRECTOR, FIELD SERVICES, NEWARK, NEW JERSEY.
		DISTRICT DIRECTOR, FIELD SERVICES, SAN FRANCISCO CALIFORNIA.
		DISTRICT DIRECTOR, FIELD SERVICES, TAMPA, FLORIDA.
		NORTHEAST REGIONAL DIRECTOR (BURLINGTON, VERMONT).
		REGIONAL DIRECTOR, SOUTHEAST REGION.
		WESTERN REGIONAL DIRECTOR (LAGUNA NIGUEL, CALIFORNIA).
	UNITED STATES SECRET SERVICE	ASSISTANT DIRECTOR—OFFICE OF INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS.
		ASSISTANT DIRECTOR, INVESTIGATIONS.
		ASSISTANT DIRECTOR, OFFICE OF HUMAN RESOURCES.
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILTY.
		ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION.
		ASSISTANT DIRECTOR, OFFICE OF TRAINING.
		ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS.
		ASSISTANT DIRECTOR/CHIEF TECHNOLOGY OFFICER, OFFICE OF TECHNICAL DEVELOPMENT AND MISSION SUPPORT.
		CHIEF COUNSEL.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		CHIEF OPERATING OFFICER.
		CHIEF SECUIRTY OFFICER.
		CHIEF, OFFICE OF STRATEGIC PLANNING AND POLICY.
		COMPONENT ACQUISITION EXECUTIVE.
		DEPUTY ASSISTANT DIRECTOR—OFFICE OF INVESTIGATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INTEGRITY.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF TRAINING.
		DEPUTY ASSISTANT DIRECTOR, STRATEGIC INTELLIGENCE AND INFORMATION.
		DEPUTY ASSISTANT DIRECTOR, TECHNICAL DEVELOPMENT AND MISSION SUPPORT.
		DEPUTY CHIEF COUNSEL/PRINCIPAL ETHICS OFFICIAL.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF, OFFICE OF STRATEGIC PLANNING AND POLICY.
		DEPUTY DIRECTOR, UNITED STATES SECRET SERVICE.
		DEPUTY SPECIAL AGENT IN CHARGE (OPERATIONAL).
		DEPUTY SPECIAL AGENT IN CHARGE—NEW YORK FIELD OFFICE.
		DEPUTY SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION.
		DEPUTY SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR OF COMMUNICATIONS (MEDIA AFFAIRS).
		DIRECTOR, UNITED STATES SECRET SERVICE.
		EQUITY AND EMPLOYEE SUPPORT SERVICES EXECUTIVE.
		SPECIAL AGENT IN CHARGE (DIGNITARY PROTECTIVE DIVISION).
		SPECIAL AGENT IN CHARGE—ATLANTA FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATIVE DIVISION.
		SPECIAL AGENT IN CHARGE—DALLAS FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—HONOLULU FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—HOUSTON FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—LOS ANGELES FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—MIAMI FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—NEW YORK FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—PHILADELPHIA FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION.
		SPECIAL AGENT IN CHARGE—ROME FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—ROWLEY TRAINING CENTER.
		SPECIAL AGENT IN CHARGE—SAN FRANCISCO FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—TECHNICAL SECURITY DIVISION.
		SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION.
		SPECIAL AGENT IN CHARGE—WASHINGTON FIELD OFFICE.
		SPECIAL AGENT IN CHARGE, CHICAGO FIELD OFFICE.
		SPECIAL AGENT IN CHARGE, PARIS FIELD OFFICE.
		SPECIAL AGENT IN CHARGE, PROTECTIVE INTELLIGENCE AND ASSESSMENT DIVISION.
		SPECIAL AGENT IN CHARGE, SPECIAL OPERATIONS DIVISION.
		TALENT DEVELOPMENT EXECUTIVE.
	UNITED STATES COAST GUARD	ASSISTANT JUDGE ADVOCATE GENERAL FOR ACQUISITION AND LITIGATION.
		DEPUTY ASSISTANT COMMANDANT FOR ACQUISITION/DIRECTOR OF ACQUISITION SERVICES.
		DEPUTY ASSISTANT COMMANDANT FOR CAPABILITY.
		DEPUTY ASSISTANT COMMANDANT FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INFO TECHNOLOGY/DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY ASSISTANT COMMANDANT FOR HUMAN RESOURCES.
		DEPUTY ASSISTANT COMMANDANT FOR INTELLIGENCE.
		DEPUTY ASSISTANT COMMANDANT FOR RESOURCES AND DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR OF FINANCIAL OPERATIONS/COMPTROLLER.
		DIRECTOR, COAST GUARD INVESTIGATIVE SERVICE.
		DIRECTOR, INCIDENT MANAGEMENT AND PREPAREDNESS POLICY.
		DIRECTOR, MARINE TRANSPORTATION SYSTEM MANAGEMENT.
		DIRECTOR, NATIONAL POLLUTION FUNDS CENTER.
		HEAD OF CONTRACTING ACTIVITY.
	CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA).	ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.
		ASSISTANT DIRECTOR FOR FIELD OPERATIONS (EAST), FEDERAL PROTECTIVE SERVICE.
		ASSISTANT DIRECTOR OF FIELD OPERATIONS (CENTRAL), FEDERAL PROTECTIVE SERVICES.
		ASSISTANT DIRECTOR OF FIELD OPERATIONS (WEST), FEDERAL PROTECTIVE SERVICES.
		ASSISTANT DIRECTOR OF OPERATIONS, FEDERAL PROTECTIVE SERVICES.
		ASSISTANT DIRECTOR PROTECTIVE SECURITY OFFICER OVERSIGHT.
		ASSISTANT DIRECTOR, FUTURES IDENTITY.
		ASSISTANT DIRECTOR, OFFICE OF RESOURCE MANAGEMENT, FEDERAL PROTECTIVE SERVICE.
		ASSISTANT DIRECTOR, OFFICE OF TRAINING AND CAREER DEVELOPMENT, FEDERAL PROTECTIVE SERVICE.
		CHIEF FINANCIAL OFFICER.
		CHIEF TECHNOLOGY OFFICER, CYBER SECURITY AND COMMUNICATIONS.
		COMPONENT ACQUSITION EXECUTIVE.
		DEPUTY ASSISTANT DIRECTOR FOR CYBERSECURITY.
		DEPUTY ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.
		DEPUTY ASSISTANT DIRECTOR FOR INFRASTRUCTURE SECURITY.
		DEPUTY DIRECTOR CYBER THREAT DETECTION AND ANALYSIS.
		DEPUTY DIRECTOR FEDERAL NETWORK RESILIENCE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER (NCCIC).
		DEPUTY DIRECTOR OF MANAGEMENT (BUSINESS SERVICE DELIVERY LEAD).
		DEPUTY DIRECTOR, INFRASTRUCTURE SECURITY COMPLIANCE.
		DEPUTY DIRECTOR, NETWORK SECURITY DEPLOYMENT.
		DEPUTY DIRECTOR, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.
		DEPUTY DIRECTOR, OFFICE OF CYBER AND INFRASTRUCTURE ANALYSIS.
		DEPUTY DIRECTOR, POLICY, INTERGOVERNMENTAL PROGRAMS AND COMMUNICATIONS.
		DEPUTY DIRECTOR, TECHNOLOGY AND INNOVATION (CHIEF TECHNOLOGY OFFICER).
		DIRECTOR MISSION INTEGRATION.
		DIRECTOR OF ADMINISTRATION.
		DIRECTOR OF MANAGEMENT.
		DIRECTOR, FEDERAL NETWORK RESILIENCE.
		DIRECTOR, FEDERAL PROTECTIVE SERVICE.
		DIRECTOR, HUMAN RESOURCES MANAGEMENT.
		DIRECTOR, INFRASTUCTURE SECURITY COMPLIANCE.
		DIRECTOR, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.
		DIRECTOR, NATIONAL INFRASTRUCTURE COORDINATING CENTER.
		DIRECTOR, NATIONAL RISK MANAGEMENT CENTER.
		DIRECTOR, NETWORK SECURITY DEPLOYMENT.
		DIRECTOR, OFFICE OF COMPLIANCE AND SECURITY.
		DIRECTOR, PROTECTIVE SECURITY COORDINATION.
		DIRECTOR, SECTOR OUTREACH AND PROGRAMS DIVISION.
		DIRECTOR, STAKEHOLDER ENGAGEMENT AND CYBER INFRASTRUCTURE RESILIENCE DIVISION.
		DIRECTOR, STRATEGY, POLICY AND PLANS.
		PRINCIPAL DEPUTY DIRECTOR, FEDERAL PROTECTIVE SERVICE.
		PRINCIPAL DEPUTY DIRECTOR, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.
		SENIOR ADVISOR, OFFICE OF INFRASTRUCTURE SECURITY.
		SENIOR COUNSELOR TO THE DIRECTOR FOR CISA.
		SENIOR CYBER AND INFRASTRUCTURE SECURITY ADVISOR.
	OFFICE OF THE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS.	CHIEF OF STAFF.
		DEPUTY UNDER SECRETARY FOR INTELLIGENCE ENTERPRISE READINESS.
		DIRECTOR, BORDER SECURITY DIVISION.
		DIRECTOR, CURRENT AND EMERGING THREATS CENTER.
		DIRECTOR, CYBER MISSION CENTER.
		PRINCIPAL DEPUTY UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS.
	OFFICE OF COUNTERING WEAPONS OF MASS DESTRUCTION (CWMD).	DEPUTY ASSISTANT SECRETARY FOR HEALTH THREATS RESILIENCE.
		DEPUTY DIRECTOR, HEALTH THREATS RESILIENCE.
		DEPUTY DIRECTOR, WORKFORCE HEALTH AND MEDICAL SUPPORT.
		PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR HEALTH AFFAIRS.
	UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.	ASSISTANT DIRECTOR FOR DETENTION OVERSIGHT AND INSPECTIONS.
		ASSISTANT DIRECTOR, DIVERSITY AND CIVIL RIGHTS.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, CUSTODY OPERATIONS DIVISION.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, FIELD OPERATIONS.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, LAW ENFORCEMENT SYSTEMS AND ANALYSIS DIVISION.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, REPATRIATION DIVISION.
		ASSISTANT DIRECTOR, ENFORCEMENT DIVISION, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		ASSISTANT DIRECTOR, HOMELAND SECURITY INVESTIGATIVE PROGRAMS.
		ASSISTANT DIRECTOR, INFORMATION GOVERNANCE AND PRIVACY.
		ASSISTANT DIRECTOR, INTELLECTUAL PROPERTY RIGHTS CENTER.
		ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS.
		ASSISTANT DIRECTOR, INTERNATIONAL OPERATIONS.
		ASSISTANT DIRECTOR, NATIONAL SECURITY INVESTIGATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSISTANT DIRECTOR, OFFICE OF ACQUISITIONS.
		ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (DOMESTIC OPERATIONS).
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		ASSISTANT DIRECTOR, SECURITY DIVISION.
		ASSISTANT DIRECTOR, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT SERVICES HEALTH CORPS.
		CHIEF COUNSEL FOR LOS ANGELES.
		CHIEF COUNSEL, CHICAGO.
		CHIEF COUNSEL, MIAMI.
		CHIEF COUNSEL, NEW YORK.
		CHIEF COUNSEL, PHOENIX.
		CHIEF COUNSEL, SAN ANTONIO.
		CHIEF FINANCIAL OFFICER.
		CHIEF HUMAN CAPITAL OFFICER.
		CHIEF INFORMATION OFFICER.
		COMPONENT ACQUSITION EXECUTIVE.
		DEPUTY ASSISTANT DIRECTOR NATIONAL SECURITY PROGRAMS.
		DEPUTY ASSISTANT DIRECTOR, INFORMATION GOVERNANCE AND PRIVACY.
		DEPUTY ASSISTANT DIRECTOR, CRITICAL INFRASTRUCTURE, PROTECTION, AND FRAUD.
		DEPUTY ASSISTANT DIRECTOR, CYBER DIVISION.
		DEPUTY ASSISTANT DIRECTOR, DOMESTIC OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (DOMESTIC OPERATIONS—EAST).
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (DOMESTIC OPERATIONS—WEST), OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (INTERNATIONAL), OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS.
		DEPUTY ASSISTANT DIRECTOR, INTERNATIONAL OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, INVESTIGATIONS (ILLICIT TRADE, TRAVEL, AND FINANCE).
		DEPUTY ASSISTANT DIRECTOR, MISSION SUPPORT.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (EAST).
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (WEST).
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DEPUTY ASSISTANT DIRECTOR, STUDENT AND EXCHANGE VISITOR PROGRAM.
		DEPUTY ASSISTANT DIRECTOR, TRANSNATIONAL ORGANIZED CRIME DIVISION TWO.
		DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR OPERATIONS.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR STRATEGY AND SERVICES.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS.
		DEPUTY DIRECTOR, INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL).
		DEPUTY DIRECTOR, OFFICE OF HOMELAND SECURITY INVESTIGATIONS.
		DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		DEPUTY PRINCIPAL LEGAL ADVISOR.
		DEPUTY PRINCIPAL LEGAL ADVISOR FOR FIELD OPERATIONS.
		DEPUTY PRINCIPAL LEGAL ADVISOR FOR GENERAL AND ADMINISTRATIVE LAW.
		DIRECTOR OF ENFORCEMENT AND LITIGATION.
		DIRECTOR, BUDGET AND PROGRAM PERFORMANCE.
		DIRECTOR, FACILITIES AND ASSET ADMINISTRATION.
		DIRECTOR, FEDERAL EXPORT ENFORCEMENT COORDINATION CENTER.
		DIRECTOR, FINANCIAL MANAGEMENT.
		DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, OFFICE OF HOMELAND SECURITY INVESTIGATIONS.
		DIVISION DIRECTOR FOR INVESTIGATIONS, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		EXECUTIVE DIRECTOR, LAW ENFORCEMENT INFORMATION SHARING INITIATIVE.
		EXECUTIVE DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		FIELD OFFICE DIRECTOR, OERO, LOS ANGELES, CALIFORNIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, MIAMI, FLORIDA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHILADELPHIA, PENNSYLVANIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHOENIX, ARIZONA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, SAN ANTONIO, TEXAS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, SAN DIEGO, CALIFORNIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, ALTANTA, GEORGIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BOSTON, MA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BUFFALO, NEW YORK.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, CHICAGO, ILLINOIS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DALLAS, TEXAS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DENVER, COLORADO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, EL PASO, TEXAS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, HOUSTON, TEXAS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, NEW ORLEANS, LOUISIANA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, SAN FRANCISCO, CA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, SEATTLE, ERO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, ST. PAUL, MN.
		FIELD OFFICE DIRECTOR, OFFICE OF ERO, NEW YORK.
		SENIOR MANAGEMENT COUNSEL, INTERNATIONAL OPERATIONS.
		SPECIAL AGENT IN CHARGE, MIAMI.
		SPECIAL AGENT IN CHARGE, NEW YORK.
		SPECIAL AGENT IN CHARGE, SEATTLE.
		SPECIAL AGENT IN CHARGE, ATLANTA.
		SPECIAL AGENT IN CHARGE, BALTIMORE.
		SPECIAL AGENT IN CHARGE, BOSTON, MASSACHUSETTS.
		SPECIAL AGENT IN CHARGE, BUFFALO, NEW YORK.
		SPECIAL AGENT IN CHARGE, CHICAGO.
		SPECIAL AGENT IN CHARGE, DALLAS.
		SPECIAL AGENT IN CHARGE, DENVER.
		SPECIAL AGENT IN CHARGE, DETROIT.
		SPECIAL AGENT IN CHARGE, EL PASO.
		SPECIAL AGENT IN CHARGE, HOUSTON.
		SPECIAL AGENT IN CHARGE, LOS ANGELES.
		SPECIAL AGENT IN CHARGE, NEW ORLEANS.
		SPECIAL AGENT IN CHARGE, NEWARK, NEW JERSEY.
		SPECIAL AGENT IN CHARGE, PHILADELPHIA, PENNSYLVANIA.
		SPECIAL AGENT IN CHARGE, PHOENIX.
		SPECIAL AGENT IN CHARGE, SAINT PAUL, MINNESOTA.
		SPECIAL AGENT IN CHARGE, SAN ANTONIO.
		SPECIAL AGENT IN CHARGE, SAN DIEGO.
		SPECIAL AGENT IN CHARGE, SAN FRANCISCO.
		SPECIAL AGENT IN CHARGE, SAN JUAN, PUERTO RICO.
		SPECIAL AGENT IN CHARGE, TAMPA, FLORIDA.
		SPECIAL AGENT IN CHARGE, WASHINGTON, DC.
	UNITED STATES CUSTOMS AND BORDER PROTECTION.	ASSISTANT COMMISSIONER, ACQUISITION, CHIEF ACQUISITION OFFICER.
		ASSISTANT COMMISSIONER, FACILITIES AND ASSET MANAGMENT, CHIEF READINESS SUPPORT OFFICER.
		ASSISTANT COMMISSIONER, FINANCE, CHIEF FINANCIAL OFFICER.
		ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT.
		ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY.
		ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSISTANT COMMISSIONER, OFFICE OF INTELLIGENCE.
		ASSISTANT COMMISSIONER, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		ASSISTANT COMMISSIONER, TRAINING AND DEVELOPMENT.
		ASSOCIATE CHIEF COUNSEL (HOUSTON).
		ASSOCIATE CHIEF COUNSEL (TUCSON).
		ASSOCIATE CHIEF COUNSEL—ENFORCEMENT.
		ASSOCIATE CHIEF COUNSEL—LOS ANGELES.
		ASSOCIATE CHIEF COUNSEL—NEW YORK.
		ASSOCIATE CHIEF COUNSEL—SOUTHEAST.
		ASSOCIATE CHIEF COUNSEL—TRADE AND FINANCE.
		ASSOCIATE CHIEF COUNSEL FOR ETHICS, LABOR, AND EMPLOYMENT.
		ASSOCIATE CHIEF COUNSEL, CHICAGO.
		CHIEF (EXECUTIVE ASSISTANT COMMISSIONER), UNITED STATES BORDER PATROL.
		CHIEF ACCOUNTABILITY OFFICER.
		CHIEF PATROL AGENT (BIG BEND).
		CHIEF PATROL AGENT (DEL RIO).
		CHIEF PATROL AGENT (DETROIT).
		CHIEF PATROL AGENT (EL PASO).
		CHIEF PATROL AGENT (TUCSON).
		CHIEF PATROL AGENT, EL CENTRO, CALIFORNIA.
		CHIEF PATROL AGENT, LAREDO.
		CHIEF PATROL AGENT, RIO GRANDE VALLEY.
		CHIEF PATROL AGENT, SAN DIEGO.
		CHIEF PATROL AGENT, YUMA, ARIZONA.
		CHIEF, LAW ENFORCEMENT OPERATIONS, OFFICE OF BORDER PATROL.
		CHIEF, STRATEGIC PLANNING AND ANALYSES.
		DEPUTY ASSISTANT COMMISSIONER, FINANCE.
		DEPUTY ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY.
		DEPUTY ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF ACQUISITION.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF INTELLIGENCE.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF TRAINING AND DEVELOPMENT.
		DEPUTY CHIEF (DEPUTY EXECUTIVE ASSISTANT COMMISSIONER), BORDER PATROL.
		DEPUTY CHIEF COUNSEL.
		DEPUTY CHIEF PATROL AGENT, EL PASO.
		DEPUTY CHIEF PATROL AGENT, RIO GRANDE VALLEY.
		DEPUTY CHIEF PATROL AGENT, SAN DIEGO.
		DEPUTY CHIEF PATROL AGENT, TUCSON.
		DEPUTY CHIEF, LAW ENFORCEMENT OPERATIONAL PROGRAMS, OFFICE OF BORDER PATROL.
		DEPUTY CHIEF, LAW ENFORCEMENT OPERATIONS, OFFICE OF BORDER PATROL.
		DEPUTY COMMISSIONER.
		DEPUTY DIRECTOR, POLICY AND PLANNING.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF TRADE.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT.
		DEPUTY JOINT FIELD COMMANDER, EAST.
		DIRECTOR OF OPERATIONS, NORTHERN REGION, WDC, (CBP) AMO.
		DIRECTOR OF OPERATIONS, SOUTHEASTERN REGION, MIAMI, FLORIDA, OFFICE OF CUSTOMS AND BORDER PROTECTION (CBP) AIR AND MARINE.
		DIRECTOR OF OPERATIONS, SOUTHWEST BORDER, ALBUQUERQUE, NEW MEXICO, OFFICE OF CUSTOMS AND BORDER PROTECTION (CBP) AIR AND MARINE.
		DIRECTOR, COUNTER NETWORK.
		DIRECTOR, FIELD OPERATIONS (ATLANTA).
		DIRECTOR, FIELD OPERATIONS (BALTIMORE).
		DIRECTOR, FIELD OPERATIONS (BOSTON).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, FIELD OPERATIONS (BUFFALO).
		DIRECTOR, FIELD OPERATIONS (CHICAGO).
		DIRECTOR, FIELD OPERATIONS (DETROIT).
		DIRECTOR, FIELD OPERATIONS (EL PASO).
		DIRECTOR, FIELD OPERATIONS (HOUSTON).
		DIRECTOR, FIELD OPERATIONS (LAREDO).
		DIRECTOR, FIELD OPERATIONS (LOS ANGELES).
		DIRECTOR, FIELD OPERATIONS (MIAMI).
		DIRECTOR, FIELD OPERATIONS (NEW YORK).
		DIRECTOR, FIELD OPERATIONS (PRECLEARANCE).
		DIRECTOR, FIELD OPERATIONS (SAN DIEGO).
		DIRECTOR, FIELD OPERATIONS (SAN FRANCISCO).
		DIRECTOR, FIELD OPERATIONS (SAN JUAN).
		DIRECTOR, FIELD OPERATIONS (SEATTLE).
		DIRECTOR, FIELD OPERATIONS (TUCSON).
		DIRECTOR, JOINT TASK FORCE (JTF) WEST COMMANDER (JFC) SAN ANTONIO, TX.
		DIRECTOR, LEADERSHIP DEVELOPMENT CENTER.
		DIRECTOR, NATIONAL TARGETING CENTER (CARGO).
		DIRECTOR, NATIONAL TARGETING CENTER (PASSENGER).
		EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE.
		EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES.
		EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS.
		EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF TRADE.
		EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT.
		EXECUTIVE DIRECTOR, ACQUISITION MANAGEMENT.
		EXECUTIVE DIRECTOR, ADMISSIBILITY AND PASSENGER PROGRAMS.
		EXECUTIVE DIRECTOR, AGRICULTURE PROGRAMS AND TRADE LIAISON.
		EXECUTIVE DIRECTOR, AIR AND MARINE OPERATIONS CENTER, RIVERSIDE, OFFICE OF CUSTOMS AND BORDER PROTECTION (CBP) AIR AND MARINE.
		EXECUTIVE DIRECTOR, AUTOMATED COMMERCIAL ENVIRONMENT (ACE) BUSINESS OFFICE.
		EXECUTIVE DIRECTOR, BORDER ENFORCEMENT AND MANAGEMENT SYSTEMS.
		EXECUTIVE DIRECTOR, BUDGET.
		EXECUTIVE DIRECTOR, CARGO AND CONVEYANCE SECURITY.
		EXECUTIVE DIRECTOR, CARGO SYSTEMS.
		EXECUTIVE DIRECTOR, COMMERCIAL TARGETING AND ENFORCEMENT.
		EXECUTIVE DIRECTOR, CUSTOMS AND BORDER PROTECTION (CBP) BASIC TRAINING.
		EXECUTIVE DIRECTOR, CYBERSECURITY OPERATIONS AND POLICY.
		EXECUTIVE DIRECTOR, ENTERPRISE DATA MANAGEMENT AND ENGINEERING.
		EXECUTIVE DIRECTOR, ENTERPRISE NETWORKS AND TECHNOLOGY SUPPORT.
		EXECUTIVE DIRECTOR, FIELD SUPPORT.
		EXECUTIVE DIRECTOR, FINANCIAL OPERATIONS.
		EXECUTIVE DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS.
		EXECUTIVE DIRECTOR, INTELLIGENCE AND ANALYSIS.
		EXECUTIVE DIRECTOR, INTELLIGENCE OPERATIONS.
		EXECUTIVE DIRECTOR, INTERGOVERNMENTAL PUBLIC LIAISON.
		EXECUTIVE DIRECTOR, INVESTIGATIVE OPERATIONS.
		EXECUTIVE DIRECTOR, LABORATORIES AND SCIENTIFIC SERVICES.
		EXECUTIVE DIRECTOR, MISSION READINESS OPERATIONS DIRECTORATE.
		EXECUTIVE DIRECTOR, MISSION SUPPORT.
		EXECUTIVE DIRECTOR, MISSION SUPPORT, OFFICE OF CUSTOMS AND BORDER PROTECTION (CBP) AIR AND MARINE.
		EXECUTIVE DIRECTOR, NATIONAL AIR SECURITY OPERATIONS, AIR AND MARINE.
		EXECUTIVE DIRECTOR, NATIONAL TARGETING CENTER.
		EXECUTIVE DIRECTOR, OPERATIONS.
		EXECUTIVE DIRECTOR, OPERATIONS, AIR AND MARINE.
		EXECUTIVE DIRECTOR, PASSENGER SYSTEMS PROGRAM OFFICE.
		EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS AND EVALUATION.
		EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS, AND EVALUATION.
		EXECUTIVE DIRECTOR, PRIVACY AND DIVERSITY.
		EXECUTIVE DIRECTOR, PROCUREMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT OFFICE.
		EXECUTIVE DIRECTOR, PROGRAMMING.
		EXECUTIVE DIRECTOR, REGLUATIONS AND RULINGS.
		EXECUTIVE DIRECTOR, REGULATORY AUDIT.
		EXECUTIVE DIRECTOR, TALENT MANAGEMENT.
		EXECUTIVE DIRECTOR, TARGETING AND ANALYSIS SYSTEMS.
		EXECUTIVE DIRECTOR, TRADE POLICY AND PROGRAMS.
		EXECUTIVE DIRECTOR, TRAINING, SAFETY AND STANDARDS.
		PORT DIRECTOR, EL PASO.
		PORT DIRECTOR, BUFFALO.
		PORT DIRECTOR, CALEXICO, CA.
		PORT DIRECTOR, JFK AIRPORT.
		PORT DIRECTOR, LAREDO.
		PORT DIRECTOR, LOS ANGELES AIRPORT.
		PORT DIRECTOR, LOS ANGELES/LONG BEACH SEAPORT.
		PORT DIRECTOR, MIAMI INTERNATIONAL AIRPORT.
		PORT DIRECTOR, NEWARK.
		PORT DIRECTOR, NOGALES, AZ.
		PORT DIRECTOR, SAN FRANCISCO.
		PORT DIRECTOR, SAN YSIDRO.
		SENIOR INTELLIGENCE ADVISOR.
	FEDERAL LAW ENFORCEMENT TRAINING CENTER.	ASSISTANT DIRECTOR (CHIEF FINANCIAL OFFICER).
		ASSISTANT DIRECTOR (CHIEF INFORMATION OFFICER DIRECTORATE).
		ASSISTANT DIRECTOR (CORE TRAINING OPERATIONS DIRECTORATE.
		ASSISTANT DIRECTOR (MISSION AND READINESS SUPPORT DIRECTORATE).
		ASSISTANT DIRECTOR (NATIONAL CAPITAL REGION TRAINING OPERATIONS DIRECTORATE.
		ASSISTANT DIRECTOR (TECHNICAL TRAINING OPERATIONS DIRECTORATE).
		ASSISTANT DIRECTOR (TRAINING MANAGEMENT OPERATIONS DIRECTORATE).
		ASSOCIATE DIRECTOR FOR TRAINING OPERATIONS.
		CHIEF COUNSEL.
		DEPUTY DIRECTOR.
		DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER.
	FEDERAL EMERGENCY MANAGEMENT AGENCY.	ASSISTANT ADMINISTRATOR FOR FEDERAL INSURANCE.
		ASSISTANT ADMINISTRATOR FOR FINANCIAL MANAGEMENT.
		ASSISTANT ADMINISTRATOR FOR MITIGATION.
		ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT.
		ASSISTANT ADMINISTRATOR, FIELD OPERATIONS DIRECTORATE.
		ASSISTANT ADMINISTRATOR, FUND MANAGEMENT.
		CHIEF ADMINISTRATIVE OFFICER.
		CHIEF COMPONENT PROCUREMENT OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF LEARNING OFFICER.
		CHIEF SECURITY OFFICER.
		CHIEF TECHNOLOGY OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR FEDERAL INSURANCE.
		DEPUTY ASSISTANT ADMINISTRATOR FOR FINANCIAL SYSTEMS MODERNIZATION.
		DEPUTY ASSISTANT ADMINISTRATOR FOR MITIGATION.
		DEPUTY ASSISTANT ADMINISTRATOR FOR RESPONSE.
		DEPUTY ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT.
		DEPUTY ASSISTANT ADMINISTRATOR, FIELD OPERATIONS DIRECTORATE.
		DEPUTY ASSISTANT ADMINISTRATOR, GRANTS PROGRAM.
		DEPUTY ASSISTANT ADMINISTRATOR, NATIONAL PREPAREDNESS DIRECTORATE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION SUPPORT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY, PROGRAM ANALYSIS AND INTERNATIONAL AFFAIRS.
		DEPUTY ASSOCIATE ADMINISTRATOR, FEDERAL INSURANCE AND MITIGATION ADMINISTRATION.
		DEPUTY CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY CHIEF COMPONENT HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF COMPONENT PROCUREMENT OFFICER.
		DEPUTY CHIEF COUNSEL.
		DEPUTY CHIEF COUNSEL FOR GENERAL LAW.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER (DISASTER OPERATIONS), MISSION SUPPPORT DIRECTORATE.
		DEPUTY DIRECTOR, EXTERNAL AFFAIRS.
		DEPUTY PRINCIPAL LEGAL ADVISOR FOR MANAGEMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY REGIONAL ADMINISTRATOR (REGION X SEATTLE).
		DEPUTY REGIONAL ADMINISTRATOR (REGION 1 BOSTON).
		DEPUTY REGIONAL ADMINISTRATOR (REGION II NEW YORK).
		DEPUTY REGIONAL ADMINISTRATOR (REGION III PHILADELPHIA).
		DEPUTY REGIONAL ADMINISTRATOR (REGION IX SAN FRANCISCO).
		DEPUTY REGIONAL ADMINISTRATOR (REGION V CHICAGO).
		DEPUTY REGIONAL ADMINISTRATOR (REGION VI, DALLAS).
		DEPUTY REGIONAL ADMINISTRATOR (REGION VII KANSAS).
		DEPUTY REGIONAL ADMINISTRATOR (REGION VIII DENVER).
		DEPUTY REGIONAL ADMINISTRATOR, REGION IV, ATLANTA.
		DIRECTOR, EMERGENCY COMMUNICATION DIVISION.
		DIRECTOR, GRANTS MANAGEMENT DIVISION.
		DIRECTOR, NATIONAL EXERCISE DIVISION.
		DIRECTOR, NATIONAL PREPAREDNESS ASSESSMENT DIVISION.
		DIRECTOR, NATIONAL TRAINING AND EDUCATION.
		DIRECTOR, OFFICE OF EQUAL RIGHTS.
		DIRECTOR, OPERATIONAL COORDINATION.
		DIRECTOR, PLANNING AND EXERCISE DIVISION, OFFICE OF RESPONSE AND RECOVERY.
		DIRECTOR, TECHNOLOGICAL HAZARDS DIVISION.
		SUPERINTENDENT, CENTER FOR DOMESTIC PREPAREDNESS.
	OFFICE OF THE CHIEF SECURITY OFFICER.	CHIEF SECURITY OFFICER.
		DEPUTY CHIEF SECURITY OFFICER.
		EXECUTIVE DIRECTOR, ENTERPRISE SECURITY OPERATIONS AND SUPPORT.
		EXECUTIVE DIRECTOR, HEADQUARTERS SUPPORT.
		EXECUTIVE DIRECTOR, STRATEGIC OPERATIONS.
		EXECUTIVE DIRECTOR, THREAT MANAGEMENT OPERATIONS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DEPUTY BUDGET DIRECTOR, OFFICE OF BUDGET.
		DEPUTY DIRECTOR, FINANCIAL MANAGEMENT.
		DIRECTOR, DEPARTMENTAL GENERAL ACCOUNTING OFFICE/INPSECTOR GENERAL (GAO/IG) LIAISON OFFICE.
		DIRECTOR, FINANCIAL MANAGEMENT.
		DIRECTOR, OFFICE OF BUDGET.
		DIRECTOR, RISK MANAGEMENT AND ASSURANCE.
	OFFICE OF THE CHIEF PROCUREMENT OFFICER.	CHIEF PROCUREMENT OFFICER.
		DEPUTY CHIEF PROCUREMENT OFFICER.
		DEPUTY DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
		DEPUTY DIRECTOR, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.
		DIRECTOR, ACQUISITION POLICY AND LEGISLATION.
		DIRECTOR, POLICY AND ACQUISITION WORKFORCE (PAW).
		EXECUTIVE DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
		EXECUTIVE DIRECTOR, OVERSIGHT, SYSTEMS AND SUPPORT DIVISION.
		EXECUTIVE DIRECTOR, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT OFFICE.
		EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS DIVISION.
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		EXECUTIVE DIRECTOR, DIVERSITY AND INCLUSION.
		EXECUTIVE DIRECTOR, HUMAN CAPITAL BUSINESS SYSTEMS.
		EXECUTIVE DIRECTOR, HUMAN CAPITAL POLICY AND PROGRAMS.
		EXECUTIVE DIRECTOR, HUMAN RESOURCES MANAGEMENT AND SERVICES.
		EXECUTIVE DIRECTOR, STRATEGIC WORKFORCE PLANNING AND ANALYSIS.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF INFORMATION SECURITY OFFICER (FISMA).
		DEPUTY DIRECTOR INFORMATION SHARING AND SERVICES (CIO).
		DEPUTY DIRECTOR, CHIEF INFORMATION SECURITY OFFICER—CYBERSECURITY (CIO).
		DEPUTY DIRECTOR, STRATEGY AND MISSION.
		DEPUTY EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY SERVICES OFFICE.
		EXECUTIVE DIRECTOR, CHIEF INFORMATION SECURITY OFFICER.
		EXECUTIVE DIRECTOR, ENTERPRISE ARCHITECTURE.
		EXECUTIVE DIRECTOR, ENTERPRISE BUSINESS MANAGEMENT OFFICE.
		EXECUTIVE DIRECTOR, HEADQUARTER SERVICES.
		EXECUTIVE DIRECTOR, INFORMATION SHARING AND SERVICES OFFICE.
		EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY SERVICES.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		EXECUTIVE DIRECTOR, OFFICE OF THE CHIEF TECHNOLOGY OFFICER.
		EXECUTIVE DIRECTOR, PRODUCT AND SERVICE MANAGEMENT.
	OFFICE OF THE CHIEF READINESS SUPPORT OFFICER.	DEPUTY CHIEF READINESS SUPPORT OFFICER.
		EXECUTIVE DIRECTOR, FACILITIES AND OPERATIONAL SUPPORT.
		EXECUTIVE DIRECTOR, SUSTAINABILITY AND ENVIRONMENTAL PROGRAMS.
	OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.	CHIEF SCIENTIST.
		DEPUTY DIRECTOR, HOMELAND SECURITY ADVANCED RESEARCH PROJECTS AGENCY.
		DIRECTOR, BORDERS AND MARITIME SECURITY DIVISION.
		DIRECTOR, CHEMICAL BIOLOGICAL DEFENSE DIVISION.
		DIRECTOR, CYBER SECURITY DIVISION.
		DIRECTOR, EXPLOSIVES DIVISION.
		DIRECTOR, FINANCE AND BUDGET DIVISION/SCIENTIFIC AND TECHNICAL CHIEF FINANCIAL OFFICER.
		DIRECTOR, INFRASTRUCTURE PROTECTION AND DISASTER MANAGEMENT DIVISION.
		DIRECTOR, OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.
		EXECUTIVE DIRECTOR, NATIONAL BIO AND AGRO-DEFENSE FACILITY.
		SENIOR ADVISOR FOR INTERAGENCY COORDINATION.
		SENIOR ADVISOR TO THE DEPUTY UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.
DEPARTMENT OF HOMELAND SECURITY OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL, AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR LEGAL AFFAIRS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS AND EVALUATIONS.
		ASSISTANT INSPECTOR GENERAL, INTEGRITY AND QUALITY OVERSIGHT.
		ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDIT (DISASTER AND IMMIGRATION).
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDITS (LAW ENFORCEMENT AND TERRORISM).
		DEPUTY ASSISTANT INSPECTOR GENERAL, INFORMATION TECHNOLOGY AUDITS.
		DEPUTY INSPECTOR GENERAL.
		SENIOR OFFICIAL PERFORMING DUTIES OF INSPECTOR GENERAL.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	OFFICE OF THE ADMINISTRATION	CHIEF DISASTER AND NATIONAL SECURITY OFFICER.
		CHIEF PRIVACY OFFICER AND CHIEF FOIA OFFICER.
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	CHIEF HUMAN CAPITAL OFFICER.
		CHIEF LEARNING OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR, OFFICE OF HUMAN CAPITAL SERVICES.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	ASSISTANT CHIEF FINANCIAL OFFICER FOR ACCOUNTING.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR BUDGET.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR SYSTEMS.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DEPUTY CHIEF INFORMATION OFFICER FOR BUSINESS AND INFORMATION TECHNOLOGY RESOURCE MANAGEMENT OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER FOR INFRASTRUCTURE AND OPERATIONS.
		PRINCIPAL DEPUTY CHIEF INFORMATION OFFICER.
	OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT.	DEPUTY ASSISTANT SECRETARY FOR GRANT PROGRAMS.
		DEPUTY ASSISTANT SECRETARY FOR SPECIAL NEEDS PROGRAMS.
	OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY.	DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY.
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL FOR PROGRAM ENFORCEMENT.
		DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER.
	GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.	SENIOR VICE PRESIDENT AND CHIEF FINANCIAL OFFICER.
		SENIOR VICE PRESIDENT AND CHIEF RISK OFFICER.
		SENIOR VICE PRESIDENT FOR MORTGAGE-BACKED SECURITIES.
		SENIOR VICE PRESIDENT OF THE OFFICE OF SECURITIES OPERATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		SENIOR VICE PRESIDENT OFFICE OF CAPITAL MARKETS.
		SENIOR VICE PRESIDENT, OFFICE OF ENTERPRISE DATA AND TECHNOLOGY SOLUTIONS.
	OFFICE OF HOUSING	DEPUTY ASSISTANT SECRETARY FOR FINANCE AND BUDGET.
		DEPUTY ASSISTANT SECRETARY FOR HEALTHCARE PROGRAMS.
		DEPUTY ASSISTANT SECRETARY FOR MULITFAMIULY HOUSING.
		DIRECTOR, PROGRAM SYSTEMS MANAGEMENT OFFICE.
		HOUSING FEDERAL HOUSING ADMINISTRATION-COMPTROLLER.
	OFFICE OF POLICY DEVELOPMENT AND RESEARCH.	DEPUTY ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH.
	OFFICE OF PUBLIC AND INDIAN HOUSING	DEPUTY ASSISTANT SECRETARY FOR POLICY PROGRAM AND LEGISLATIVE INITIATIVES.
		DEPUTY ASSISTANT SECRETARY FOR PUBLIC HOUSING INVESTMENTS.
		DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER.
		DIRECTOR FOR BUDGET AND FINANCIAL MANAGEMENT.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION.
		ASSISTANT INSPECTOR GENERAL FOR OFFICE OF EVALUATION (OE).
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT—SPECIAL OPERATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION (HEADQUARTERS OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY INSPECTOR GENERAL.
DEPARTMENT OF THE INTERIOR	OFFICE OF THE SOLICITOR	ASSOCIATE SOLICITOR FOR ADMINISTRATION.
		DESIGNATED AGENCY ETHICS OFFICIAL.
	ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	CHIEF DIVERSITY OFFICER/DIRECTOR, OFFICE OF CIVIL RIGHTS.
		CHIEF DIVISION OF BUDGET AND PROGRAM REVIEW.
		CHIEF, BUDGET ADMINISTRATION AND DEPARTMENTAL MANAGEMENT.
		DEPUTY ASSISTANT SECRETARY—BUDGET, FINANCE, GRANTS AND ACQUISITION.
		DEPUTY ASSISTANT SECRETARY—HUMAN CAPITAL AND DIVERSITY/CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY ASSISTANT SECRETARY—PUBLIC SAFETY, RESOURCE PROTECTION AND EMERGENCY SERVICES.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER/DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT.
		DIRECTOR, BUSINESS SERVICES.
		DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF LAW ENFORCEMENT AND SECURITY.
	OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT.	DEPUTY DIRECTOR, OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT.
		PROGRAM DIRECTOR FOR AUDIT AND COMPLIANCE MANAGEMENT.
		PROGRAM DIRECTOR FOR COORDINATION, ENFORCEMENT, VALUATION AND APPEALS.
		PROGRAM DIRECTOR FOR FINANCIAL AND PRODUCTION MANAGEMENT.
	OFFICE OF HEARINGS AND APPEALS	DIRECTOR, OFFICE OF HEARINGS AND APPEALS.
	UNITED STATES FISH AND WILDLIFE SERVICE.	CHIEF, OFFICE OF LAW ENFORCEMENT.
	NATIONAL PARK SERVICE	ASSOCIATE DIRECTOR, INTERPRETATION AND EDUCATION.
		CHIEF FINANCIAL OFFICER.
		COMPTROLLER.
	FIELD OFFICES—NPS	PARK MANAGER, GRAND CANYON NATIONAL PARK.
		PARK MANAGER, YELLOWSTONE NATIONAL PARK.
	BUREAU OF RECLAMATION	DIRECTOR, MISSION SUPPORT ORGANIZATION.
		DIRECTOR, SECURITY, SAFETY AND LAW ENFORCEMENT.
	UNITED STATES GEOLOGICAL SURVEY	ASSOCIATE DIRECTOR FOR ADMINISTRATION.
		ASSOCIATE DIRECTOR FOR BUDGET, PLANNING, AND INTEGRATION.
		ASSOCIATE DIRECTOR FOR COMMUNICATIONS AND PUBLISHING.
		ASSOCIATE DIRECTOR FOR CORE SCIENCE SYSTEMS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSOCIATE DIRECTOR FOR ECOSYSTEMS.
		ASSOCIATE DIRECTOR FOR ENERGY AND MINERALS.
		ASSOCIATE DIRECTOR FOR LAND RESOURCES.
		ASSOCIATE DIRECTOR FOR NATURAL HAZARDS.
		ASSOCIATE DIRECTOR FOR WATER.
		DEPUTY DIRECTOR.
		DIRECTOR, EARTH RESOURCES OBSERVATION AND SCIENCE CENTER AND POLICY ADVISOR.
	FIELD OFFICES—USGS	REGIONAL DIRECTOR—ALASKA.
		REGIONAL DIRECTOR—MIDWEST.
		REGIONAL DIRECTOR—NORTHEAST.
		REGIONAL DIRECTOR—NORTHWEST.
		REGIONAL DIRECTOR—PACIFIC.
		REGIONAL DIRECTOR—SOUTHEAST.
		REGIONAL DIRECTOR—SOUTHWEST.
	BUREAU OF LAND MANAGEMENT	ASSISTANT DIRECTOR, HUMAN CAPITAL MANAGEMENT.
	FIELD OFFICES—BLM	DIRECTOR, NATIONAL OPERATIONS CENTER.
	FIELD OFFICES—OSM	REGIONAL DIRECTOR, APPALACHIAN REGION.
		REGIONAL DIRECTOR, MID-CONTINENT REGION.
	BUREAU OF OCEAN ENERGY MANAGEMENT.	STRATEGIC RESOURCES CHIEF.
	ASSISTANT SECRETARY—INDIAN AFFAIRS.	DIRECTOR OF HUMAN CAPITAL MANAGEMENT.
DEPARTMENT OF THE INTERIOR OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE INSPECTOR GENERAL	ASSOCIATE INSPECTOR GENERAL FOR COMMUNICATION.
		CHIEF OF STAFF.
		DEPUTY INSPECTOR GENERAL.
		SENIOR ADVISOR.
	OFFICE OF GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
	OFFICE OF INFORMATION TECHNOLOGY	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY.
	OFFICE OF AUDITS, INSPECTIONS, AND EVALUATIONS.	ASSISTANT INPECTOR GENERAL FOR AUDITS, INSPECTIONS, AND EVALUATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR COMPLIANCE AND FINANCE.
DEPARTMENT OF JUSTICE	OFFICE OF THE DEPUTY ATTORNEY GENERAL.	CHIEF AND COUNSELOR TO THE DEPUTY ATTORNEY GENERAL, PROFESSIONAL MISCONDUCT REVIEW UNIT.
		CHIEF OF STAFF AND ASSOCIATE DEPUTY ATTORNEY GENERAL.
	OFFICE OF THE LEGAL COUNSEL	SPECIAL COUNSEL.
	OFFICE OF PROFESSIONAL RESPONSIBILITY.	COUNSEL ON PROFESSIONAL RESPONSIBILITY.
		DEPUTY COUNSEL ON PROFESSIONAL RESPONSIBILITY.
	JUSTICE MANAGEMENT DIVISION	ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION.
		CHIEF TECHNOLOGY OFFICER.
		DEPUTY ASSISTANT ATTORNEY GENERAL (CONTROLLER).
		DEPUTY ASSISTANT ATTORNEY GENERAL FOR HUMAN RESOURCES AND ADMINISTRATION.
		DEPUTY ASSISTANT ATTORNEY GENERAL FOR INFORMATION RESOURCES MANAGEMENT/CHIEF INFORMATION OFFICER.
		DEPUTY ASSISTANT ATTORNEY GENERAL, POLICY, MANAGEMENT, AND PLANNING.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR, AUDITING, FINANCE STAFF.
		DEPUTY DIRECTOR, BUDGET STAFF, OPERATIONS AND FUNDS CONTROL.
		DEPUTY DIRECTOR, BUDGET STAFF, PROGRAMS AND PERFORMANCE.
		DEPUTY DIRECTOR, CYBERSECURITY STAFF/DEPUTY CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY DIRECTOR, HUMAN RESOURCES.
		DEPUTY DIRECTOR, SERVICE DELIVERY STAFF.
		DIRECTOR FINANCE STAFF.
		DIRECTOR LIBRARY STAFF.
		DIRECTOR PROCUREMENT SERVICES STAFF.
		DIRECTOR, ASSET FORFEITURE MANAGEMENT STAFF.
		DIRECTOR, BUDGET STAFF.
		DIRECTOR, CYBERSECURITY SERVICES STAFF.
		DIRECTOR, DEBT COLLECTION MANAGEMENT STAFF.
		DIRECTOR, DEPARTMENTAL ETHICS OFFICE.
		DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY STAFF.
		DIRECTOR, FACILITIES AND ADMINISTRATIVE SERVICES STAFF.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, INFORMATION TECHNOLOGY POLICY AND PLANNING STAFF.
		DIRECTOR, OFFICE OF ATTORNEY RECRUITMENT AND MANAGEMENT.
		DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, SERVICE DELIVERY STAFF.
		DIRECTOR, SERVICE ENGINEERING STAFF.
		GENERAL COUNSEL.
		SENIOR ADVISOR.
	PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE.	DIRECTOR, PROFESSIONAL RESPONSPONSIBILITY ADVSIORY OFFICE.
	FEDERAL BUREAU OF PRISONS	ASSISTANT DIRECTOR CORRECTIONAL PROGRAMS DIVISION.
		ASSISTANT DIRECTOR FOR ADMINISTRATION.
		ASSISTANT DIRECTOR HUMAN RESOURCES MANAGEMENT DIVISION.
		ASSISTANT DIRECTOR, HEALTH SERVICES DIVISION.
		ASSISTANT DIRECTOR, INFORMATION, POLICY AND PUBLIC AFFAIRS.
		ASSISTANT DIRECTOR, OFFICE OF GENERAL COUNSEL.
		ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
		ASSISTANT DIRECTOR, REENTRY SERVICES DIVISION.
		CHIEF EDUCATION ADMINISTRATOR.
		CHIEF, OFFICE OF PUBLIC AFFAIRS.
		COMPLEX WARDEN, FEDERAL CORRECTION COMPLEX, PETERSBURG, VIRGINIA.
		COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, VICTORVILLE, CALIFORNIA.
		COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, YAZOO CITY, MISSISSIPPI.
		COMPLEX WARDEN, UNITED STATES PENITENTIARY, TUCSON, ARIZONA.
		DEPUTY DIRECTOR.
		REGIONAL DIRECTOR MIDDLE ATLANTIC REGION.
		REGIONAL DIRECTOR, NORTH CENTRAL REGION.
		REGIONAL DIRECTOR, NORTHEAST REGION.
		REGIONAL DIRECTOR, SOUTH CENTRAL REGION.
		REGIONAL DIRECTOR, SOUTHEAST REGION.
		REGIONAL DIRECTOR, WESTERN REGION.
		SENIOR ADVISOR.
		SENIOR COUNSEL, OFFICE OF GENERAL COUNSEL.
		SENIOR DEPUTY ASSISTANT DIRECTOR ADMINISTRATION DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR RE-ENTRY SERVICES DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, ADMINISTRATION DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, CORRECTIONAL PROGRAMS DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES MANAGEMENT DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, INDUSTRIES, EDUCATION, AND VOCATIONAL TRAINING DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, INFORMATION, POLICY, AND PUBLIC AFFAIRS DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, REENTRY SERVICES.
		SENIOR DEPUTY GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL (2).
		SUPERVISORY INDUSTRIAL SPECIALIST (CEO) FEDERAL PRISON INDUSTRIES.
		WARDEN FCI FORT WORTH TX.
		WARDEN FCI, THOMSON, IL.
		WARDEN FEDERAL CORRECTIONAL COMPLEX, BUTNER, NORTH CAROLINA.
		WARDEN FEDERAL CORRECTIONAL COMPLEX, TERRE HAUTE, INDIANA.
		WARDEN, FCI, MENDOTA, CA.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, ALLENWOOD, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, BEAUMONT, TEXAS.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, COLEMAN, FLORIDA.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, FLORENCE, COLORADO.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, FORREST CITY, ARKANSAS.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, LOMPOC, CALIFORNIA.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, OAKDALE, LOUISIANA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BECKLEY, WEST VIRGINIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BENNETTSVILLE, SOUTH CAROLINA.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, CUMBERLAND, MARYLAND.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, EDGEFIELD, SOUTH CAROLINA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FAIRTON, NEW JERSEY.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FORT DIX, NEW JERSEY.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GILMER, WEST VIRGINIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GREENVILLE, ILLINIOIS.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, JESUP, GEORGIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MANCHESTER, KENTUCKY.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MARIANNA, FLORIDA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MCKEAN, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MEMPHIS, TENNESSEE.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, OTISVILLE, NEW YORK.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PEKIN, ILLINOIS.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PHOENIX, ARIZONA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SCHUYLKILL, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SHERIDAN, OREGON.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, TALLADEGA, ALABAMA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, THREE RIVERS, TEXAS.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, WILLIAMSBURG, SOUTH CAROLINA.
		WARDEN, FEDERAL DETENTION CENTER, MIAMI, FLORIDA.
		WARDEN, FEDERAL MEDICAL CENTER, CARSWELL, TEXAS.
		WARDEN, FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS.
		WARDEN, FEDERAL MEDICAL CENTER, LEXINGTON, KENTUCKY.
		WARDEN, FEDERAL MEDICAL CENTER, ROCHESTER, MINNESOTA.
		WARDEN, FEDERAL TRANSFER CENTER, OKLAHOMA CITY, OKLAHOMA.
		WARDEN, METROPOLITAN CORRECTIONAL CENTER, NEW YORK, NEW YORK.
		WARDEN, METROPOLITAN DETENTION CENTER, BROOKLYN, NEW YORK.
		WARDEN, METROPOLITAN DETENTION CENTER, GUAYNABO, PUERTO RICO.
		WARDEN, METROPOLITAN DETENTION CENTER, LOS ANGELES, CALIFORNIA.
		WARDEN, UNITED STATES MEDICAL CENTER FEDERAL PRISONERS, SPRINGFIELD, MISSOURI.
		WARDEN, UNITED STATES PENITENTIARY COLEMAN–I, COLEMAN, FLORIDA.
		WARDEN, UNITED STATES PENITENTIARY, ATLANTA, GEORGIA.
		WARDEN, UNITED STATES PENITENTIARY, ATWATER, CALIFORNIA.
		WARDEN, UNITED STATES PENITENTIARY, BIG SANDY, KENTUCKY.
		WARDEN, UNITED STATES PENITENTIARY, CANAAN, PENNSYLVANIA.
		WARDEN, UNITED STATES PENITENTIARY, HAZELTON, WEST VIRIGINA.
		WARDEN, UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS.
		WARDEN, UNITED STATES PENITENTIARY, LEE, VIRGINIA.
		WARDEN, UNITED STATES PENITENTIARY, LEWISBURG, PENNSYLVANIA.
		WARDEN, UNITED STATES PENITENTIARY, MARION, ILLINOIS.
		WARDEN, UNITED STATES PENITENTIARY, MCCREARY, KENTUCKY.
		WARDEN, UNITED STATES PENITENTIARY, POLLOCK, LOUISIANA.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		WARDEN, UNITED STATES PENITENTIARY-HIGH, FLORENCE, COLORADO.
	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.	ASSISTANT DIRECTOR FOR ADMINISTRATION.
		ASSISTANT DIRECTOR FOR POLICY.
		CHAIRMAN, BOARD OF IMIGRATION APPEALS.
		CHIEF ADMINISTRATIVE HEARING OFFICER.
		CHIEF IMMIGRATION JUDGE.
		DEPUTY CHIEF IMMIGRATION JUDGE.
		GENERAL COUNSEL.
		VICE CHAIRMAN, BOARD OF IMMIGRATION APPEALS.
	CRIMINAL DIVISION	CHIEF FRAUD SECTION.
		CHIEF NARCOTIC AND DANGEROUS DRUG SECTION.
		CHIEF PUBLIC INTEGRITY SECTION.
		CHIEF, APPELLATE SECTION.
		CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION.
		CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION.
		CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.
		CHIEF, HUMAN RIGHTS AND SPECIAL PROSECUTIONS SECTION.
		CHIEF, ORGANIZED CRIME AND GANG SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		DEPUTY CHIEF FOR ORGANIZED CRIME AND GANG SECTION.
		DEPUTY CHIEF PUBLIC INTEGRITY SECTION.
		DEPUTY CHIEF, APPELLATE SECTION.
		DEPUTY CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION.
		DEPUTY CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION.
		DEPUTY CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.
		DEPUTY CHIEF, NARCOTIC AND DANGEROUS DRUG SECTION.
		DEPUTY, CHIEF FRAUD SECTION.
		DIRECTOR, INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM.
		DIRECTOR, OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT, ASSISTANCE, AND TRAINING.
		EXECUTIVE OFFICER.
		SENIOR COUNSEL FOR CYBERCRIME.
	NATIONAL SECURITY DIVISION	CHIEF, APPELLATE UNIT.
		CHIEF, FOREIGN INVESTMENT REVIEW STAFF.
		CHIEF, OPERATIONS SECTION.
		CHIEF, OVERSIGHT SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL, FISA OPERATIONS AND INTELLIGENCE OVERSIGHT.
		DEPUTY CHIEF, COUNTERTERRORISM SECTION.
		DIRECTOR OF RISK MANAGEMENT AND SENIOR COUNSEL.
		DIRECTOR, FOIA AND DECLASSIFICATION PROGRAM.
		EXECUTIVE OFFICER.
		SPECIAL COUNSEL FOR NATIONAL SECURITY.
	EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS.	ASSOCIATE DIRECTOR, OFFICE OF LEGAL EDUCATION.
		CHIEF FINANCIAL OFFICER.
		CHIEF HUMAN RESOURCES OFFICER.
		CHIEF, INFORMATION OFFICER.
		COUNSEL, LEGAL PROGRAMS AND POLICY.
		DEPUTY DIRECTOR.
		DEPUTY DIRECTOR FOR ADMINISTRATION AND MANAGEMENT.
		GENERAL COUNSEL.
	UNITED STATES MARSHALS SERVICE	ASSISTANT DIRECTOR FOR PRISONER OPERATIONS.
		ASSISTANT DIRECTOR JUDICIAL SECURITY.
		ASSISTANT DIRECTOR OFFICE OF INSPECTION.
		ASSISTANT DIRECTOR, ASSET FORFEITURE.
		ASSISTANT DIRECTOR, FINANCIAL SERVICES.
		ASSISTANT DIRECTOR, HUMAN RESOURCES.
		ASSISTANT DIRECTOR, INFORMATION TECHNOLOGY.
		ASSISTANT DIRECTOR, INVESTIGATIVE OPERATIONS.
		ASSISTANT DIRECTOR, JPATS.
		ASSISTANT DIRECTOR, MANAGEMENT SUPPORT.
		ASSISTANT DIRECTOR, TACTICAL OPERATIONS.
		ASSISTANT DIRECTOR, TRAINING.
		ASSISTANT DIRECTOR, WITNESS SECURITY.
		ASSOCIATE DIRECTOR, ADMINISTRATION.
		ASSOCIATE DIRECTOR, OPERATIONS.
		ATTORNEY ADVISOR.
		DEPUTY ASSISTANT DIRECTOR ACQUISITION AND PROCUREMENT.
		DEPUTY DIRECTOR.
	BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.	ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES.
		ASSISTANT DIRECTOR, FIELD OPERATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT.
		ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER.
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS.
		ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS.
		ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION.
		ASSISTANT DIRECTOR, SCIENCE AND TECHNOLOGY.
		CHIEF, SPECIAL OPERATIONS DIVISION.
		DEPUTY ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY AND DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY ASSISTANT DIRECTOR HUMAN RESOURCES.
		DEPUTY ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (PROGRAMS).
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—WEST.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—CENTRAL.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—EAST.
		DEPUTY ASSISTANT DIRECTOR, FORENSIC SERVICES.
		DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT.
		DEPUTY ASSISTANT DIRECTOR, INDUSTRY OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION.
		DEPUTY DIRECTOR.
		DEPUTY DIRECTOR, TERRORIST EXPLOSIVE DEVICE ANALYTICAL CENTER.
		EXECUTIVE ASSISTANT TO THE DIRECTOR.
		SPECIAL AGENT IN CHARGE, ATLANTA.
		SPECIAL AGENT IN CHARGE, BALTIMORE.
		SPECIAL AGENT IN CHARGE, BOSTON.
		SPECIAL AGENT IN CHARGE, CHARLOTTE.
		SPECIAL AGENT IN CHARGE, CHICAGO.
		SPECIAL AGENT IN CHARGE, COLUMBUS.
		SPECIAL AGENT IN CHARGE, DALLAS.
		SPECIAL AGENT IN CHARGE, DENVER.
		SPECIAL AGENT IN CHARGE, DETROIT.
		SPECIAL AGENT IN CHARGE, HOUSTON.
		SPECIAL AGENT IN CHARGE, KANSAS CITY.
		SPECIAL AGENT IN CHARGE, LOS ANGELES.
		SPECIAL AGENT IN CHARGE, LOUISVILLE.
		SPECIAL AGENT IN CHARGE, MIAMI.
		SPECIAL AGENT IN CHARGE, NASHVILLE.
		SPECIAL AGENT IN CHARGE, NATIONAL CENTER FOR EXPLOSIVES TRAINING AND RESEARCH.
		SPECIAL AGENT IN CHARGE, NEW ORLEANS.
		SPECIAL AGENT IN CHARGE, NEW YORK.
		SPECIAL AGENT IN CHARGE, NEWARK.
		SPECIAL AGENT IN CHARGE, PHILADELPHIA.
		SPECIAL AGENT IN CHARGE, PHOENIX.
		SPECIAL AGENT IN CHARGE, SAINT PAUL.
		SPECIAL AGENT IN CHARGE, SAN FRANCISCO.
		SPECIAL AGENT IN CHARGE, SEATTLE.
		SPECIAL AGENT IN CHARGE, TAMPA.
		SPECIAL AGENT IN CHARGE, WASHINGTON, DC.
		SPECIAL ASSISTANT TO THE DIRECTOR.
	ANTITRUST DIVISION	CHIEF, TELECOMMUNICATIONS AND MEDIA SECTION.
		DIRECTOR, ECONOMIC ENFORCEMENT.
		EXECUTIVE OFFICER.
		SENIOR COUNSEL AND DIRECTOR OF RISK MANAGEMENT.
	CIVIL DIVISION	APPELLATE LITIGATION COUNSEL.
		DEPUTY BRANCH DIRECTOR.
		DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS.
		DEPUTY DIRECTOR (OPERATIONS), OFFICE OF IMMIGRATION LITIGATION, DISTRICT COURT SECTION.
		DEPUTY DIRECTOR APPELLATE BRANCH.
		DEPUTY DIRECTOR CONSUMER PROTECTION BRANCH.
		DEPUTY DIRECTOR, APPELLATE STAFF.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH (INTELLECTUAL PROPERTY).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION, FRAUD SECTION.
		DEPUTY DIRECTOR, CONSTITUTIONAL AND SPECIALIZED TORT LITIGATION.
		DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION.
		DIRECTOR, BUDGET STAFF.
		DIRECTOR, CONSUMER LITIGATION BRANCH, FOREIGN LITIGATION SECTION.
		DIRECTOR, CONSUMER PROTECTION BRANCH.
		DIRECTOR, OFFICE OF MANAGEMENT PROGRAMS.
		SPECIAL COUNSEL TO THE AAG.
		SPECIAL LITIGATION COUNSEL, AVIATION AND ADMIRALTY SECTION.
	ENVIRONMENT AND NATURAL RESOURCES DIVISION.	CHIEF ENVIRONMENTAL CRIMES SECTION.
		CHIEF ENVIRONMENTAL ENFORCEMENT SECTION.
		CHIEF, ENVIRONMENTAL DEFENSE SECTION.
		CHIEF, INDIAN RESOURCES SECTION.
		CHIEF, LAND ACQUISITION SECTION.
		CHIEF, NATURAL RESOURCES SECTION.
		CHIEF, WILDLIFE AND MARINE RESOURCES SECTION.
		CHIEF, APPELLATE SECTION.
		DEPUTY CHIEF ENVIRONMENTAL ENFORCEMENT SECTION.
		DEPUTY CHIEF, APPELLATE SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL CRIMES SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL DEFENSE SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
		DEPUTY CHIEF, NATURAL RESOURCES SECTION.
		DEPUTY SECTION CHIEF, NATURAL RESOURCES SECTION.
		EXECUTIVE OFFICER.
		SENIOR LITIGATION COUSEL.
	TAX DIVISION	CHIEF CIVIL TRIAL SECTION (SOUTHERN REGION).
		CHIEF CIVIL TRIAL SECTION EASTERN REGION.
		CHIEF CIVIL TRIAL SECTION NORTHERN.
		CHIEF CIVIL TRIAL SECTION SOUTHWESTERN REGION.
		CHIEF CIVIL TRIAL SECTION, WESTERN REGION.
		CHIEF OFFICE OF REVIEW.
		CHIEF, APPELLATE SECTION.
		CHIEF, CIVIL TRIAL SECTION, CENTRAL REGION.
		CHIEF, COURT OF FEDERAL CLAIMS SECTION.
		CHIEF, CRIMINAL APPEALS AND TAX ENFORCEMENT POLICY SECTION.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, NORTH REGION.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, SOUTH REGION.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, WESTERN REGION.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		DEPUTY CHIEF, APPELLATE SECTION.
		EXECUTIVE OFFICER.
		SENIOR LITIGATION COUNSEL.
		SPECIAL LITIGATION COUNSEL.
	CIVIL RIGHTS DIVISION	CHIEF APPELLATE SECTION.
		CHIEF CRIMINAL SECTION.
		CHIEF FEDERAL COORDINATION AND COMPLIANCE SECTION.
		CHIEF, DISABILITY RIGHTS SECTION.
		CHIEF, EDUCATIONAL OPPORTUNITIES SECTION.
		CHIEF, EMPLOYMENT LITIGATION SECTION.
		CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION.
		CHIEF, POLICY STRATEGY SECTION.
		CHIEF, VOTING SECTION.
		CHIEF, SPECIAL LITIGATION SECTION.
		COUNSEL TO THE ASSISTANT ATTORNEY GENERAL.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		DEPUTY SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES.
		EXECUTIVE OFFICER.
		PRINCIPAL DEPUTY CHIEF, CRIMINAL SECTION.
		PRINCIPAL DEPUTY CHIEF, DISABILITY RIGHTS SECTION.
		PRINCIPAL DEPUTY CHIEF, EMPLOYMENT LITIGATION SECTION.
		PRINCIPAL DEPUTY CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION.
		PRINCIPAL DEPUTY CHIEF, SPECIAL LITIGATION SECTION.
		PRINCIPAL DEPUTY CHIEF, VOTING SECTION.
	EXECUTIVE OFFICE FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES.	DIRECTOR.
		DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES.
	OFFICE OF JUSTICE PROGRAMS	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, OFFICE FOR VICTIMS OF CRIME.
		DIRECTOR OF COMMUNICATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, OFFICE OF AUDIT, ASSESSMENT AND MANAGEMENT.
	NATIONAL INSTITUTE OF JUSTICE	DEPUTY DIRECTOR, NATIONAL INSTITUTE OF JUSTICE, OFFICE OF SCIENCE AND TECHNOLOGY.
	OFFICE OF TRIBAL JUSTICE	DIRECTOR.
DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL.	AUDIT DIVISION	ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION.
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION.
	EVALUATION AND INSPECTIONS DIVISION	ASSISTANT INSPECTOR GENERAL, EVALUATION AND INSPECTIONS DIVISION.
	FRONT OFFICE	DEPUTY INSPECTOR GENERAL.
		GENERAL COUNSEL.
	INVESTIGATIONS DIVISION	ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION.
		DEPUTY ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION.
	MANAGEMENT AND PLANNING DIVISION	ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING DIVISION.
		DEPUTY ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING.
	OVERSIGHT AND REVIEW DIVISION	ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION.
		DEPUTY ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION.
	INFORMATION TECHNOLOGY DIVISION	ASSISTANT INSPECTOR GENERAL, INFORMATION TECHNOLOGY DIVISION.
DEPARTMENT OF LABOR	WOMEN'S BUREAU	DEPUTY DIRECTOR, WOMEN'S BUREAU.
	BUREAU OF INTERNATIONAL LABOR AFFAIRS.	DIRECTOR, OFFICE OF CHILD LABOR, FORCED LABOR HUMAN TRAFFICKING.
		DIRECTOR, OFFICE OF TRADE AND LABOR AFFAIRS.
	OFFICE OF THE ASSISTANT SECRETARY FOR POLICY.	DEPUTY ASSISTANT SECRETARY FOR POLICY.
		DIRECTOR, OFFICE OF REGULATORY AND PROGRAMMATIC POLICY.
	OFFICE OF THE SOLICITOR	ASSOCIATE SOLICITOR FOR BLACK LUNG AND LONGSHORE LEGAL SERVICES.
		ASSOCIATE SOLICITOR FOR CIVIL RIGHTS AND LABOR MANAGEMENT.
		ASSOCIATE SOLICITOR FOR FAIR LABOR STANDARDS.
		ASSOCIATE SOLICITOR FOR FEDERAL EMPLOYEES' AND ENERGY WORKERS' COMPENSATION.
		ASSOCIATE SOLICITOR FOR LEGISLATION AND LEGAL COUNSEL.
		ASSOCIATE SOLICITOR FOR MINE SAFETY AND HEALTH.
		ASSOCIATE SOLICITOR FOR OCCUPATIONAL SAFETY AND HEALTH.
		ASSOCIATE SOLICITOR FOR PLAN BENEFITS SECURITY.
		ASSOCIATE SOLICITOR, MANAGEMENT AND ADMINISTRATIVE LEGAL SERVICES DIVISION.
		DEPUTY SOLICITOR (NATIONAL OPERATIONS).
		DEPUTY SOLICITOR (REGIONAL OPERATIONS).
		REGIONAL SOLICITOR—CHICAGO.
		REGIONAL SOLICITOR—BOSTON.
		REGIONAL SOLICITOR—ATLANTA.
		REGIONAL SOLICITOR—DALLAS.
		REGIONAL SOLICITOR—NEW YORK.
		REGIONAL SOLICITOR—PHILADELPHIA.
		REGIONAL SOLICITOR—SAN FRANCISCO.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL SYSTEMS.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT.	CHIEF PROCUREMENT OFFICER.
		DEPUTY ASSISTANT SECRETARY FOR OPERATIONS.
		DEPUTY DIRECTOR OF HUMAN RESOURCES.
		DIRECTOR BUSINESS OPERATIONS CENTER.
		DIRECTOR OF CIVIL RIGHTS.
		DIRECTOR OF ENTERPRISE SERVICES.
		DIRECTOR OFFICE OF BUDGET.
		DIRECTOR, CUSTOMER SERVICE.
		DIRECTOR, CYBER SECURITY AND CHIEF INFORMATION SECURITY OFFICER.
		DIRECTOR, NATIONAL CAPITAL SERVICE CENTER.
		DIRECTOR, PERFORMANCE MANAGEMENT CENTER.
	OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.	ADMINISTRATIVE OFFICER.
		REGIONAL DIRECTOR FOR OFFICE OF FEDERAL CONTRACTS COMPLIANCE PROGRAMS (2).
	WAGE AND HOUR DIVISION	ASSISTANT ADMINISTRATOR, OFFICE OF GOVERNMENT CONTRACTS.
		ASSISTANT ADMINISTRATOR, OPERATIONS.
		DEPUTY ADMINISTRATOR FOR PROGRAM OPERATIONS.
		REGIONAL ADMINISTRATOR FOR WAGE AND HOUR.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	OFFICE OF WORKERS COMPENSATION PROGRAMS.	ADMINISTRATIVE OFFICER.
		COMPTROLLER.
		DEPUTY DIRECTOR FOR OFFICE OF WORKERS' COMPENSATION PROGRAMS.
		DIRECTOR FOR FEDERAL EMPLOYEES' COMPENSATION.
		DIRECTOR, ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS COMPENATION.
		REGIONAL DIRECTOR.
		REGIONAL DIRECTOR (NORTHEAST REGION).
		REGIONAL DIRECTOR—DALLAS.
	OFFICE OF LABOR-MANAGEMENT STANDARDS.	DEPUTY DIRECTOR, OFFICE OF LABOR MANAGEMENT STANDARDS.
		DIRECTOR, OFFICE OF ENFORCEMENT AND INTERNATIONAL UNION AUDITS.
		SENIOR ADVISOR AND DIRECTOR OF REPORTS AND DISCLOSURES.
	EMPLOYEE BENEFITS SECURITY ADMINISTRATION.	CHIEF ACCOUNTANT.
		CHIEF ECONOMIST AND DIRECTOR OF POLICY AND RESEARCH.
		DEPUTY ASSISTANT SECRETARY FOR PROGRAM OPERATIONS.
		DIRECTOR OF ENFORCEMENT.
		DIRECTOR OF EXEMPTION DETERMINATIONS.
		DIRECTOR OF HEALTH PLAN STANDARDS COMPLIANCE AND ASSISTANCE.
		DIRECTOR OF INFORMATION MANAGEMENT.
		DIRECTOR OF REGULATIONS AND INTERPRETATIONS.
		DIRECTOR, OFFICE OF OUTREACH EDUCATION AND ASSISTANCE.
		REGIONAL DIRECTOR.
		REGIONAL DIRECTOR—ATLANTA.
		REGIONAL DIRECTOR—BOSTON.
		REGIONAL DIRECTOR—CHICAGO.
		REGIONAL DIRECTOR—KANSAS CITY.
		REGIONAL DIRECTOR—NEW YORK.
		REGIONAL DIRECTOR—PHILADELPHIA.
		REGIONAL DIRECTOR—SAN FRANCISCO.
	BUREAU OF LABOR STATISTICS	ASSISTANT COMMISSIONER FOR COMPENSATION LEVELS AND TRENDS.
		ASSISTANT COMMISSIONER FOR CONSUMER PRICES AND PRICES INDEXES.
		ASSISTANT COMMISSIONER FOR CURRENT EMPLOYMENT ANALYSIS.
		ASSISTANT COMMISSIONER FOR INDUSTRIAL PRICES AND PRICE INDEXES.
		ASSISTANT COMMISSIONER FOR INDUSTRY EMPLOYMENT STATISTICS.
		ASSISTANT COMMISSIONER FOR INTERNATIONAL PRICES.
		ASSISTANT COMMISSIONER FOR OCCUPATIONAL STATISTICS AND EMPLOYMENT PROJECTIONS.
		ASSISTANT COMMISSIONER FOR REGIONAL OPERATIONS.
		ASSISTANT COMMISSIONER FOR SAFETY, HEALTH AND WORKING CONDITIONS.
		ASSOCIATE COMMISSIONER FOR ADMINISTRATION.
		ASSOCIATE COMMISSIONER FOR COMPENSATION AND WORKING CONDITIONS.
		ASSOCIATE COMMISSIONER FOR EMPLOYMENT AND UNEMPLOYMENT STATISTICS.
		ASSOCIATE COMMISSIONER FOR FIELD OPERATIONS.
		ASSOCIATE COMMISSIONER FOR PRICES AND LIVING CONDITIONS.
		ASSOCIATE COMMISSIONER FOR PUBLICATIONS AND SPECIAL STUDIES.
		ASSOCIATE COMMISSIONER FOR SURVEY METHODS RESEARCH.
		ASSOCIATE COMMISSIONER FOR TECHNOLOGY AND SURVEY PROCESSING.
		ASSOCIATE COMMISSIONER PRODUCTIVITY AND TECHNOLOGY.
		DEPUTY COMMISSIONER FOR LABOR STATISTICS.
		DIRECTOR OF SURVEY PROCESSING.
		DIRECTOR OF TECHNOLOGY AND COMPUTING SERVICES.
	EMPLOYMENT AND TRAINING ADMINISTRATION.	ADMINISTRATOR, APPRENTICESHIP AND TRAINING, EMPLOYEE AND LABOR SERVICES.
		ADMINISTRATOR, OFFICE OF CONTRACT MANAGEMENT.
		ADMINISTRATOR, OFFICE OF FOREIGN LABOR CERTIFICATION.
		ADMINISTRATOR, OFFICE OF GRANTS MANAGEMENT.
		ADMINISTRATOR, OFFICE OF INFORMATION SYSTEMS AND TECHNOLOGY.
		ADMINISTRATOR, OFFICE OF JOB CORPS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ADMINISTRATOR, OFFICE OF POLICY DEVELOPMENT AND RESEARCH.
		ADMINISTRATOR, OFFICE OF TRADE ADJUSTMENT ASSISTANCE.
		ADMINISTRATOR, OFFICE OF WORKFORCE SECURITY.
		ASSOCIATE ADMINISTRATOR.
		COMPTROLLER.
		DEPUTY ADMINISTRATOR JOB CORP.
		DEPUTY ASSISTANT SECRETARY (OPERATIONS AND MANAGEMENT).
		REGIONAL ADMINISTRATOR.
	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.	DEPUTY ASSISTANT SECRETARY.
		DIRECTOR OF CONSTRUCTION.
		DIRECTOR OF TECHNICAL SUPPORT AND EMERGENCY MANAGEMENT.
		DIRECTOR, ADMINISTRATIVE PROGRAMS.
		DIRECTOR, DIRECTORATE OF COOPERATIVE AND STATE PROGRAMS.
		DIRECTOR, DIRECTORATE OF ENFORCEMENT PROGRAMS.
		DIRECTOR, DIRECTORATE OF STANDARDS AND GUIDANCE.
		DIRECTOR, OFFICE OF TRAINING AND EDUCATION.
		REGIONAL ADMINISTRATOR—ATLANTA.
		REGIONAL ADMINISTRATOR—BOSTON.
		REGIONAL ADMINISTRATOR—DALLAS.
		REGIONAL ADMINISTRATOR—DENVER.
		REGIONAL ADMINISTRATOR—NEW YORK.
		REGIONAL ADMINISTRATOR—PHILADELPHIA.
		REGIONAL ADMINISTRATOR—SAN FRANCISCO.
		REGIONAL ADMINISTRATOR—SEATTLE.
		SAFETY AND HEALTH ADMINISTRATOR—CHICAGO.
	MINE SAFETY AND HEALTH ADMINISTRATION.	ADMINISTRATOR FOR COAL MINE SAFETY AND HEALTH.
		ADMINISTRATOR FOR METAL AND NONMETAL.
		DEPUTY ADMINISTRATOR FOR COAL MINE SAFETY AND HEALTH.
		DEPUTY ASSISTANT SECRETARY.
		DIRECTOR OF ADMINISTRATION AND MANAGEMENT.
		DIRECTOR OF PROGRAM EVALUATION AND INFORMATION RESOURCES.
		DIRECTOR OF TECHNICAL SUPPORT.
		DIRECTOR, EDUCATIONAL POLICY AND DEVELOPMENT.
		DIRECTOR, OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT, AND INVESTIGATIONS.
	VETERANS EMPLOYMENT AND TRAINING SERVICE.	DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT.
		DEPUTY DIRECTOR, OFFICE OF FIELD OPERATIONS.
		DIRECTOR OF NATIONAL PROGRAMS.
		DIRECTOR, OFFICE OF FIELD OPERATIONS.
	OFFICE OF DISABILITY EMPLOYMENT POLICY.	DEPUTY ASSISTANT SECRETARY.
DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL.	DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR CONGRESSIONAL AND PUBLIC RELATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND SPECIAL INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		CHIEF PERFORMANCE AND RISK MANAGEMENT OFFICER.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL FOR OPERATIONS.
MERIT SYSTEMS PROTECTION BOARD	OFFICE OF THE CLERK OF THE BOARD ...	CLERK OF THE BOARD.
	OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT.	DIRECTOR, FINANCIAL AND ADMINISTRATIVE MANAGEMENT.
	OFFICE OF POLICY AND EVALUATION	DIRECTOR, OFFICE OF POLICY AND EVALUATION.
	OFFICE OF INFORMATION RESOURCES MANAGEMENT.	DIRECTOR, INFORMATION RESOURCES MANAGEMENT.
	OFFICE OF REGIONAL OPERATIONS	DIRECTOR, OFFICE OF REGIONAL OPERATIONS.
	ATLANTA REGIONAL OFFICE	REGIONAL DIRECTOR, ATLANTA.
	CENTRAL REGION, CHICAGO REGIONAL OFFICE.	REGIONAL DIRECTOR, CHICAGO.
	NORTHEAST REGION, PHILADELPHIA REGIONAL OFFICE.	REGIONAL DIRECTOR, PHILADELPHIA.
	WESTERN REGION, SAN FRANCISCO REGIONAL OFFICE.	REGIONAL DIRECTOR, SAN FRANCISCO.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	WASHINGTON, DC REGION, WASHINGTON REGIONAL OFFICE.	REGIONAL DIRECTOR, WASHINGTON, DISTRICT OF COLUMBIA.
	DALLAS REGIONAL OFFICE	REGIONAL DIRECTOR, DALLAS.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	DIRECTOR, COMMUNICATION AND PUBLIC ENGAGEMENT.
		DIRECTOR, EXPLORATION RESEARCH AND TECHNOLOGY PROGRAMS.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, SPACEPORT INTEGRATION AND SERVICES.
		GROUND SYSTEMS INTEGRATION MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.
	OFFICE OF THE ADMINISTRATOR	ASSOCIATE ADMINSTRATOR.
		DEPUTY ASSOCIATE ADMINISTRATOR.
	CHIEF OF STAFF	ASSOCIATE ADMINISTRATOR, STRATEGY AND PLANS.
	OFFICE OF THE CHIEF SCIENTIST	CHIEF SCIENTIST.
		DEPUTY CHIEF SCIENTIST.
	HUMAN EXPLORATION AND OPERATIONS MISSION DIRECTORATE.	ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR EXPLORATION SYSTEMS DEVELOPMENT.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE COMMUNICATIONS AND NAVIGATION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR HUMAN EXPLORATION AND OPERATIONS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY AND PLANS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE COMMUNICATIONS AND NAVIGATION.
		DIRECTOR, ADVANCED EXPLORATION SYSTEMS.
		DIRECTOR, COMMERCIAL SPACEFLIGHT DEVELOPMENT DIVISION.
		DIRECTOR, HUMAN RESEARCH PROGRAM.
		DIRECTOR, HUMAN SPACEFLIGHT CAPABILITIES DIVISION.
		DIRECTOR, INTERNATIONAL SPACE STATION.
		DIRECTOR, LAUNCH SERVICES OFFICE.
		DIRECTOR, NETWORK SERVICES.
		DIRECTOR, PROGRAM AND STRATEGIC INTEGRATION OFFICE.
		DIRECTOR, RESOURCES MANAGEMENT OFFICE.
		DIRECTOR, SPACE LIFE AND PHYSICAL SCIENCES RESEARCH AND APPLICATIONS.
		DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.
		EXPLORATION SYSTEMS DEVELOPMENT SAFETY AND MISSION ASSURANCE MANAGER.
		GATEWAY PROGRAM MANAGER.
		MANAGER, ROCKET PROPULSION TEST PROGRAM OFFICE.
		POWER PROPULSION ELEMENT, PROGRAM DIRECTOR.
	OFFICE OF THE CHIEF TECHNOLOGIST	CHIEF TECHNOLOGIST.
		DEPUTY CHIEF TECHNOLOGIST.
	SCIENCE MISSION DIRECTORATE	DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR RESEARCH.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR THE SCIENCE MISSION DIRECTORATE.
		DEPUTY DIRECTOR, EARTH SCIENCE DIVISION.
		DIRECTOR, SCIENCE ENGAGEMENT AND PARTNERSHIPS.
		SENIOR ADVISOR.
	JAMES WEBB SPACE TELESCOPE PROGRAM OFFICE.	DIRECTOR JAMES WEBB SPACE TELESCOPE PROGRAM.
		SENIOR SCIENCE ADVISOR.
	PLANETARY SCIENCE DIVISION	DEPUTY DIRECTOR, PLANETARY SCIENCE DIVISION.
		DIRECTOR, PLANETARY SCIENCE DIVISION.
		MARS EXPLORATION PROGRAM DIRECTOR.
	ASTROPHYSICS DIVISION	DEPUTY, DIRECTOR, ASTROPHYSICS DIVISION.
		DIRECTOR, ASTROPHYSICS DIVISION.
	HELIOPHYSICS DIVISION	DEPUTY, DIRECTOR, HELIOPHYISCS DIVISION.
		DIRECTOR, HELIOPHYSICS DIVISION.
	EARTH SCIENCE DIVISION	DIRECTOR, EARTH SCIENCE DIVISION.
		PROGRAM DIRECTOR FOR FLIGHT PROGRAMS.
		PROGRAM DIRECTOR RESEARCH AND ANALYSIS PROGRAM.
	JOINT AGENCY SATELLITE DIVISION	DEPUTY DIRECTOR JOINT AGENCY SATELLITE DIVISION.
		DIRECTOR, JOINT AGENCY SATELLITE DIVISION.
	STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.	DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.
	RESOURCES MANAGEMENT DIVISION	DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		DIRECTOR, RESOURCES MANAGEMENT DIVISION.
	AERONAUTICS RESEARCH MISSION DIRECTORATE.	DEPUTY ASSOCIATE ADMINISTRATOR.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STRATEGY.
		DIRECTOR FOR INTEGRATED AVIATION SYSTEMS PROGRAM.
		DIRECTOR OF ADVANCED AIR VEHICLES PROGRAM OFFICE.
		DIRECTOR OF AIRSPACE OPERATIONS AND SAFETY PROGRAM OFFICE.
		DIRECTOR OF TRANSFORMATIVE AERONAUTICS CONCEPTS PROGRAM OFFICE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, PORTFOLIO ANALYSIS AND MANAGEMENT OFFICE.
	OFFICE OF SAFETY AND MISSION ASSURANCE.	DIRECTOR, INDEPENDENT VERIFICATION AND VALIDATION PROGRAM.
	OFFICE OF THE CHIEF FINANCIAL OFFICER/COMPTROLLER.	ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER (FINANCE).
		DEPUTY CHIEF FINANCIAL OFFICER (STRATEGY AND PERFORMANCE).
		DEPUTY CHIEF FINANCIAL OFFICER FOR INTEGRATION.
	OFFICE OF EDUCATION	DEPUTY ASSOCIATE ADMINISTRATOR FOR EDUCATION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STRATEGY AND INTEGRATION.
		SENIOR ADVISOR (TRANSFORMATION).
	SPACE TECHNOLOGY MISSION DIRECTORATE.	DEPUTY ASSOCIATE ADMINISTRATOR (STMD).
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
	OFFICE OF THE CHIEF ENGINEER	DEPUTY CHIEF ENGINEER.
		DEPUTY CHIEF ENGINEER FOR ENGINEERING INTEGRATION.
		HUMAN EXPLORATION AND OPERATIONS MISSION DIRECTORATE CHIEF ENGINEER.
	MISSION SUPPORT DIRECTORATE	ASSISTANT ASSOCIATE ADMINISTRATOR FOR RESOURCES AND PERFORMANCE.
		BUSINESS SERVICES ASSESSMENT (BSA) IMPLEMENTATION MANAGER.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION SUPPORT.
	OFFICE OF HEADQUARTERS OPERATIONS.	DIRECTOR, BUDGET MANAGEMENT AND SYSTEMS SUPPORT.
		DIRECTOR, HEADQUARTERS INFORAMTION TECHNOLOGY AND COMMUNICATIONS DIVISION.
		DIRECTOR, HUMAN RESOURCE MANGEMENT DIVISION.
		EXECUTIVE DIRECTOR, HEADQUARTERS OPERATIONS.
	OFFICE OF HUMAN CAPITAL MANAGEMENT.	ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT.
		DEPUTY AA FOR TRANSFORMATION.
		DEPUTY ASSISTANT ADMINISTRATOR FOR HIRING.
		DEPUTY ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, EXECUTIVE RESOURCES.
		DIRECTOR, HUMAN RESOURCES SERVICES DIVISION.
		DIRECTOR, WORKFORCE CULTURE DIVISION.
		DIRECTOR, WORKFORCE STRATEGY DIVISION.
		SPECIAL ASSISTANT TO THE CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF STRATEGIC INFRASTRUCTURE.	ASSISTANT ADMINISTRATOR FOR INFRASTRUCTURE AND ADMININSTRATION.
		DEPUTY ASSISTANT ADMINISTRATOR FOR STRATEGIC INFRASTRUCTURE.
		DIRECTOR ENVIRONMENTAL MANAGEMENT DIVISION.
		DIRECTOR, FACILITIES AND REAL ESTATE.
		DIRECTOR, SPACE ENVIRONMENTS TESTING MANAGEMENT OFFICE (SETMO).
	NASA SHARED SERVICES CENTER	DIRECTOR, SERVICE DELIVERY DIRECTORATE.
		DIRECTOR, SUPPORT OPERATIONS DIRECTORATE.
		EXECUTIVE DIRECTOR OF NASA SHARED SERVICES CENTER.
		FEDERAL SHARED SERVICES IMPLEMENTATION PROGRAM MANAGER.
	OFFICE OF PROTECTIVE SERVICES	ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES.
		DEPUTY ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES.
		DIRECTOR OF COUNTERINTELLIGENCE/COUNTERTERRORISM FOR PROTECTIVE SERVICES.
	OFFICE OF PROCUREMENT	ASSISTANT ADMININSTRATOR FOR PROCUREMENT.
		DIRECTOR, CONTRACT MANAGEMENT DIVISION.
		DIRECTOR, PROGRAM OPERATIONS DIVISION.
	NASA MANAGEMENT OFFICE	DIRECTOR NASA MANAGEMENT OFFICE.
	OFFICE OF SAFETY AND MISSION ASSURANCE.	CHIEF SAFETY AND MISSION ASSURANCE OFFICER.
		DEPUTY CHIEF SAFETY AND MISSION ASSURANCE OFFICER.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, NASA SAFETY CENTER.
		DIRECTOR, SAFETY AND ASSURANCE REQUIREMENTS DIVISION.
	OFFICE OF THE CHIEF FINANCIAL OFFICER/COMPTROLLER.	DEPUTY CHIEF FINANCIAL OFFICER (FINANCE).
		DEPUTY CHIEF FINANCIAL OFFICER (APPROPRIATIONS).
		DIRECTOR, BUDGET DIVISION.
		DIRECTOR, FINANCIAL AND BUDGET SYSTEMS MANAGEMENT DIVISION.
		DIRECTOR, FINANCIAL MANAGEMENT DIVISION.
		DIRECTOR, POLICY DIVISION.
		DIRECTOR, QUALITY ASSURANCE.
		DIRECTOR, STRATEGIC INVESTMENT DIVISION.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	ASSOCIATE CHIEF INFORMATION OFFICER FOR CAPTIAL PLANNING AND GOVERNANCE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE SERVICE AND INTEGRATION DIVISION.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR TECHNOLOGY AND INNOVATION, CHIEF TECHNOLOGY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER FOR INFORMATION TECHNOLOGY SECURITY.
	OFFICE OF THE CHIEF ENGINEER	CHIEF ENGINEER.
		DEPUTY FOR MANAGEMENT.
	OFFICE OF COMMUNICATIONS	STRATEGY AND ENGAGEMENT DIVISION DIRECTOR.
	OFFICE OF CHIEF HEALTH AND MEDICAL OFFICER.	CHIEF HEALTH AND MEDICAL OFFICER.
		DEPUTY CHIEF HEALTH AND MEDICAL OFFICER.
	NASA MANAGEMENT OFFICE	DEP DIRECTOR, NASA MANAGEMENT OFFICE.
	OFFICE INTERNATIONAL AND INTER-AGENCY RELATIONS.	DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL AND INTERAGENCY RELATIONS.
		DEPUTY DIRECTOR, EXPORT CONTROL AND INTERAGENCY LIAISON DIVISION.
		DIRECTOR, ADVISORY COMMITTEE MANAGEMENT DIVISION.
		DIRECTOR, AERONAUTICS AND CROSS AGENCY SUPPORT DIVISION N.
		DIRECTOR, EXPORT CONTROL AND INTERAGENCY LIAISON DIVISION.
		DIRECTOR, HUMAN EXPLORATION AND OPERATIONS DIVISION.
	OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.	DEPUTY ASSOCIATE ADMINISTRATOR FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.
	OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY.	DIRECTOR, COMPLAINTS MANAGEMENT DIVISION.
		DIRECTOR, PROGRAMS, PLANNING AND EVALUATION DIVISION.
	JOHNSON SPACE CENTER	ASSOCIATE DIRECTOR, JOHNSON SPACE CENTER.
		CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, JOHNSON SPACE CENTER.
		DEPUTY MANAGER, FLIGHT DEVELOPMENT & OPERATIONS, COMMERCIAL CREW PROGRAM.
		DIRECTOR OF HUMAN RESOURCES.
		DIRECTOR, EXTERNAL RELATIONS.
		MANAGER, OPERATIONS INTEGRATION, COMMERCIAL CREW PROGRAM.
		MANAGER, PROGRAM PLANNING AND CONTROL, ORION.
		SPECIAL ASSISTANT TO THE CENTER DIRECTOR FOR ORGANIZATIONAL CHANGE.
	SPACE STATION PROGRAM OFFICE	DEPUTY MANAGER FOR UTILIZATION.
		DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM.
		MANAGER, AVIONICS AND SOFTWARE OFFICE.
		MANAGER, EXTERNAL INTEGRATION OFFICE.
		MANAGER, INTERNATIONAL SPACE STATION PROGRAM.
		MANAGER, INTERNATIONAL SPACE STATION RESEARCH INTEGRATION OFFICE.
		MANAGER, INTERNATIONAL SPACE STATION TRANSPORTATION INTEGRATION.
		MANAGER, OPERATIONS INTEGRATION.
		MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, INTERNATIONAL SPACE STATION.
		MANAGER, SAFETY AND MISSION ASSURANCE/PROGRAM RISK OFFICE, ISSP.
		MANAGER, VEHICLE OFFICE.
	ORION PROGRAM	DEPUTY MANAGER, ORION PROGRAM.
		MANAGER, AVIONICS, POWER AND SOFTWARE OFFICE.
		MANAGER, CREW AND SERVICE MODULE OFFICE.
		MANAGER, ORION PROGRAM.
		MANAGER, VEHICLE INTEGRATION OFFICE.
	FLIGHT OPERATIONS	CHIEF ASTRONAUT OFFICE.
		CHIEF, AIRCRAFT OPERATIONS DIVISION.
		CHIEF, FLIGHT DIRECTOR OFFICE.
		CHIEF, MISSION SYSTEMS DIVISION.
		DEPUTY DIRECTOR, FLIGHT OPERATIONS.
		DIRECTOR, FLIGHT OPERATIONS.
	ENGINEERING	CHIEF, AEROSCIENCE AND FLIGHT MECHANICS DIVISION.
		CHIEF, PROPULSION AND POWER DIVISION.
		CHIEF, SOFTWARE, ROBOTICS AND SIMULATION DIVISION.
		DEPUTY DIRECTOR, ENGINEERING.
		DIRECTOR, ENGINEERING.
	HUMAN HEALTH AND PERFORMANCE	DEPUTY DIRECTOR, HUMAN HEALTH AND PEFORMANCE.
		DIRECTOR, HUMAN HEALTH AND PERFORMANCE.
	EXPLORATION INTEGRATION AND SCIENCE.	ASSOCIATE DIRECTOR, EXPLORATION, INTEGRATION AND SCIENCE.
		CHIEF, PARTNERSHIPS DEVELOPMENT OFFICE.
		DEPUTY DIRECTOR, EXPLORATION INTEGRATION AND SCIENCE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, EXPLORATION INTEGRATION AND SCIENCE.
		DIRECTOR, STRATEGIC OPPORTUNITIES AND PARTNERSHIP DEVELOPMENT.
		MANAGER, EXTRA VEHICULAR ACTIVITY MANAGEMENT OFFICE.
	INFORMATION RESOURCES	DIRECTOR, INFORMATION RESOURCES.
	OFFICE OF PROCUREMENT	DEPUTY ASSISTANT ADMINISTRATOR FOR OFFICE OF PROCUREMENT.
		DIRECTOR, OFFICE OF PROCUREMENT.
		SENIOR ADVISOR (TRANSFORMATION).
	CENTER OPERATIONS	DIRECTOR, CENTER OPERATIONS.
	SAFETY AND MISSION ASSURANCE	DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE.
		DIRECTOR, SAFETY AND MISSION ASSURANCE.
	WHITE SANDS TEST FACILITY	MANAGER, WHITE SANDS TEST FACILITY.
	KENNEDY SPACE CENTER	ASSOCIATE DIRECTOR, ENGINEERING.
		ASSOCIATE DIRECTOR, TECHNICAL, JOHN F KENNEDY SPACE CENTER.
		ASSOCIATE MANAGER, TECHNICAL, EXPLORATION GROUND SYSTEMS PROGRAM.
		CHIEF FINANCIAL OFFICER.
		CHIEF, COMMERCIAL SYSTEMS DIVISION, ENGINEERING.
		CHIEF, EXPLORATION SYSTEMS AND OPERATIONS DIVISION, ENGINEERING.
		CHIEF, LABORATORIES AND TEST FACILITIES DIVISION, ENGINEERING.
		CHIEF, TECHNICAL PERFORMANCE AND INTEGRATION DIVISION, ENGINEERING.
		DEPUTY DIRECTOR, ENGINEERING.
		DEPUTY DIRECTOR, JOHN F KENNEDY SPACE CENTER.
		DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE.
		DEPUTY DIRECTOR, SPACEPORT INTEGRATION AND SERVICES.
		DEPUTY MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.
		DEPUTY MANAGER, GROUND DEVELOPMENT AND OPERATIONS, COMMERCIAL CREW PROGRAM.
		DEPUTY MANAGER, LAUNCH SERVICES PROGRAM.
		DIRECTOR, ENGINEERING.
		DIRECTOR, PROCUREMENT.
		MANAGER, COMMERCIAL CREW PROGRAM.
		MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.
	INFORMATION TECHNOLOGY AND COMMUNICATIONS SERVICES.	DIRECTOR, INFORMATION TECHNOLOGY AND COMMUNICATIONS SERVICES.
	SAFETY AND MISSION ASSURANCE	DIRECTOR, SAFETY AND MISSION ASSURANCE.
	LAUNCH SERVICES PROGRAM	MANAGER, LAUNCH SERVICES PROGRAM.
	MARSHALL SPACE FLIGHT CENTER	ASSOCIATE CENTER DIRECTOR.
		ASSOCIATE CENTER DIRECTOR, TECHNICAL.
		ASSOCIATE DIRECTOR FOR OPERATIONS, ENGINEERING DIRECTORATE.
		ASSOCIATE DIRECTOR FOR TECHNICAL OPERATIONS, ENGINEERING DIRECTORATE.
		ASSOCIATE MANAGER, SCIENCE AND TECHNOLOGY OFFICE.
		ASSOCIATE PROGRAM MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		CHIEF ENGINEER, CHIEF ENGINEER OFFICE, ENGINEERING DIRECTORATE.
		CHIEF ENGINEER, SPACE LAUNCH SYSTEM, ENGINEERING DIRECTORATE.
		CHIEF FINANCIAL OFFICER.
		DEPUTY CENTER DIRECTOR.
		DEPUTY DIRECTOR, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, OFFICE OF CENTER OPERATIONS.
		DEPUTY DIRECTOR, PROPULSION SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE.
		DEPUTY DIRECTOR, SPACE SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DEPUTY MANAGER, CHIEF ENGINEER OFFICE, ENGINEERING DIRECTORATE.
		DEPUTY MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE.
		DEPUTY MANAGER, SCIENCE AND TECHNOLOGY OFFICE.
		DEPUTY MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		DIRECTOR, ENGINEERING DIRECTORATE.
		DIRECTOR, MATERIALS AND PROCESSES LAB, ENGINEERING DIRECTORATE.
		DIRECTOR, MICHOUD ASSEMBLY FACILITY.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, OFFICE OF CENTER OPERATIONS.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DIRECTOR, OFFICE OF PROCUREMENT.
		DIRECTOR, OFFICE OF STRATEGIC ANALYSIS AND COMMUNICATIONS.
		DIRECTOR, OFFICE OF THE CHIEF INFORMATION OFFICER.
		DIRECTOR, PROPULSION SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE.
		DIRECTOR, SPACE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DIRECTOR, TEST LABORATORY, ENGINEERING DIRECTORATE.
		INTERNATIONAL SPACE STATION COST ACCOUNT MANAGER.
		MANAGER, BOOSTERS OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, ENGINES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE.
		MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, SCIENCE AND TECHNOLOGY OFFICE.
		MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, SPACECRAFT/PAYLOAD INTEGRATION AND EVOLUTION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, STAGES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		SPACE LAUNCH SYSTEM CHIEF SAFETY OFFICER, SAFETY AND MISSION ASSURANCE DIRECTORATE.
		SPECIAL ASSISTANT TO THE DIRECTOR, OFFICE OF HUMAN RESOURCES.
	SPACE LAUNCH SYSTEM PROGRAM OFFICE.	MANAGER, SPACECRAFT/PAYLOAD INTEGRATION AND EVOLUTION OFFICE.
	OFFICE OF CHIEF INFORMATION OFFICER.	ASSOCIATE CHIEF INFORMATION OFFICER, APPLICATIONS DIVISION.
	STENNIS SPACE CENTER	ASSOCIATE DIRECTOR.
		CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, ENGINEERING AND TEST DIRECTORATE.
		DEPUTY DIRECTOR, STENNIS SPACE CENTER.
		DIRECTOR, ENGINEERING AND SCIENCE DIRECTORATE.
		DIRECTOR, OFFICE OF SAFETY AND MISSION ASSURANCE.
	AMES RESEARCH CENTER	ASSOCIATE CENTER DIRECTOR.
		ASSOCIATE DIRECTOR FOR RESEARCH AND TECHNOLOGY.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY CENTER DIRECTOR, ARC.
		DEPUTY DIRECTOR, AERONAUTICS.
		DEPUTY DIRECTOR, EXPLORATION TECHNOLOGY.
		DEPUTY DIRECTOR, SCIENCE.
		DIRECTOR OF AERONAUTICS.
		DIRECTOR OF CENTER OPERATIONS.
		DIRECTOR OF ENGINEERING.
		DIRECTOR OF SAFETY AND MISSION ASSURANCE.
		DIRECTOR, EXPLORATION TECHNOLOGY.
		DIRECTOR, NASA AERONAUTICS AND RESEARCH INSTITUTE.
		DIRECTOR, NASA RESEARCH PARK.
		DIRECTOR, PROGRAMS AND PROJECTS.
		DIRECTOR, SOLAR SYSTEM EXPLORATION RESEARCH VIRTUAL INSTITUTE.
		HUMAN CAPITAL DIRECTOR.
		PROCUREMENT OFFICER.
		PROGRAM MANAGER FOR SOFIA.
		SPECIAL ASSISTANT TO THE CENTER DIRECTOR.
	ASTROBIOLOGY AND SPACE RESEARCH	DIRECTOR OF SCIENCE.
	ARMSTRONG FLIGHT RESEARCH CENTER.	ASSISTANT DIRECTOR FOR STRATEGIC IMPLEMENTATION.
		ASSOCIATE DIRECTOR FOR MISSION SUPPORT.
		CHIEF FINANCIAL OFFICER (FINANCIAL MANAGER).
		DEPUTY CENTER DIRECTOR, ARMSTRONG FLIGHT RESEARCH CENTER.
		DIRECTOR FOR FLIGHT OPERATIONS.
		DIRECTOR FOR MISSION INFORMATION AND TEST SYSTEMS.
		DIRECTOR FOR PROGRAMS.
		DIRECTOR FOR RESEARCH AND ENGINEERING.
		DIRECTOR FOR SAFETY AND MISSION ASSURANCE.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, HUMAN RESOURCES.
	LANGLEY RESEARCH CENTER	ASSOCIATE DIRECTOR, LANGLEY RESEARCH CENTER.
		ASSOCIATE DIRECTOR, TECHNICAL.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR FOR AERONAUTICS PROJECTS.
		DEPUTY DIRECTOR FOR AEROSCIENCES.
		DEPUTY DIRECTOR FOR INTELLIGENT FLIGHT SYSTEMS.
		DEPUTY DIRECTOR FOR MISSION ASSURANCE.
		DEPUTY DIRECTOR FOR SAFETY.
		DEPUTY DIRECTOR FOR TECHNICAL CAPABILITIES.
		DEPUTY DIRECTOR, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, LANGLEY RESEARCH CENTER.
		DEPUTY DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER.
		DEPUTY DIRECTOR, RESEARCH DIRECTORATE.
		DIRECTOR, AERONAUTICS RESEARCH DIRECTORATE.
		DIRECTOR, CENTER OPERATIONS DIRECTORATE.
		DIRECTOR, EARTH SYSTEM SCIENCE PATHFINDER PROGRAM OFFICE.
		DIRECTOR, ENGINEERING DIRECTORATE.
		DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER.
		DIRECTOR, OFFICE OF HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, OFFICE OF PROCUREMENT.
		DIRECTOR, OFFICE OF STRATEGIC ANALYSIS, COMMUNICATIONS, AND BUSINESS DEVELOPMENT.
		DIRECTOR, RESEARCH DIRECTORATE.
		DIRECTOR, RESEARCH SERVICES DIRECTORATE.
		DIRECTOR, SAFETY AND MISSION ASSURANCE OFFICE.
		DIRECTOR, SCIENCE DIRECTORATE.
		DIRECTOR, SPACE TECHNOLOGY AND EXPLORATION DIRECTORATE.
		DIRECTOR, SYSTEMS ANALYSIS AND ADVANCED CONCEPTS DIRECTORATE.
		MANAGER, NESC INTEGRATION OFFICE.
		SENIOR ADVISOR FOR ENGINEERING DEVELOPMENT.
		SENIOR ADVISOR FOR TECHNOLOGY AND STRATEGY.
		SPECIAL ASSISTANT TO THE CENTER DIRECTOR FOR REGIONAL ECONOMIC DEVELOPMENT.
	GLENN RESEARCH CENTER	ASSOCIATE DIRECTOR.
		ASSOCIATE DIRECTOR FOR STRATEGY.
		CHIEF FINANCIAL OFFICER.
		CHIEF, OFFICE OF ACQUISITION.
		DEPUTY DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.
		DEPUTY DIRECTOR, OFFICE OF TECHNOLOGY INCUBATION AND INNOVATION.
		DIRECTOR OF CENTER OPERATIONS.
		DIRECTOR, OFFICE OF HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, OFFICE OF TECHNOLOGY INCUBATION AND INNOVATION.
		DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE.
		PLUM BROOK STATION MANAGER.
	AERONAUTICS DIRECTORATE	DIRECTOR, AERONAUTICS DIRECTORATE.
	FACILITIES, TEST AND MANUFACTURING DIRECTORATE.	DIRECTOR, FACILITIES, TEST AND MANUFACTURING DIRECTORATE.
	DEPUTY DIRECTOR, FACILITIES, TEST AND MANUFACTURING DIRECTORATE.	DEPUTY DIRECTOR OF FACILTIES, TEST AND MANUFACTURING DIRECTORATE.
	SPACE FLIGHT SYSTEMS DIRECTORATE	DEPUTY DIRECTOR, SPACE FLIGHT SYSTEMS.
		DIRECTOR, SPACE FLIGHT SYSTEMS DIRECTORATE.
		MANAGER, EUROPEAN SERVICE MODULE INTEGRATION OFFICE.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
	RESEARCH AND ENGINEERING DIRECTORATE.	CHIEF, CHIEF ENGINEER OFFICE.
		CHIEF, POWER DIVISION.
		DEPUTY CHIEF, POWER DIVISION.
		DEPUTY DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE.
		DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE.
	SYSTEMS ENGINEERING AND ARCHITECTURE DIVISION.	CHIEF, SYSTEMS ENGINEERING AND ARCHITECTURE DIVISION.
	MATERIALS AND STRUCTURES DIVISION	CHIEF, MATERIALS AND STRUCTURES DIVISION.
	PROPULSION DIVISION	CHIEF, PROPULSION DIVISION.
		DEPUTY CHIEF, PROPULSION DIVISION.
	COMMUNICATIONS AND INTELLIGENT SYSTEMS DIVISION.	CHIEF, COMMUNICATIONS AND INTELLIGENT SYSTEMS DIVISION.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	CHIEF INFORMATION OFFICER.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	NASA SAFETY CENTER	DIRECTOR, AUDITS AND ASSESSMENTS.
		DIRECTOR, TECHNICAL EXCELLENCE.
	GODDARD SPACE FLIGHT CENTER	CENTER ASSOCIATE DIRECTOR.
		DEPUTY DIRECTOR FOR TECHNOLOGY AND RESEARCH INVESTMENTS.
		DEPUTY DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION GODDARD SPACE FLIGHT CENTER.
	HUMAN RESOURCES	DIRECTOR OF HUMAN CAPITAL MANAGEMENT.
	COMPTROLLER	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
	MANAGEMENT OPERATIONS	ASSOCIATE DIRECTOR FOR ACQUISITION.
		DEPUTY DIRECTOR OF MANAGEMENT OPERATIONS.
		DIRECTOR OF MANAGEMENT OPERATIONS.
	FLIGHT ASSURANCE	DEPUTY DIRECTOR OF SAFETY AND MISSION ASSURANCE.
		DIRECTOR OF SAFETY AND MISSION ASSURANCE.
	FLIGHT PROJECTS	ASSOCIATE DIRECTOR FOR ASTROPHYSICS PROJECTS DIVISION.
		ASSOCIATE DIRECTOR FOR EARTH SCIENCE PROJECTS DIVISION.
		ASSOCIATE DIRECTOR FOR EXPLORATION AND SPACE COMMUNICATIONS PROJECTS DIVISION.
		ASSOCIATE DIRECTOR FOR EXPLORERS AND HELIOPHYSICS PROJECTS DIVISION.
		ASSOCIATE DIRECTOR FOR SPACE SERVICING CAPABILITIES PROJECT.
		ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JAMES WEBB SPACE TELESCOPE (JWST).
		ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR THE INSTRUMENT PROJECTS DIVISION.
		DEPUTY ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JOINT POLAR SATELLITE SYSTEM (JPSS) FLIGHT.
		DEPUTY DIRECTOR FOR PLANNING AND BUSINESS MANAGEMENT.
		DEPUTY DIRECTOR OF FLIGHT PROJECTS.
		DIRECTOR OF FLIGHT PROJECTS.
	ENGINEERING AND TECHNOLOGY DIRECTORATE.	CHIEF, ELECTRICAL SYSTEMS DIVISION.
		CHIEF, INSTRUMENT SYSTEMS AND TECHNOLOGY DIVISION.
		CHIEF, MECHANICAL SYSTEMS DIVISION.
		CHIEF, MISSION ENGINEERING AND SYSTEMS ANALYSIS DIVISION.
		CHIEF, SOFTWARE ENGINEERING DIVISION.
		DEPUTY DIRECTOR FOR TECHNICAL MANAGEMENT.
		DEPUTY DIRECTOR OF APPLIED ENGINEERING AND TECHNOLOGY FOR PLANNING AND BUSINESS MANAGEMENT.
		DEPUTY DIRECTOR OF ENGINEERING AND TECHNOLOGY.
		DIRECTOR OF ENGINEERING AND TECHNOLOGY.
	SCIENCES AND EXPLORATION	CHIEF, GODDARD INSTITUTE FOR SPACE STUDIES.
		DEPUTY DIRECTOR FOR INSTITUTIONS, PROGRAMS, AND BUSINESS MANAGEMENT.
		DEPUTY DIRECTOR OF SCIENCES AND EXPLORATION.
		DIRECTOR OF SCIENCES AND EXPLORATION.
		DIRECTOR, ASTROPHYSICS SCIENCE DIVISION.
		DIRECTOR, EARTH SCIENCES DIVISION.
		DIRECTOR, HELIOPHYSICS SCIENCE DIVISION.
		DIRECTOR, SOLAR SYSTEM EXPLORATION DIVISION.
	INFORMATION TECHNOLOGY	CHIEF INFORMATION OFFICER.
	SUBORBITAL PROJECTS AND OPERATIONS.	DIRECTOR OF WALLOPS FLIGHT FACILITY.
		SPECIAL ASSISTANT FOR PROJECT MANAGEMENT TRAINING.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.	ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	DEPUTY ARCHIVIST OF THE UNITED STATES.
	GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF THE CHIEF OF STAFF	CHIEF OF STAFF.
	OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	CHIEF ACQUISITION OFFICER.
		CHIEF OF MANAGEMENT AND ADMINISTRATION.
	CONGRESSIONAL AFFAIRS STAFF	DIRECTOR, CONGRESSIONAL AND LEGISLATIVE AFFAIRS.
	OFFICE OF THE CHIEF OPERATING OFFICER.	CHIEF OPERATING OFFICER.
	AGENCY SERVICES	AGENCY SERVICES EXECUTIVE.
		CHIEF RECORDS OFFICER.
		DIRECTOR, INFORMATION SECURITY OVERSIGHT OFFICE.
		DIRECTOR, NATIONAL DECLASSIFICATION CENTER.
		DIRECTOR, NATIONAL PERSONNEL RECORDS CENTER.
		DIRECTOR, OFFICE OF GOVERNMENT INFORMATION SERVICES.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, RECORDS CENTER PROGRAMS.
	BUSINESS SUPPORT SERVICES	BUSINESS SUPPORT SERVICES EXECUTIVE.
		CHIEF FINANCIAL OFFICER.
	RESEARCH SERVICES	DIRECTOR, PRESERVATION PROGRAMS.
		RESEARCH SERVICES EXECUTIVE.
	OFFICE OF THE FEDERAL REGISTER	DIRECTOR OF THE FEDERAL REGISTER.
	INFORMATION SERVICES	CHIEF TECHNOLOGY OFFICER.
		INFORMATION SERVICES EXECUTIVE/CHIEF INFORMATION OFFICER.
	LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES.	LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES EXECUTIVE.
	OFFICE OF PRESIDENTIAL LIBRARIES	DEPUTY FOR PRESIDENTIAL LIBRARIES.
	OFFICE OF HUMAN CAPITAL	CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF INNOVATION	CHIEF INNOVATION OFFICER.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		INSPECTOR GENERAL.
NATIONAL CAPITAL PLANNING COMMISSION.	NATIONAL CAPITAL PLANNING COMMISSION STAFF.	CHIEF OPERATING OFFICER.
		DEPUTY EXECUTIVE DIRECTOR.
		EXECUTIVE DIRECTOR.
		GENERAL COUNSEL.
NATIONAL ENDOWMENT FOR THE ARTS	NATIONAL ENDOWMENT FOR THE ARTS	CHIEF INFORMATION OFFICER.
		DEPUTY CHAIRMAN FOR MANAGEMENT AND BUDGET.
		DIRECTOR, RESEARCH AND ANALYSIS.
NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL.
NATIONAL ENDOWMENT FOR THE HUMANITIES.	NATIONAL ENDOWMENT FOR THE HUMANITIES.	ASSISTANT CHAIRMAN FOR PLANNING AND OPERATIONS.
NATIONAL LABOR RELATIONS BOARD	NATIONAL LABOR RELATIONS BOARD	DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ENFORCEMENT LITIGATION.
	OFFICE OF THE BOARD MEMBERS	CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF COUNSEL.
		DEPUTY EXECUTIVE SECRETARY.
		EXECUTIVE SECRETARY.
		INSPECTOR GENERAL.
		REGIONAL DIRECTOR, REGION 12, TAMPA, FLORIDA.
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL (DAEO).
	DIVISION OF ENFORCEMENT LITIGATION	DEPUTY ASSOCIATE GENERAL COUNSEL, APPELLATE COURT BRANCH.
		DIRECTOR, OFFICE OF APPEALS.
	DIVISION OF ADVICE	ASSOCIATE GENERAL COUNSEL, DIVISION OF LEGAL COUNSEL.
		DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ADVICE.
	DIVISION OF ADMINISTRATION	DIRECTOR OF ADMINISTRATION.
		DIRECTOR, DIVISION OF ADMINISTRATION.
	DIVISION OF OPERATIONS MANAGEMENT	ASSISTANT GENERAL COUNSEL.
		ASSISTANT TO GENERAL COUNSEL.
		ASSOCIATE TO THE GENERAL COUNSEL, DIVISION OF OPERATION-MANAGEMENT.
		DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATIONS-MANAGEMENT.
	REGIONAL OFFICES	REGIONAL DIRECTOR REGION 2, NEW YORK.
		REGIONAL DIRECTOR, REGION 1, BOSTON, MASSACHUSETTS.
		REGIONAL DIRECTOR, REGION 10, ATLANTA, GEORGIA.
		REGIONAL DIRECTOR, REGION 11, WINSTON SALEM, NORTH CAROLINA.
		REGIONAL DIRECTOR, REGION 13, CHICAGO, ILLINOIS.
		REGIONAL DIRECTOR, REGION 14, SAINT LOUIS, MISSOURI.
		REGIONAL DIRECTOR, REGION 15, NEW ORLEANS, LOUISIANA.
		REGIONAL DIRECTOR, REGION 16, FORT WORTH, TEXAS.
		REGIONAL DIRECTOR, REGION 17, KANSAS CITY, KANSAS.
		REGIONAL DIRECTOR, REGION 18, MINNEAPOLIS, MINNESOTA.
		REGIONAL DIRECTOR, REGION 19, SEATTLE, WASHINGTON.
		REGIONAL DIRECTOR, REGION 20, SAN FRANCISCO, CALIFORNIA.
		REGIONAL DIRECTOR, REGION 21, LOS ANGELES, CALIFORNIA.
		REGIONAL DIRECTOR, REGION 22, NEWARK, NEW JERSEY.
		REGIONAL DIRECTOR, REGION 24, HATO REY, PUERTO RICO.
		REGIONAL DIRECTOR, REGION 25, INDIANAPOLIS, INDIANA.
		REGIONAL DIRECTOR, REGION 26, MEMPHIS, TENNESSEE.
		REGIONAL DIRECTOR, REGION 27, DENVER, COLORADO.
		REGIONAL DIRECTOR, REGION 28, PHOENIX, ARIZONA.
		REGIONAL DIRECTOR, REGION 29, BROOKLYN, NEW YORK.
		REGIONAL DIRECTOR, REGION 3, BUFFALO, NEW YORK.
		REGIONAL DIRECTOR, REGION 30, MILWAUKEE, WISCONSIN.
		REGIONAL DIRECTOR, REGION 31, LOS ANGELES, CALIFORNIA.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		REGIONAL DIRECTOR, REGION 32, OAKLAND, CALFORNIA.
		REGIONAL DIRECTOR, REGION 4, PHILADELPHIA, PENNSYLVANIA.
		REGIONAL DIRECTOR, REGION 5, BALTIMORE, MARYLAND.
		REGIONAL DIRECTOR, REGION 6, PITTSBURGH, PENNSYLVANIA.
		REGIONAL DIRECTOR, REGION 7, DETROIT, MICHIGAN.
		REGIONAL DIRECTOR, REGION 8, CLEVELAND, OHIO.
		REGIONAL DIRECTOR, REGION 9, CINCINNATI, OHIO.
NATIONAL SCIENCE FOUNDATION	OFFICE OF THE DIRECTOR	CHIEF TECHNOLOGY OFFICER.
		SENIOR ADVISOR.
	OFFICE OF DIVERSITY AND INCLUSION	OFFICE HEAD.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL.
	DIRECTORATE FOR GEOSCIENCES	DEPUTY ASSISTANT DIRECTOR.
	DIVISION OF ATMOSPHERIC AND GEOSPACE SCIENCES.	SECTION HEAD NCAR/FACILITIES SECTION.
	DIVISION OF EARTH SCIENCES	SECTION HEAD, INTEGRATED ACTIVITIES SECTION.
	DIVISION OF OCEAN SCIENCES	SECTION HEAD, INTERGRATIVE PROGRAMS SECTION.
	OFFICE OF POLAR PROGRAMS (OPP)	HEAD, SECTION FOR ANTARCTIC INFRASTRUCTURE AND LOGISTIC.
	DIVISION OF ENGINEERING EDUCATION AND CENTERS.	DEPUTY DIVISION DIRECTOR.
	DIVISION OF INDUSTRIAL INNOVATION AND PARTNERSHIPS.	DEPUTY DIVISION DIRECTOR.
	DIRECTORATE FOR BIOLOGICAL SCIENCES.	DEPUTY ASSISTANT DIRECTOR.
	DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES.	DEPUTY ASSISTANT DIRECTOR.
	DIVISION OF ASTRONOMICAL SCIENCES	DEPUTY DIVISION DIRECTOR.
	DIVISION OF MATERIALS RESEARCH	DEPUTY DIVISION DIRECTOR.
	DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	DEPUTY ASSISTANT DIRECTOR.
	NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.	DIVISION DIRECTOR.
	DIRECTORATE FOR COMPUTER AND INFORMATION SCIENCE AND ENGINEERING.	DEPUTY ASSISTANT DIRECTOR.
	OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	CHIEF FINANCIAL OFFICER AND HEAD, OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.
		DEPUTY OFFICE HEAD.
	BUDGET DIVISION	DEPUTY DIRECTOR.
		DIVISION DIRECTOR.
	DIVISION OF FINANCIAL MANAGEMENT	CONTROLLER AND DEPUTY DIVISION DIRECTOR.
		DEPUTY CHIEF FINANCIAL OFFICER AND DIVISION DIRECTOR.
	DIVISION OF GRANTS AND AGREEMENTS	DIVISION DIRECTOR.
	DIVISION OF ACQUISITION AND COOPERATIVE SUPPORT.	DIVISION DIRECTOR.
	DIVISION OF INSTITUTIONAL AND AWARD SUPPORT.	DEPUTY DIVISION DIRECTOR.
		DIVISION DIRECTOR.
	OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	DEPUTY OFFICE HEAD.
		HEAD, OFFICE OF INFORMATION AND RESOURCE MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER.
	DIVISION OF INFORMATION SYSTEMS	DEPUTY DIVISION DIRECTOR.
	DIVISION OF HUMAN RESOURCE MANAGEMENT.	CHIEF HUMAN CAPITAL OFFICER AND DIVISION DIRECTOR.
		DEPUTY DIVISION DIRECTOR.
		DIVISION DIRECTOR.
	DIVISION OF ADMINISTRATIVE SERVICES	DEPUTY DIVISION DIRECTOR.
		DIVISION DIRECTOR.
NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.	NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT/CHIEF INFORMATION OFFICER TO OFFICE OF INSPECTOR GENERAL.
		COUNSEL TO THE INSPECTOR GENERAL.
		INSPECTOR GENERAL.
NATIONAL TRANSPORTATION SAFETY BOARD.	OFFICE OF THE MANAGING DIRECTOR	DEPUTY MANAGING DIRECTOR.
	OFFICE OF ADMINISTRATION	DIRECTOR, OFFICE OF ADMINISTRATION.
	OFFICE OF AVIATION SAFETY	DEPUTY DIRECTOR, OFFICE OF AVIATION SAFETY.
		DEPUTY DIRECTOR, REGIONAL OPERATIONS.
		DIRECTOR BUREAU OF ACCIDENT INVESTIGATION.
	OFFICE OF RESEARCH AND ENGINEERING.	DEPUTY DIRECTOR OFFICE OF RESEARCH AND ENGINEERING.
		DIRECTOR OFFICE OF RESEARCH AND ENGINEERING.
	OFFICE OF CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER.
	OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS.	DEPUTY DIRECTOR, OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS SAFETY.
		DIRECTOR, OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS.
	OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS.	DEPUTY DIRECTOR, OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	OFFICE OF HIGHWAY SAFETY	DIRECTOR, OFFICE OF HIGHWAY SAFETY.
	OFFICE OF CHIEF INFORMATION OFFICER.	CHIEF INFORMATION OFFICER.
	OFFICE OF MARINE SAFETY	DIRECTOR, OFFICE OF MARINE SAFETY.
NUCLEAR REGULATORY COMMISSION	ADVISORY COMMITTEE ON REACTOR SAFEGUARDS.	DIRECTOR, CYBER SECURITY DIRECTORATE.
		DIRECTOR, DIVISION OF LICENSE RENEWAL.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	BUDGET DIRECTOR.
		CONTROLLER.
		DEPUTY CHIEF FINANICAL OFFICER.
	OFFICE OF COMMISSION APPELLATE ADJUDICATION.	DIRECTOR, OFFICE OF COMMISSION APPELLATE ADJUDICATION.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DIRECTOR FOR TRANSFORMATIONAL ORGANIZATION.
		DIRECTOR, CUSTOMER SERVICE DIVISION.
		DIRECTOR, GOVERNANCE AND ENTERPRISE MANAGEMENT SERVICES DIVISION.
		DIRECTOR, IT SERVICES DEVELOPMENT AND OPERATIONS DIVISION.
	OFFICE OF ADMINISTRATION	DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, ACQUISITION MANAGEMENT DIVISION.
		DIRECTOR, DIVISION OF FACILITIES AND SECURITY.
	OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE.	DEPUTY DIRECTOR, DIVISION OF PHYSICAL AND CYBER SECURITY POLICY.
		DEPUTY DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE.
		DEPUTY DIRECTOR, DIVISION OF SECURITY OPERATIONS.
		DEPUTY DIRECTOR, OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE.
		DIRECTOR, DIVISION OF PHYSICAL AND CYBER SECURITY POLICY.
		DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE.
		DIRECTOR, DIVISION OF SECURITY OPERATIONS.
	OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS.	DIRECTOR, OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS.
	OFFICE OF NEW REACTORS	DEPUTY DIRECTOR, DIVISION OF CONSTRUCTION INSPECTION AND OPERATIONAL PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF ENGINEERING, INFRASTRUCTURE, AND ADVANCED REACTORS.
		DEPUTY DIRECTOR, DIVISION OF LICENSING, SITING, AND ENVIRONMENTAL ANALYSIS.
		DEPUTY DIRECTOR, DIVISION OF SAFETY SYSTEMS AND RISK ASSESSMENT.
		DEPUTY DIRECTOR, OFFICE OF NEW REACTORS.
		DIRECTOR, DIVISION OF CONSTRUCTION INSPECTION AND OPERATIONAL PROGRAMS.
		DIRECTOR, DIVISION OF ENGINEERING, INFRASTRUCTURE, AND ADVANCED REACTORS.
		DIRECTOR, DIVISION OF LICENSING, SITING, AND ENVIRONMENTAL ANALYSIS.
		DIRECTOR, DIVISION OF SAFETY SYSTEMS AND RISK ASSESSMENT.
	OFFICE OF NUCLEAR REACTOR REGULATION.	DEPUTY DIRECTOR, DIVISION OF ENGINEERING.
		DEPUTY DIRECTOR, DIVISION OF INSPECTION AND REGIONAL SUPPORT.
		DEPUTY DIRECTOR, DIVISION OF LICENSING PROJECTS.
		DEPUTY DIRECTOR, DIVISION OF MATERIALS AND LICENSE RENEWAL.
		DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING.
		DEPUTY DIRECTOR, DIVISION OF RISK ASSESSMENT.
		DEPUTY DIRECTOR, DIVISION OF SAFETY SYSTEMS.
		DEPUTY OFFICE DIRECTOR FOR ENGINEERING.
		DEPUTY OFFICE DIRECTOR FOR REACTOR SAFETY PROGRAMS AND MISSION SUPPORT.
		DIRECTOR, DIVISION OF ENGINEERING.
		DIRECTOR, DIVISION OF INSPECTION AND REGIONAL SUPPORT.
		DIRECTOR, DIVISION OF LICENSING PROJECTS.
		DIRECTOR, DIVISION OF MATERIALS AND LICENSE RENEWAL.
		DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING.
		DIRECTOR, DIVISION OF RISK ASSESSMENT.
		DIRECTOR, DIVISION OF SAFETY SYSTEMS.
	OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS.	DEPUTY DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF FUEL CYCLE SAFETY, SAFEGUARDS, AND ENVIRONMENTAL REVIEW.
		DEPUTY DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF SPENT FUEL MANAGEMENT.
		DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, DIVISION OF FUEL CYCLE SAFETY, SAFEGUARDS, AND ENVIRONMENTAL REVIEW.
		DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS.
		DIRECTOR, DIVISION OF RULEMAKING.
		DIRECTOR, DIVISION OF SPENT FUEL MANAGEMENT.
	RULEMAKING CENTER OF EXPERTISE	DEPUTY DIRECTOR, DIVISION OF POLICY AND RULEMAKING.
		DIRECTOR, DIVISION OF SPENT FUEL MANAGEMENT.
	OFFICE OF NUCLEAR REGULATORY RESEARCH.	DEPUTY DIRECTOR, DIVISION OF ENGINEERING.
		DEPUTY DIRECTOR, DIVISION OF RISK ANALYSIS.
		DEPUTY DIRECTOR, DIVISION OF SYSTEMS ANALYSIS.
		DIRECTOR, DIVISION OF ENGINEERING.
		DIRECTOR, DIVISION OF RISK ANALYSIS.
		DIRECTOR, DIVISION OF SYSTEMS ANALYSIS.
	REGION I	DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DEPUTY REGIONAL ADMINISTRATOR.
		DIRECTOR DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
	REGION II	DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DEPUTY REGIONAL ADMINISTRATOR.
		DIRECTOR, DIVISION OF CONSTRUCTION INSPECTION.
		DIRECTOR, DIVISION OF CONSTRUCTION OVERSIGHT.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR, DIVISION OF REACTOR SAFETY.
	REGION III	DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DEPUTY REGIONAL ADMINISTRATOR.
		DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR, DIVISION OF REACTOR SAFETY.
	REGION IV	DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DEPUTY REGIONAL ADMINISTRATOR.
		DIRECTOR DIVISION OF REACTOR PROJECTS.
		DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.
		DIRECTOR, DIVISION OF REACTOR SAFETY.
NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
	ASSISTANT INSPECTOR GENERAL FOR AUDITS.	ASSISTANT INSPECTOR GENERAL FOR AUDITS.
	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR.
OFFICE OF GOVERNMENT ETHICS	OFFICE OF GOVERNMENT ETHICS	CHIEF OF STAFF AND PROGRAM COUNSEL.
		DEPUTY DIRECTOR FOR COMPLIANCE.
		DEPUTY DIRECTOR FOR INTERNAL OPERATIONS DIVISION.
		DEPUTY GENERAL COUNSEL.
OFFICE OF MANAGEMENT AND BUDGET	STAFF OFFICES	ASSISTANT DIRECTOR FOR MANAGEMENT AND OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR FOR MANAGEMENT.
		DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY.
	LEGISLATIVE REFERENCE DIVISION	ASSISTANT DIRECTOR LEGISLATIVE REFERENCE.
		CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH.
		CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH.
		CHIEF, RESOURCES—DEFENSE—INTERNATIONAL BRANCH.
	OFFICE OF FEDERAL PROCUREMENT POLICY.	ASSOCIATE ADMINISTRATOR.
		DEPUTY ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.
	OFFICE OF INFORMATION AND REGULATORY AFFAIRS.	CHIEF STATISTICAL AND SCIENCE POLICY BRANCH.
		CHIEF, FOOD, HEALTH AND LABOR BRANCH.
		CHIEF, INFORMATION POLICY BRANCH.
		CHIEF, NATURAL RESOURCES AND ENVIRONMENT BRANCH.
		CHIEF, PRIVACY BRANCH.
	OFFICE OF E-GOVERNMENT AND INFORMATION TECHNOLOGY.	CHIEF ARCHITECT.
	OFFICE OF FEDERAL FINANCIAL MANAGEMENT.	CHIEF, FINANCIAL INTEGRITY AND RISK MANAGEMENT BRANCH.
	BUDGET REVIEW	ASSISTANT DIRECTOR FOR BUDGET REVIEW.
		CHIEF BUDGET ANALYSIS BRANCH.
		CHIEF, BUDGET CONCEPTS BRANCH.
		CHIEF, BUDGET REVIEW BRANCH.
		CHIEF, BUDGET SYSTEMS BRANCH.
		DEPUTY ASSISTANT DIRECTOR FOR BUDGET REVIEW.
		DEPUTY CHIEF BUDGET ANALYSIS BRANCH.
		DEPUTY CHIEF, BUDGET REVIEW BRANCH.
	INTERNATIONAL AFFAIRS DIVISION	CHIEF, ECONOMIC AFFAIRS BRANCH.
		CHIEF, STATE/UNITED STATES INFORMATION AGENCY BRANCH.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY ASSOCIATE DIRECTOR FOR INTERNATIONAL AFFAIRS.
	NATIONAL SECURITY DIVISION	CHIEF OPERATIONS AND SUPPORT BRANCH.
		CHIEF, FORCE STRUCTURE AND INVESTMENT BRANCH.
		CHIEF, INTELLIGENCE PROGRAMS BRANCH.
		CHIEF, VETERANS AFFAIRS AND DEFENSE HEALTH BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR NATIONAL SECURITY.
	HEALTH DIVISION	CHIEF, HEALTH AND HUMAN SERVICES BRANCH.
		CHIEF, HEALTH INSURANCE AND DATA ANALYSIS BRANCH.
		CHIEF, MEDICAID BRANCH.
		CHIEF, MEDICARE BRANCH.
		CHIEF, PUBLIC HEALTH BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR HEALTH.
	EDUCATION, INCOME MAINTENANCE AND LABOR PROGRAMS.	CHIEF, EDUCATION BRANCH.
		CHIEF, INCOME MAINTENANCE BRANCH.
		CHIEF, LABOR BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR EDUCATION, INCOME MAINTAINENCE AND LABOR.
	TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES DIVISION.	CHIEF TRANSPORTATION BRANCH.
		CHIEF, HOMELAND SECURITY BRANCH.
		CHIEF, JUSTICE BRANCH.
		CHIEF, TRANSPORTATION/GENERAL SERVICES ADMINISTRATION BRANCH.
		DEPUTY ASSOCIATE DIRECTOR, TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES.
	HOUSING, TREASURY AND COMMERCE DIVISION.	CHIEF, COMMERCE BRANCH.
		CHIEF, HOUSING BRANCH.
		CHIEF, TREASURY BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR HOUSING, TREASURY AND COMMERCE.
	NATURAL RESOURCES DIVISION	CHIEF INTERIOR BRANCH.
		CHIEF, AGRICULTURAL BRANCH.
		CHIEF, ENVIRONMENT BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR NATURAL RESOURCES.
	ENERGY, SCIENCE AND WATER DIVISION	CHIEF SCIENCE AND SPACE PROGRAMS BRANCH.
		CHIEF, ENERGY BRANCH.
		CHIEF, WATER AND POWER BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR ENERGY, SCIENCE, AND WATER DIVISION.
OFFICE OF NATIONAL DRUG CONTROL POLICY.	OFFICE OF SUPPLY REDUCTION	ASSISTANT DEPUTY DIRECTOR OF SUPPLY REDUCTION.
OFFICE OF PERSONNEL MANAGEMENT		ASSOCIATE DIRECTOR FOR INTELLIGENCE.
	PLANNING AND POLICY ANALYSIS	DEPUTY DIRECTOR, ACTUARY.
	FACILITIES, SECURITY AND EMERGENCY MANAGEMENT.	DIRECTOR, FACILITIES, SECURITY AND EMERGENCY MANAGEMENT.
	HEALTHCARE AND INSURANCE	ASSISTANT DIRECTOR, FEDERAL EMPLOYEE INSURANCE OPERATIONS.
		DEPUTY DIRECTOR, ACTUARY.
	RETIREMENT SERVICES	ASSOCIATE DIRECTOR, RETIREMENT SERVICES.
		DEPUTY ASSOCIATE DIRECTOR, OPERATIONS.
		DEPUTY ASSOCIATE DIRECTOR, RETIREMENT OPERATIONS.
		DEPUTY ASSOCIATE DIRECTOR, RETIREMENT SERVICES.
	MERIT SYSTEM ACCOUNTABILITY AND COMPLIANCE.	DEPUTY ASSOCIATE DIRECTOR, MERIT SYSTEM AUDIT AND COMPLIANCE.
	NATIONAL BACKGROUND INVESTIGATION BUREAU.	DEPUTY ASSISTANT DIRECTOR, OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, STRATEGIC SOURCING.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	ASSOCIATE CHIEF FINANCIAL OFFICER FINANCIAL SERVICES.
		CHIEF FINANCIAL OFFICER.
		CHIEF FINANCIAL OFFICER AND DEPUTY CHIEF MANAGEMENT OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF PROCUREMENT OPERATIONS	DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
OFFICE OF PERSONNEL MANAGEMENT OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF AUDITS	ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS.
	OFFICE OF LEGAL AFFAIRS	ASSISTANT INSPECTOR GENERAL FOR LEGAL AFFAIRS.
	OFFICE OF POLICY, RESOURCES MANAGEMENT, AND OVERSIGHT.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		CHIEF INFORMATION TECHNOLOGY OFFICER.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
OFFICE OF SPECIAL COUNSEL	OFFICE OF SPECIAL COUNSEL	ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (FIELD OFFICES).
	HEADQUARTERS, OFFICE OF SPECIAL COUNSEL.	ASSOCIATE SPECIAL COUNSEL FOR GENERAL LAW DIVISION.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (HEADQUARTERS).
		ASSOCIATE SPECIAL COUNSEL FOR LEGAL COUNSEL AND POLICY.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSOCIATE SPECIAL COUNSEL PLANNING AND OVERSIGHT.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATIVE SERVICES.
		CHIEF OPERATING OFFICER.
		DIRECTOR OF MANAGEMENT AND BUDGET.
		DIRECTOR, OFFICE OF PLANNING AND ANALYSIS.
		SENIOR ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.	LABOR	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR LABOR.
	INDUSTRY, MARKET ACCESS AND TELECOMMUNICATIONS.	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR INDUSTRY, MARKET ACCESS AND TELECOMMUNICATIONS.
	SOUTH ASIAN AFFAIRS	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SOUTH ASAIN AFFAIRS.
	MONITORING AND ENFORCEMENT	DIRECTOR OF INTERAGENCY CENTER FOR TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT.
RAILROAD RETIREMENT BOARD	BOARD STAFF	CHIEF ACTUARY.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		CHIEF OF TECHNOLOGY SERVICE.
		DEPUTY GENERAL COUNSEL.
		DIRECTOR OF ADMINISTRATION.
		DIRECTOR OF FIELD SERVICE.
		DIRECTOR OF FISCAL OPERATIONS.
		DIRECTOR OF HEARINGS AND APPEALS.
		DIRECTOR OF OPERATIONS.
		DIRECTOR OF POLICY AND SYSTEMS.
		DIRECTOR OF PROGRAMS.
		GENERAL COUNSEL.
	OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
SELECTIVE SERVICE SYSTEM	SELECTIVE SERVICE SYSTEM	ASSOCIATE DIRECTOR FOR OPERATIONS.
	OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR OPERATIONS.
		SENIOR ADVISOR TO THE DIRECTOR.
SMALL BUSINESS ADMINISTRATION	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL FOR FINANCIAL LAW AND LENDER OVERSIGHT.
		ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
		ASSOCIATE GENERAL COUNSEL FOR PROCUREMENT LAW.
		ASSOCIATE GENERAL COUNSEL LITIGATION.
	OFFICE OF FIELD OPERATIONS	DISTRICT DIRECTOR.
		DISTRICT DIRECTOR NEW YORK.
		DISTRICT DIRECTOR WASHINGTON METRO AREA DISTRICT OFFICE.
	OFFICE OF HEARINGS AND APPEALS	ASSISTANT ADMINISTRATOR FOR HEARINGS AND APPEALS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF CAPITAL ACCESS	DIRECTOR FOR SURETY GUARANTEES.
		DIRECTOR OF ECONOMIC OPPORTUNITY.
	OFFICE OF INTERNATIONAL TRADE	DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.
		SENIOR ADVISOR TO THE ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.
	OFFICE OF INVESTMENT AND INNOVATION.	DEPUTY ASSISTANT ADMINISTRATOR FOR INVESTMENT AND INNOVATION.
	OFFICE OF ENTREPRENEURIAL DEVELOPMENT.	ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTREPRENEURIAL DEVELOPMENT.
	OFFICE OF HUMAN RESOURCES SOLUTIONS.	CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT.	DEPUTY ASSOCIATE ADMINISTRATOR FOR GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT.
		DIRECTOR FOR POLICY PLANNING AND LIAISON.
		DIRECTOR OF HUBZONE.
		DIRECTOR, ALL SMALL MENTOR PROTEGE PROGRAM.
	OFFICE OF THE OMBUDSMAN	DEPUTY NATIONAL OMBUDSMAN.
	OFFICE OF THE CHIEF OPERATING OFFICER.	CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITING DIVISION.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
SOCIAL SECURITY ADMINISTRATION	OFFICE OF THE CHIEF ACTUARY	CHIEF ACTUARY.
		DEPUTY CHIEF ACTUARY (LONG-RANGE).
		DEPUTY CHIEF ACTUARY (SHORT-RANGE).
	OFFICE OF DISABILITY DETERMINATIONS	ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS.
	OFFICE OF PERSONNEL	ASSOCIATE COMMISSIONER FOR PERSONNEL.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY ASSOCIATE COMMISSIONER FOR PERSONNEL.
	OFFICE OF CIVIL RIGHTS AND EQUAL OPPORTUNITY.	ASSOCIATE COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY.
		DEPUTY ASSOCIATE COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY.
	OFFICE OF LABOR-MANAGEMENT AND EMPLOYEE RELATIONS.	ASSOCIATE COMMISSIONER FOR LABOR-MANAGEMENT AND EMPLOYEE RELATIONS.
		DEPUTY ASSOCIATE COMMISSIONER FOR LABOR-MANAGEMENT AND EMPLOYEE RELATIONS.
	OFFICE OF BUDGET, FINANCE, AND MANAGEMENT.	ASSISTANT DEPUTY COMMISSIONER FOR BUDGET, FINANCE, AND MANAGEMENT.
	OFFICE OF FINANCIAL POLICY AND OPERATIONS.	ASSOCIATE COMMISSIONER, OFFICE OF FINANCE POLICY AND OPERATIONS.
		DEPUTY ASSOCIATE COMMISSIONER FINANCIAL POLICY AND OPERATIONS.
	OFFICE OF BUDGET	ASSOCIATE COMMISSIONER FOR BUDGET.
	OFFICE OF ACQUISITION AND GRANTS	ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS.
		DEPUTY ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS.
	OFFICE OF ANTI-FRAUD PROGRAMS	ASSOCIATE COMMISSIONER FOR ANTI-FRAUD PROGRAMS.
	OFFICE OF SYSTEMS	ASSISTANT DEPUTY COMMISSIONER FOR SYSTEMS (IT BUSINESS SUPPORT).
		ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT.
	OFFICE OF SYSTEMS OPERATIONS AND HARDWARE ENGINEERING.	ASSISTANT DEPUTY COMMISSIONER FOR SYSTEMS (SYSTEMS OPERATIONS AND HARDWARE ENGINEERING).
		DEPUTY ASSOCIATE COMMISSIONER FOR HARDWARE ENGINEERING.
		DEPUTY ASSOCIATE COMMISSIONER FOR TELECOMMUNICATIONS AND SYSTEMS OPERATIONS.
		DEPUTY ASSOCIATE COMMISSIONER FOR TELECOMMUNICATIONS AND SYSTEMS OPERATIONS (TELECOMMUNICATIONS).
	OFFICE OF SYSTEMS OPERATIONS	ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS.
		DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS.
	OFFICE OF HARDWARE ENGINEERING	ASSOCIATE COMMISSIONER FOR HARDWARE ENGINEERING.
	OFFICE OF INFORMATION SECURITY	ASSOCIATE COMMISSIONER FOR INFORMATION SECURITY.
	OFFICE OF GENERAL LAW	ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
		DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
	OFFICE OF PROGRAM LAW	DEPUTY ASSOCIATE GENERAL COUNSEL FOR PROGRAM LAW.
	OFFICE OF PRIVACY AND DISCLOSURE	EXECUTIVE DIRECTOR FOR PRIVACY AND DISCLOSURE.
	OFFICE OF ANALYTICS, REVIEW, AND OVERSIGHT.	ASSISTANT DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT.
		DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT.
	OFFICE OF APPELLATE OPERATIONS	DEPUTY EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS.
		EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS.
	OFFICE OF HEARINGS OPERATIONS	ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS.
		DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS.
SOCIAL SECURITY ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL.	CHIEF OF STAFF.
		DEPUTY INSPECTOR GENERAL.
		SENIOR ADVISOR TO THE INSPECTOR GENERAL (LE).
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF EXTERNAL RELATIONS	ASSISTANT INSPECTOR GENERAL FOR EXTERNAL RELATIONS.
	OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL SYSTEMS AND OPERATIONS AUDITS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDIT AND EVALUATIONS).
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (EASTERN FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (WESTERN FIELD OPERATIONS).
	OFFICE OF COMMUNICATIONS AND RESOURCE MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR COMMUNICATIONS AND RESOURCE MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR COMMUNICATIONS AND RESOURCE MANAGEMENT.
DEPARTMENT OF STATE	OFFICE OF CIVIL RIGHTS	DEPUTY DIRECTOR.
	OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	DEPUTY DIRECTOR.
		OMBUDSMAN.
	BUREAU OF ADMINISTRATION	DIRECTOR, OFFICE OF ACQUISITIONS.
		PROCUREMENT EXECUTIVE.
	BUREAU OF HUMAN RESOURCES	HUMAN RESOURCES OFFICER.
		PRINCIPAL DEPUTY ASSISTANT SECRETARY.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.	OFFICE DIRECTOR.
	BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE.	DIRECTOR, OFFICE OF STRATEGIC NEGOTIATIONS AND IMPLEMENTAITON.
DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR ENTERPRISE RISK MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MIDDLE EAST REGIONAL OFFICE.
		DEPUTY GENERAL COUNSEL.
		DEPUTY INSPECTOR GENERAL.
		GENERAL COUNSEL TO THE INSPECTOR GENERAL.
TRADE AND DEVELOPMENT AGENCY	OFFICE OF THE DIRECTOR	ASSISTANT DIRECTOR FOR POLICY AND PROGRAMS.
		DEPUTY DIRECTOR.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
DEPARTMENT OF TRANSPORTATION	SECRETARY	EXECUTIVE DIRECTOR FOR THE OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.
	NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU).	EXECUTIVE DIRECTOR, BUILD AMERICA BUREAU.
	OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE.	DEPUTY DIRECTOR.
		DIRECTOR, OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE.
	CHIEF INFORMATION OFFICER	CHIEF INFORMATION SECURITY OFFICER.
		CHIEF TECHNOLOGY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
	PUBLIC AFFAIRS	SENIOR ADVISOR FOR STRATEGIC COMMUNICATIONS.
	OFFICE OF SAFETY, ENERGY AND ENVIRONMENT.	DIRECTOR.
	ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.	CHIEF FINANCIAL OFFICER.
		DEPUTY ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF BUDGET AND PROGRAM PERFORMANCE.	DIRECTOR OF BUDGET AND PROGRAM PERFORMANCE.
	ASSISTANT SECRETARY FOR ADMINISTRATION.	DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.
	OFFICE OF THE SENIOR PROCUREMENT EXECUTIVE.	SENIOR PROCUREMENT EXECUTIVE.
	ADMINISTRATOR	CHIEF FINANCIAL OFFICER.
		EXECUTIVE DIRECTOR.
	ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY.	ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY/CHIEF SAFETY OFFICER.
	ADMINISTRATOR	EXECUTIVE DIRECTOR.
		EXECUTIVE SECRETARY, COMMITTEE ON MARINE TRANSPORTATION SYSTEMS.
	CHIEF COUNSEL	DEPUTY CHIEF COUNSEL.
	ASSOCIATE ADMINISTRATOR FOR STRATEGIC SEALIFT.	DEPUTY ASSOCIATE ADMINISTRATOR FOR FEDERAL SEALIFT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MARITIME EDUCATION AND TRAINING.
	ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.	ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.
	ADMINISTRATOR	DEPUTY ADMINISTRATOR AND SENIOR ADVISOR TO THE SECRETARY.
		DIRECTOR OF INNOVATIVE PROGRAM DELIVERY.
		EXECUTIVE DIRECTOR.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER AND CHIEF BUDGET OFFICER.
		DIRECTOR OFFICE OF CONTRACTS AND PROCUREMENT.
	OFFICE OF REAL ESTATE SERVICES	DIRECTOR, OFFICE OF REAL ESTATE SERVICES.
	ASSOCIATE ADMINISTRATOR FOR SAFETY.	ASSOCIATE ADMINISTRATOR FOR SAFETY.
	OFFICE OF SAFETY RESEARCH AND DEVELOPMENT.	DIRECTOR, OFFICE OF SAFETY RESEARCH, DEVELOPMENT AND TECHNOLOGY.
	ADMINISTRATOR	ASSISTANT ADMINISTRATOR/CHIEF SAFETY OFFICER.
		CHIEF FINANCIAL OFFICER.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	OFFICE OF LICENSING AND SAFETY INFORMATION.	DIRECTOR, OFFICE FOR LICENSING AND SAFETY INFORMATION.
	OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS.	DIRECTOR, OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS.
	OFFICE OF ENFORCEMENT AND COMPLIANCE.	DIRECTOR, OFFICE OF ENFORCEMENT AND COMPLIANCE.
	ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS.	REGIONAL FIELD ADMINISTRATOR, MIDWEST REGION.
		REGIONAL FIELD ADMINISTRATOR, SOUTHERN REGION.
	ADMINISTRATOR	EXECUTIVE DIRECTOR.
	ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY.	ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY.
	ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT.	ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT.
		DIRECTOR, OFFICE OF DEFECTS INVESTIGATION.
		DIRECTOR, OFFICE OF VEHICLE SAFETY COMPLIANCE.
	SURFACE TRANSPORTATION BOARD	DIRECTOR OF PUBLIC ASST GOV AFFAIRS AND COMPLIANCE.
		DIRECTOR, OFFICE OF ECONOMICS.
		GENERAL COUNSEL.
		MANAGING DIRECTOR.
	OFFICE OF CHIEF SAFETY OFFICER	ASSISTANT ADMINISTRATOR AND CHIEF SAFETY OFFICER.
	OFFICE OF PIPELINE SAFETY	ASSOCIATE ADMINISTRATOR FOR PIPELINE SAFETY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAMS.
	OFFICE OF HAZARDOUS MATERIALS SAFETY.	ASSOCIATE ADMINISTRATOR FOR HAZARDOUS MATERIALS SAFETY.
DEPARTMENT OF TRANSPORTATION OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF DEPUTY INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR LEGAL, LEGISLATIVE AND EXTERNAL AFFAIRS.	ASSISTANT INSPECTOR GENERAL FOR LEGAL, LEGISLATIVE AND EXTERNAL AFFAIRS.
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.	ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.	ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AND INFORMATION TECHNOLOGY AUDITS.	ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AND INFORMATION TECHNOLOGY AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.	ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND PROCUREMENT AUDITS.	ASSISTANT INSPECTOR GENERAL FOR ACQUISTION AND PROCUREMENT AUDITS.
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.
DEPARTMENT OF THE TREASURY	SECRETARY OF THE TREASURY	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	FISCAL ASSISTANT SECRETARY	DEPUTY ASSISTANT SECRETARY FOR FISCAL OPERATIONS AND POLICY.
		DEPUTY ASSISTANT SECRETARY, OFFICE OF ACCOUNTING POLICY AND FINANCIAL TRANSPARENCY.
		FISCAL ASSISTANT SECRETARY.
	BUREAU OF THE FISCAL SERVICE	COMMISSIONER, BUREAU OF THE FISCAL SERVICE.
		ASSISTANT COMMISSIONER (OFFICE OF MANAGEMENT SERVICES).
		ASSISTANT COMMISSIONER (PUBLIC DEBT ACCOUNTING).
		ASSISTANT COMMISSIONER, DEBT MANAGEMENT SERVICES.
		ASSISTANT COMMISSIONER, FEDERAL FINANCE.
		ASSISTANT COMMISSIONER, GOVERNMENTWIDE ACCOUNTING.
		ASSISTANT COMMISSIONER, INFORMATION AND SECURITY SERVICES (CHIEF INFORMATION OFFICER).
		ASSISTANT COMMISSIONER, MANAGEMENT (CHIEF FINANCIAL OFFICER).
		ASSISTANT COMMISSIONER, PAYMENT MANAGEMENT.
		ASSISTANT COMMISSIONER, WHOLESALE SECURITIES SERVICES.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DEPUTY ASSISTANT COMMISSIONER (DEBT MANAGEMENT SERVICES).
		DEPUTY ASSISTANT COMMISSIONER (FISCAL ACCOUNTING OPERATIONS).
		DEPUTY ASSISTANT COMMISSIONER (SHARED SERVICES).
		DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION SERVICES.
		DEPUTY ASSISTANT COMMISSIONER FOR INFRASTRUCTURE AND OPERATIONS (OFFICE OF INFORMATION AND SECURITY SERVICES).
		DEPUTY ASSISTANT COMMISSIONER FOR PROGRAM SOLUTIONS AND SUPPORT (TREASURY SECURITIES SERVICES).
		DEPUTY ASSISTANT COMMISSIONER FOR SECURITIES MANAGEMENT (TREASURY SECURITIES SERVICES).
		DEPUTY ASSISTANT COMMISSIONER, COMPLIANCE AND REPORTING GROUP.
		DEPUTY ASSISTANT COMMISSIONER, PAYMENT MANAGEMENT.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY COMMISSIONER, ACCOUNTING AND SHARED SERVICES.
		DEPUTY COMMISSIONER, FINANCE AND ADMINISTRATION.
		DEPUTY COMMISSIONER, FINANCIAL SERVICES AND OPERATIONS.
		DIRECTOR, DEBT MANAGEMENT SERVICES OPERATIONS, EAST.
		DIRECTOR, DEBT MANAGEMENT SERVICES OPERATIONS, WEST.
		DIRECTOR, REGIONAL FINANCIAL CENTER (KANSAS CITY).
		DIRECTOR, REGIONAL FINANCIAL CENTER (PHILADELPHIA).
		DIRECTOR, REGIONAL FINANCIAL CENTER (SAN FRANCISCO).
		DIRECTOR, REVENUE COLLECTION GROUP.
		EXECUTIVE DIRECTOR (ADMINISTRATIVE RESOURCE CENTER).
		EXECUTIVE DIRECTOR (DO NOT PAY BUSINESS CENTER STAFF).
		EXECUTIVE DIRECTOR (MYRA).
		EXECUTIVE DIRECTOR, GOVERNMENT SECURITIES REGULATIONS.
	ASSISTANT SECRETARY FOR FINANCIAL INSTITUTIONS.	DEPUTY DIRECTOR, FEDERAL INSURANCE OFFICE.
		DIRECTOR, FEDERAL INSURANCE OFFICE.
	ASSISTANT SECRETARY FOR TERRORIST FINANCING.	DIRECTOR, EXECUTIVE OFFICE FOR ASSET FORFEITURE.
	FINANCIAL CRIMES ENFORCEMENT NETWORK.	ASSOCIATE DIRECTOR, ENFORCEMENT DIVISION.
		ASSOCIATE DIRECTOR, INTELLIGENCE DIVISION.
		ASSOCIATE DIRECTOR, LIAISON DIVISION.
		ASSOCIATE DIRECTOR, MANAGEMENT PROGRAMS DIVISION.
		ASSOCIATE DIRECTOR, POLICY DIVISION.
		ASSOCIATE DIRECTOR, TECHNOLOGY SOLUTIONS AND SERVICES DIVISION/CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR.
		DIRECTOR, FINANCIAL CRIMES ENFORCEMENT NETWORK.
	ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS.	DEPUTY ASSISTANT SECRETARY FOR SECURITY.
	GENERAL COUNSEL	CHIEF COUNSEL, FINANCIAL CRIMES ENFORCEMENT NETWORK.
	ASSISTANT SECRETARY (TAX POLICY)	DIRECTOR, ECONOMIC MODELING AND COMPUTER APPLICATIONS.
	ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.	ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.
		ASSISTANT ADMINISTRATOR INFORMATION RESOURCES/CHIEF INFORMATION OFFICER.
		ASSISTANT ADMINISTRATOR, EXTERNAL AFFAIRS/CHIEF OF STAFF.
		ASSISTANT ADMINISTRATOR, FIELD OPERATIONS.
		ASSISTANT ADMINISTRATOR, HEADQUARTER OPERATIONS.
		ASSISTANT ADMINISTRATOR, MANAGEMENT/CHIEF FINANCIAL OFFICER.
		ASSISTANT ADMINISTRATOR, PERMITTING AND TAXATION.
		DEPUTY ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.
	ASSISTANT SECRETARY FOR MANAGEMENT.	DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR OFFICE OF MINORITY AND WOMEN INCLUSION.
		DIRECTOR, OFFICE OF PROCUREMENT.
	INTERNAL REVENUE SERVICE	ACCOUNTS MANAGEMENT FIELD DIRECTOR.
		ACCOUNTS MANAGEMENT FIELD DIRECTOR—ANDOVER.
		ACIO, AFFORDABLE CARE ACT PMO.
		AREA DIRECTOR, FIELD ASSISTANCE.
		AREA DIRECTOR, FIELD ASSISTANCE—ATLANTA.
		AREA DIRECTOR, STAKEHOLDER PARTNERSHIP, EDUCATION, AND COMMUNICATION.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		ASSISTANT DEPUTY COMMISSIONER (INTERNATIONAL).
		ASSISTANT DEPUTY COMMISSIONER COMPLIANCE INTEGRATION.
		ASSISTANT DEPUTY COMMISSIONER FOR SERVICES AND ENFORCEMENT.
		ASSISTANT DEPUTY COMMISSIONER GOVERNMENT ENTITIES AND SHARED SERVICES.
		ASSOCIATE CHIEF FINANCIAL OFFICER FOR INTERNAL FINANCIAL MANAGEMENT—NATIONAL HEADQUARTERS.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE OPERATIONS.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR USER AND NETWORK SERVICES.
		ASSOCIATE CHIEF INFORMATION OFFICER, CYBERSECURITY.
		ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE INFORMATION TECHNOLOGY PROGRAM MANAGEMENT.
		ASSOCIATE CHIEF INFORMATION OFFICER, STRATEGY AND PLANNING.
		CHIEF FINANCIAL OFFICER, INTERNAL REVENUE SERVICE.
		CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE.
		CHIEF INFORMATION OFFICER.
		CHIEF OF STAFF.
		CHIEF RISK OFFICER AND SENIOR ADVISOR.
		CHIEF, AGENCY-WIDE SHARED SERVICES.
		CHIEF, APPEALS.
		CHIEF, COMMUNICATIONS AND LIAISON.
		CHIEF, CRIMINAL INVESTIGATION.
		COMMISSIONER, LARGE AND MID-SIZED BUSINESS DIVISION.
		COMMISSIONER, SMALL BUSINESS AND SELF EMPLOYED.
		COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES DIVISION.
		COMMISSIONER, WAGE AND INVESTMENT.
		COMPLIANCE SERVICES FIELD DIRECTOR.
		DEPUTY ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR CYBERSECURITY.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE OPERATIONS.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE.
		DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS.
		DEPUTY CHIEF INFORMATION OFFICER FOR STRATEGY/MODERNIZATION.
		DEPUTY CHIEF OF STAFF.
		DEPUTY CHIEF PROCUREMENT OFFICER.
		DEPUTY CHIEF, APPEALS.
		DEPUTY CHIEF, CRIMINAL INVESTIGATION.
		DEPUTY COMMISSIONER (DOMESTIC), LARGE BUSINESS AND INTERNATIONAL.
		DEPUTY COMMISSIONER, OPERATIONS SUPPORT.
		DEPUTY COMMISSIONER, SMALL BUSINESS/SELF-EMPLOYED.
		DEPUTY COMMISSIONER, WAGE AND INVESTMENTS.
		DEPUTY DIRECTOR, ENTERPRISE COMPUTING CENTER.
		DEPUTY DIRECTOR, FACILITIES MANAGEMENT AND SECURITY SERVICES.
		DEPUTY DIRECTOR, RETURN INTEGRITY AND CORRESPONDENCE SERVICES.
		DEPUTY DIRECTOR, RETURN PREPARER OFFICE.
		DEPUTY DIRECTOR, STRATEGY AND FINANCE.
		DEPUTY DIRECTOR, SUBMISSION PROCESSING.
		DEPUTY DIVISION COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES.
		DEPUTY DIVISION COUNSEL #2 (OPERATIONS)/SMALL BUSINESS AND SELF EMPLOYED.
		DEPUTY NATIONAL TAXPAYER ADVOCATE.
		DIRECTOR OF FIELD OPERATIONS.
		DIRECTOR OF FIELD OPERATIONS, HEAVY MANUFACTURING AND PHARMACEUTICALS, SOUTHEAST.
		DIRECTOR OF FIELD OPERATIONS—WESTERN AREA, CRIMINAL INVESTIGATION.
		DIRECTOR, ACCOUNTS MANAGEMENT, WAGE AND INVESTMENT.
		DIRECTOR, ADVANCE PRICING AND MUTUAL AGREEMENT.
		DIRECTOR, ADVANCED PRICING AND MUTUAL AGREEMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, AFFORDABLE CARE ACT.
		DIRECTOR, APPEALS POLICY AND VALUATION.
		DIRECTOR, BUSINESS PLANNING AND RISK MANAGEMENT.
		DIRECTOR, BUSINESS SYSTEMS PLANNING.
		DIRECTOR, BUSINESS SYSTEMS PLANNING—LARGE AND MID-SIZE BUSINESS.
		DIRECTOR, CAMPUS COLLECTION FRESNO.
		DIRECTOR, CAMPUS COMPLIANCE OPERATIONS.
		DIRECTOR, CAMPUS OPERATIONS.
		DIRECTOR, CASE AND OPERATIONS SUPPORT.
		DIRECTOR, COLLECTION.
		DIRECTOR, COLLECTION—ANDOVER.
		DIRECTOR, COLLECTION—ATLANTA.
		DIRECTOR, COLLECTION—CAMPUS.
		DIRECTOR, COLLECTION—CENTRAL.
		DIRECTOR, COLLECTION—FIELD.
		DIRECTOR, COLLECTION—HEADQUARTERS.
		DIRECTOR, COLLECTION—QUALITY AND TECHNICAL SUPPORT.
		DIRECTOR, COLLECTION—SPECIAL.
		DIRECTOR, COLLECTION APPEALS.
		DIRECTOR, COLLECTION AREA—GULF STATE.
		DIRECTOR, COLLECTION POLICY.
		DIRECTOR, COLLECTION SOUTHWEST.
		DIRECTOR, COLLECTION STRATEGY AND ORGANIZATION.
		DIRECTOR, COMMUNICATION, ASSISTANCE, RESEARCH AND EDUCATION.
		DIRECTOR, COMPLIANCE STRATEGY AND POLICY.
		DIRECTOR, CONTACT CENTER SUPPORT DIVISION.
		DIRECTOR, CORPORATE DATA.
		DIRECTOR, CUSTOMER ACCOUNT SERVICES—WAGE AND INVESTMENT.
		DIRECTOR, CUSTOMER SERVICE.
		DIRECTOR, CUSTOMER SERVICE AND STAKEHOLDERS.
		DIRECTOR, CYBERSECURITY POLICY AND PROGRAMS.
		DIRECTOR, DATA DELIVERY SERVICES.
		DIRECTOR, DATA MANAGEMENT DIVISION.
		DIRECTOR, DATA MANAGEMENT SERVICES AND SUPPORT.
		DIRECTOR, DATA SOLUTIONS.
		DIRECTOR, DEMAND MANAGEMENT AND PROJECT GOVERNANCE.
		DIRECTOR, E-FILE SERVICES.
		DIRECTOR, EMERGING PROGRAMS AND INITIATIVES.
		DIRECTOR, EMPLOYEE PLANS.
		DIRECTOR, EMPLOYEE PLANS, RULINGS, AND AGREEMENTS.
		DIRECTOR, ENTERPRISE ACTIVITIES.
		DIRECTOR, ENTERPRISE ARCHITECTURE.
		DIRECTOR, ENTERPRISE CASE MANAGEMENT.
		DIRECTOR, ENTERPRISE NETWORKS OPERATIONS.
		DIRECTOR, ENTERPRISE SYSTEMS TESTING.
		DIRECTOR, ENTERPRISE TECHNOLOGY IMPLEMENTATION.
		DIRECTOR, EXAMINATION—CAMPUS.
		DIRECTOR, EXAMINATION—CENTRAL.
		DIRECTOR, EXAMINATION—GULF STATES.
		DIRECTOR, EXAMINATION—OGDEN.
		DIRECTOR, EXAMINATION—SPECIALITY TAX.
		DIRECTOR, EXAMINATION AREA.
		DIRECTOR, EXAMINATION AREA—NORTH ATLANTIC.
		DIRECTOR, EXAMINATION AREA MIDWEST.
		DIRECTOR, EXAMINATION FIELD.
		DIRECTOR, EXAMINATION HEADQUARTERS.
		DIRECTOR, EXAMINATION MIDWEST AREA.
		DIRECTOR, EXAMINATION SOUTHWEST AREA.
		DIRECTOR, EXEMPT ORGANIZATIONS.
		DIRECTOR, FACILITIES MANAGEMENT AND SEC SERVICES.
		DIRECTOR, FIELD ASSISTANCE—WAGE AND INVESTMENT.
		DIRECTOR, FIELD OPERATIONS EAST.
		DIRECTOR, FIELD OPERATIONS, ENGINEERING.
		DIRECTOR, FIELD OPERATIONS, NATURAL RESOURCES AND CONSTRUCTION—WEST.
		DIRECTOR, FIELD OPERATIONS, RETAIL FOOD, PHARMACEUTICALS, AND HEALTHCARE—WEST.
		DIRECTOR, FIELD OPERATIONS, RETAILERS, FOOD, TRANSPORTATION AND HEALTHCARE—EAST.
		DIRECTOR, FILING AND PREMIUM TAX CREDIT.
		DIRECTOR, FINANCIAL MANAGEMENT SERVICES.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, IDENTITY THEFT VICTIM ASSISTANCE.
		DIRECTOR, IMPLEMENTATION AND TESTING.
		DIRECTOR, INFRASTRUCTURE SERVICES.
		DIRECTOR, INTERNAL MANAGEMENT.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIRECTOR, INTERNET DEVELOPMENT SERVICES.
		DIRECTOR, JOINT OPERATIONS CENTER.
		DIRECTOR, KNOWLEDGE DEVELOPMENT AND APPLICATION.
		DIRECTOR, MAINFRAME SUPPORT AND SERVICES.
		DIRECTOR, MANAGEMENT SERVICES.
		DIRECTOR, MEDIA AND PUBLICATIONS (WASHINGTON, DC).
		DIRECTOR, MICROSOFT INITIATIVES PROGRAM.
		DIRECTOR, MODERNIZATION, DEVELOPMENT AND DELIVERY.
		DIRECTOR, NETWORK ENGINEERING.
		DIRECTOR, OFFICE OF PRIVACY, INFORMATION PROTECTION AND DATA SECURITY.
		DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DIRECTOR, ONLINE SERVICES.
		DIRECTOR, OPERATIONS SERVICE SUPPORT.
		DIRECTOR, OPERATIONS SUPPORT.
		DIRECTOR, PASS THROUGH ENTITIES.
		DIRECTOR, PRIVACY AND INFORMATION PROTECTION.
		DIRECTOR, PROCUREMENT.
		DIRECTOR, PRODUCT MANAGEMENT.
		DIRECTOR, REFUND CRIMES.
		DIRECTOR, REFUNDABLE CREDITS EXAMINATION OPERATIONS.
		DIRECTOR, REFUNDABLE CREDITS POLICY AND PROGRAM MANAGEMENT.
		DIRECTOR, REPORTING COMPLIANCE.
		DIRECTOR, RESEARCH AND ORGANIZATIONAL.
		DIRECTOR, RESEARCH, APPLIED ANALYTICS AND STATISTICS.
		DIRECTOR, RETURN INTEGRITY AND COMPLIANCE SERVICES.
		DIRECTOR, RETURN PREPARER OFFICE.
		DIRECTOR, SECURITY OPERATIONS AND STANDARDS.
		DIRECTOR, SERVER SUPPORT AND SERVICES.
		DIRECTOR, SERVICE DELIVERY MANAGEMENT.
		DIRECTOR, SERVICEWIDE OPERATIONS.
		DIRECTOR, SOLUTION ENGINEERING.
		DIRECTOR, SPECIALIZED EXAMINATION PROGRAMS AND REFERRALS.
		DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION AND COMMUNICATIONS.
		DIRECTOR, STATISTICS OF INCOME.
		DIRECTOR, STRATEGIC SUPPLIER MANAGEMENT.
		DIRECTOR, STRATEGY AND FINANCE.
		DIRECTOR, STRATEGY, RESEARCH AND PROGRAM PLANNING.
		DIRECTOR, SUBMISSION PROCESSING.
		DIRECTOR, TAX FORMS AND PUBLICATIONS.
		DIRECTOR, TECHNOLOGY SOLUTIONS.
		DIRECTOR, UNIFIED COMMUNICATIONS.
		DIRECTOR, WHISTLEBLOWER OFFICE.
		EXECUTIVE DIRECTOR, BUSINESS MODERNIZATION.
		EXECUTIVE DIRECTOR, CASE ADVOCACY INTAKE AND TECHNICAL SUPPORT.
		EXECUTIVE DIRECTOR, INVESTIGATIVE AND ENFORCEMENT OPERATIONS.
		EXECUTIVE DIRECTOR, OFFICE OF EQUITY, DIVERSITY, AND INCLUSION.
		FIELD DIRECTOR, SUBMISSION PROCESSING—OGDEN.
		FIELD DIRECTOR, SUBMISSION PROCESSING—FRESNO.
		INDUSTRY DIRECTOR—FINANCIAL SERVICES—LARGE AND MID SIZE BUSINESS.
		INTERNAL REVENUE SERVICE IDENTITY ASSURANCE EXECUTIVE.
		NATIONAL DIRECTOR LEGISLATIVE AFFAIRS.
		PROGRAM MANAGER.
		PROJECT DIRECTOR.
		PROJECT DIRECTOR FOR DEPUTY COMMISSIONER SERVICES AND ENFORCEMENT.
		PROJECT DIRECTOR, ENTERPRISE PROGRAM MANAGEMENT.
		SENIOR ADVISOR AND TECHNOLOGY ADVISOR.
		SENIOR DIRECTOR FOR OPERATIONS, AFFORDABLE CARE ACT.
		SPECIAL AGENT IN CHARGE.
		SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATION (2).
		SPECIAL ASSISTANT.
		SPECIAL ASSISTANT TO THE CHIEF, APPEALS.
		SUBMISSION PROCESSING FIELD DIRECTOR.
	INTERNAL REVENUE SERVICE CHIEF COUNSEL.	AREA COUNSEL (LARGE AND MID SIZE BUSINESS) (AREA 2) (HEAVY MANUFACTURING, CONSTRUCTION AND TRANSPORTATION).
		AREA COUNSEL (LARGE AND MID SIZE BUSINESS) (AREA 4) (NATURAL RESOURCES).
		AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL) (AREA 1).
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED).
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) (AREA 7).
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—CHICAGO.
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—DENVER.
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—JACKSONVILLE.
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—LOS ANGELES.
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—NEW YORK.
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—PHILADELPHIA.
		AREA COUNSEL, LARGE AND MID SIZE BUSINESS (AREA 3) (FOOD, MASS RETAILERS, AND PHARMACEUTICALS).
		AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED, AREA 9.
		ASSOCIATE CHIEF COUNSEL (CORPORATE).
		ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT).
		ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS).
		ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES).
		ASSOCIATE CHIEF COUNSEL (INCOME TAX AND ACCOUNTING).
		ASSOCIATE CHIEF COUNSEL (INTERNATIONAL).
		ASSOCIATE CHIEF COUNSEL (PASSTHROUGHS AND SPECIAL INDUSTRIES).
		ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION).
		ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES).
		DEPUTY ASSOCIATE CHIEF COUNSEL #2 (INCOME TAX AND ACCOUNTING).
		DEPUTY ASSOCIATE CHIEF COUNSEL (CORPORATE).
		DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT).
		DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS).
		DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES).
		DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) (LABOR AND PERSONNEL LAW).
		DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL FIELD SERVICE AND LITIGATION).
		DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL TECHNICAL).
		DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION).
		DEPUTY ASSOCIATE CHIEF COUNSEL, (PASSTHROUGHS AND SPECIAL INDUSTRIES).
		DEPUTY ASSOCIATE CHIEF COUNSEL, OPERATIONS AND INTERNATIONAL PROGRAMS.
		DEPUTY ASSOCIATE CHIEF COUNSEL, TRANSFER PRICING AND INTERNATIONAL PROGRAMS.
		DEPUTY CHIEF COUNSEL (OPERATIONS).
		DEPUTY CHIEF COUNSEL (TECHNICAL).
		DEPUTY DIVISION COUNSEL (LARGE AND MID-SIZE BUSINESS).
		DEPUTY DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED).
		DEPUTY DIVISION COUNSEL (TECHNICAL), LARGE BUSINESS AND INTERNATIONAL.
		DEPUTY DIVISION COUNSEL AND DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES).
		DEPUTY DIVISION COUNSEL, INTERNATIONAL (LARGE BUSINESS AND INTERNATIONAL).
		DEPUTY DIVISION COUNSEL/DEPUTY ASSISTANT CHIEF COUNSEL (CRIMINAL TAX).
		DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL.
		DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES).
		DEPUTY TO THE SPECIAL COUNSEL TO THE CHIEF COUNSEL.
		DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED).
		DIVISION COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DC.
		DIVISION COUNSEL (WAGE AND INVESTMENT).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		DIVISION COUNSEL, LARGE BUSINESS AND INTERNATIONAL.
		DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (CRIMINAL TAX).
		HEALTHCARE COUNSEL (OFFICE OF HEALTHCARE).
		SPECIAL COUNSEL TO THE CHIEF COUNSEL.
		SPECIAL COUNSEL TO THE NATIONAL TAXPAYER ADVOCATE.
	UNITED STATES MINT	ASSOCIATE DIRECTOR FOR FINANCIAL MANAGEMENT/CHIEF FINANCIAL OFFICER.
		ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER).
		ASSOCIATE DIRECTOR FOR MANUFACTURING.
		ASSOCIATE DIRECTOR, ENVIRONMENT, SAFETY AND HEALTH.
		CHIEF ADMINISTRATIVE OFFICER.
		DIRECTOR, OFFICE OF COIN STUDIES.
		PLANT MANAGER, PHILADELPHIA.
DEPARTMENT OF THE TREASURY OFFICE OF THE INSPECTOR GENERAL.	IMMEDIATE OFFICE	DEPUTY INSPECTOR GENERAL.
		SPECIAL DEPUTY INSPECTOR GENERAL FOR SMALL BUSINESS LENDING FUND.
	OFFICE OF COUNSEL	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
	OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCE MANAGEMENT AND TRANSPARENCY AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL MANAGEMENT).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL SECTOR AUDITS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS).
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	ASSISTANT DEPUTY SPECIAL INSPECTOR GENERAL FOR AUDIT AND EVALUATION.
		ASSISTANT DEPUTY SPECIAL INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY SPECIAL INSPECTOR GENERAL AUDIT.
		DEPUTY SPECIAL INSPECTOR GENERAL OPERATIONS.
		DEPUTY SPECIAL INSPECTOR GENERAL, INVESTIGATIONS.
		GENERAL COUNSEL FOR SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.
DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT, COMPLIANCE AND ENFORCEMENT OPERATIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT SERVICES AND EXEMPT ORGANIZATIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT, PLANNING AND WORKFORCE DEVELOPMENT.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, RETURNS PROCESSING AND ACCOUNTING SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, SECURITY AND INFORMATION TECHNOLOGY SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS-FIELD.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, CYBER, OPERATIONS AND INVESTIGATIVE SUPPORT DIRECTORATE.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, FIELD DIVISIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, THREAT, AGENT SAFETY AND SENSITIVE INVESTIGATIONS DIRECTORATE.
		CHIEF COUNSEL.
		CHIEF INFORMATION OFFICER.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS-FIELD.
		DEPUTY CHIEF COUNSEL.
		DEPUTY INSPECTOR GENERAL FOR AUDIT.
		DEPUTY INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS.
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY INSPECTOR GENERAL FOR MISSION SUPPORT/CHIEF FINANCE OFFICER.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL, CHIEF INNOVATION COUNSEL.
		ASSISTANT GENERAL COUNSEL, ETHICS AND ADMINISTRATION.
		DEPUTY GENERAL COUNSEL.
	OFFICE OF SECURITY	DIRECTOR, OFFICE OF SECURITY.
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGE BUSINESS UTILIZATION.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
	BUREAU FOR DEMOCRACY, CONFLICT, AND HUMANITARIAN ASSISTANCE.	DEPUTY DIRECTOR, OFFICE OF FOREIGN DISASTER ASSISTANCE.
	OFFICE OF BUDGET AND RESOURCE MANAGEMENT.	DIRECTOR, BUDGET AND RESOURCE MANAGEMENT.
	BUREAU FOR MANAGEMENT	CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, ACCOUNTABILITY, COMPLIANCE, TRANSPARENCY AND SYSTEM SUPPORT.
		DEPUTY DIRECTOR, OAA OPERATIONS.
		DIRECTOR, OFFICE OF MANAGEMENT, POLICY, BUDGET AND PERFORMANCE.
	HUMAN CAPITAL TALENT MANAGEMENT	CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		COUNSELOR TO THE INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY INSPECTOR GENERAL.
UNITED STATES INTERNATIONAL TRADE COMMISSION.	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF ADMINISTRATIVE SERVICES	CHIEF ADMINISTRATIVE OFFICER.
	OFFICE OF EXTERNAL RELATIONS	DIRECTOR, OFFICE OF EXTERNAL RELATIONS.
	OFFICE OF OPERATIONS	DIRECTOR OFFICE OF OPERATIONS.
	OFFICE OF ECONOMICS	DIRECTOR OFFICE OF ECONOMICS.
	OFFICE OF INDUSTRIES	DIRECTOR OFFICE OF INDUSTRIES.
	OFFICE OF INVESTIGATIONS	DIRECTOR, OFFICE OF INVESTIGATIONS.
	OFFICE OF TARIFF AFFAIRS AND TRADE AGREEMENTS.	DIRECTOR, OFFICE TARIFF AFFAIRS AND TRADE AGREEMENTS.
	OFFICE OF UNFAIR IMPORT INVESTIGATIONS.	DIRECTOR, OFFICE OF UNFAIR IMPORT INVESTIGATIONS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	CHIEF INFORMATION OFFICER.
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
DEPARTMENT OF VETERANS AFFAIRS	OFFICE OF THE SECRETARY AND DEPUTY.	DEPUTY EXECUTIVE DIRECTOR, ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.
		DEPUTY EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTLIZATION.
		EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
		EXECUTIVE DIRECTOR, EMPLOYEE DISCRIMINATION COMPLIANCE.
	OFFICE OF ACQUISITIONS, LOGISITICS AND CONSTRUCTION.	ASSOCIATE EXECUTIVE DIRECTOR, ACQUISITION PROGRAM SUPPORT.
		ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES ACQUISITIONS.
		ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES PLANNING.
		ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL HEALTHCARE ACQUISITION.
		ASSOCIATE EXECUTIVE DIRECTOR, OFFICE OF OPERATIONS.
		ASSOCIATE EXECUTIVE DIRECTOR, PROCUREMENT POLICY, SYSTEMS AND OVERSIGHT.
		ASSOCIATE EXECUTIVE DIRECTOR, PROGRAMS AND PLANS.
		ASSOCIATE EXECUTIVE DIRECTOR, RESOURCE MANAGEMENT.
		ASSOCIATE EXECUTIVE DIRECTOR, STRATEGIC ACQUISITION CENTER.
		ASSOCIATE EXECUTIVE DIRECTOR, TECHNOLOGY ACQUISITION CENTER.
		EXECUTIVE DIRECTOR, CONSTRUCTION AND FACILITIES MANAGEMENT.
		EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION AND LOGISTICS.
		PRINCIPAL EXECUTIVE DIRECTOR.
	BOARD OF VETERANS' APPEALS	CHIEF COUNSEL, BOARD OF VETERANS; APPEALS.
		DEPUTY VICE CHAIRMAN.
		VICE CHAIRMAN.
	OFFICE OF THE GENERAL COUNSEL	CHIEF COUNSEL.
		CHIEF COUNSEL COLLECTIONS NATIONAL PRACTICE GROUP.
		CHIEF COUNSEL COURT OF APPEALS FOR VETERANS CLAIMS LITIGATION GROUP.
		CHIEF COUNSEL HEALTH LAW GROUP.
		CHIEF COUNSEL REAL PROPERTY LAW GROUP.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		CHIEF COUNSEL, BENEFITS LAW GROUP.
		CHIEF COUNSEL, DISTRICT CONTRACTING.
		CHIEF COUNSEL, ETHICS LAW GROUP.
		CHIEF COUNSEL, INFORMATION LAW GROUP.
		CHIEF COUNSEL, LOAN GUARANTY.
		CHIEF COUNSEL, PERSONNEL LAW GROUP.
		CHIEF COUNSEL, PROCUREMENT LAW GROUP.
		CHIEF COUNSEL, SOUTHEAST DISTRICT—NORTH.
		CHIEF COUNSEL, TORTS AND ADMINISTRATIVE LAW.
		COUNSELOR/ADVISOR.
		DEPUTY GENERAL COUNSEL, GENERAL LAW.
		DEPUTY GENERAL COUNSEL, LEGAL OPERATIONS.
		DEPUTY GENERAL COUNSEL, VETERANS PROGRAMS.
		EXECUTIVE DIRECTOR, MANAGEMENT PLANNING AND ANALYSIS.
		EXECUTIVE DIRECTOR, OFFICE OF ACCOUNTABILITY REVIEW.
		REGIONAL COUNSEL.
		SENIOR ADVISOR (STRATEGIC PLANNING).
	OFFICE OF THE ASSISTANT SECRETARY FOR MANAGEMENT.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL BUSINESS OPERATIONS, OFFICE OF FINANCE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL POLICY, OFFICE OF FINANCE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL PROCESS IMPROVEMENT AND AUDIT READINESS, OFFICE OF FINANCE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, BUDGET OPERATIONS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, PROGRAM BUDGETS.
		DEPUTY ASSISTANT SECRETARY FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION, OFFICE OF FINANCE.
		DEPUTY ASSISTANT SECRETARY FOR BUDGET.
		DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE.
		DEPUTY DIRECTOR, ASSET ENTERPRISE MANAGEMENT.
		EXECUTIVE DIRECTOR, ASSET ENTERPRISE MANAGEMENT.
		EXECUTIVE DIRECTOR, DEBT MANAGEMENT CENTER.
		EXECUTIVE DIRECTOR, FINANCIAL SERVICES CENTER, OFFICE OF FINANCE.
		EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION OPERATIONS.
		EXECUTIVE DIRECTOR, OFFICE OF BUSINESS OVERSIGHT.
		PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANAGEMENT.
	OFFICE OF HUMAN RESOURCES MANAGEMENT.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES MANAGEMENT.
		EXECUTIVE DIRECTOR FOR LABOR MANAGEMENT RELATIONS.
	OFFICE OF RESOLUTION MANAGEMENT ..	DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT.
	OFFICE OF CORPORATE SENIOR EXECUTIVE MANAGEMENT.	EXECUTIVE DIRECTOR.
	OFFICE OF THE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.	CHIEF FINANCIAL OFFICER.
		CHIEF FINANCIAL OFFICER, INFORMATION TECHNOLOGY BUDGET AND FINANCE.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF INFORMATION SECURITY OFFICER.
		EXECUTIVE DIRECTOR, FIELD SECURITY SERVICE.
		EXECUTIVE DIRECTOR, INFORMATION SECURITY POLICY AND STRATEGY.
		EXECUTIVE DIRECTOR, INFRASTRUCTURE OPERATIONS.
		EXECUTIVE DIRECTOR, PRIVACY.
		EXECUTIVE DIRECTOR, SECURITY OPERATIONS.
	NATIONAL CEMETERY ADMINISTRATION	DEPUTY UNDER SECRETARY FOR FINANCE AND PLANNING/CFO.
	VETERANS BENEFITS ADMINISTRATION ..	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY EXECUTIVE DIRECTOR FOR POLICY AND PROCEDURES.
		DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS.
		EXECUTIVE DIRECTOR, LOAN GUARANTY SERVICE.
		EXECUTIVE DIRECTOR, OFFICE OF PERFORMANCE ANALYSIS AND INTEGRITY.
	VETERANS HEALTH ADMINISTRATION	ASSOCIATE CHIEF FINANCIAL OFFICER.
		ASSOCIATE CHIEF FINANCIAL OFFICER FOR MANAGERIAL COST ACCOUNTING.
		ASSOCIATE CHIEF FINANICAL OFFICER, FINANCIAL MANAGEMENT AND ACCOUNTING SYSTEMS.
		CHIEF COMPLIANCE AND BUSINESS INTEGRITY OFFICER.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2018—Continued

Agency	Organization	Title
		CHIEF FINANCIAL OFFICER.
		CHIEF OPERATING OFFICER VETERANS CANTEEN SERVICE.
		CHIEF PROCUREMENT AND LOGISTICS OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF PROCUREMENT OFFICER.
		DIRECTOR SERVICE AREA OFFICE (CENTRAL).
		DIRECTOR, SERVICE AREA OFFICE (EAST).
		DIRECTOR, SERVICE AREA OFFICE (WEST).
		EXECUTIVE DIRECTOR VETERANS CANTEEN SERVICE.
	MEDICAL CENTER DIRECTORS	MEDICAL CENTER DIRECTOR (ADVISORY).
	OFFICE OF OPERATIONS, SECURITY AND PREPAREDNESS.	ASSOCIATE DEPUTY ASSISTANT SECRETARY, EMERGENCY MANAGEMENT AND RESILIENCE.
		EXECUTIVE DIRECTOR FOR SECURITY AND LAW ENFORCEMENT.
		EXECUTIVE DIRECTOR, OFFICE OF PERSONNEL SECURITY AND IDENTITY MANAGEMENT.
		PRINCIPAL DEPUTY ASSISTANT SECRETARY, OPERATIONS, SECURITY AND PREPAREDNESS.
DEPARTMENT OF VETERANS AFFAIRS OFFICE OF THE INSPECTOR GENERAL.	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL.	CHIEF OF STAFF FOR HEALTHCARE OVERSIGHT INTEGRATION.
		COUNSELOR TO THE INSPECTOR GENERAL.
		DEPUTY COUNSELOR TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (HEADQUARTERS OPERATIONS).
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.	ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (HEADQUARTERS MANAGEMENT AND INSPECTIONS).
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.	ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS (CLINICAL CONSULTATION).

Authority: 5 U.S.C. 3132.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

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Part III

Postal Regulatory Commission

39 CFR Chapter III

Reorganization of Postal Regulatory Commission Rules; Final Rule

POSTAL REGULATORY COMMISSION

39 CFR Chapter III

[Docket No. RM2019–13; Order No. 5407]

Reorganization of Postal Regulatory Commission Rules

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting final rules that reorganize the order of appearance of its regulations and revise multiple sections therein.

DATES: This rule is effective on April 20, 2020.

ADDRESSES: For additional information, Order No. 5407 can be accessed electronically through the Commission's website at *https://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Relevant Statutory Requirements
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Final Rules

I. Relevant Statutory Requirements

Section 503 of title 39 of the United States Code authorizes the Commission to ''promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the government of the United States and the people as prescribed under this title.'' 39 U.S.C. 503.

The rules and regulations previously adopted by the Commission cover a broad spectrum of subjects and activities subject to statutory requirements, including standards of conduct for Commission employees (39 U.S.C. 503, 504, and Pub. L. 93–579); access to information in the possession of the Commission (5 U.S.C. 552; 39 U.S.C. 503, and 504(g)); rules of practice and procedure (5 U.S.C. 553, 554; 39 U.S.C. 404(d), 404a, 503, 504(f), 3661, and 3662); and rules applicable to Postal Service rates, products and services, and reports (39 U.S.C. 2011, 3622, 3631, 3633, 3644, 3641, 3642, 3651, 3652, and 3682).

II. Background

Shortly after its creation in 1970, the Commission's predecessor, the Postal Rate Commission, adopted rules governing practice before it.[1] Since most proceedings were at that time conducted as trial-type hearings, referred to as hearings on the record, most of the rules of practice addressed practices tailored to administrative litigation. Only one of the original rules of practice addressed procedures in rulemaking proceedings. 39 CFR 3001.41. The rules of practice were all contained in 39 CFR part 3001. In the years following adoption of the original rules of practice, the Commission added new subparts to 39 CFR part 3001 that either supplemented the original rules or adopted rules applicable to additional regulatory responsibilities.[2]

In 2006, Congress enacted the Postal Accountability and Enhancement Act, Pub. L. 109–435, 120 Stat. 3198 (2006) (PAEA). The PAEA made significant changes to the regulatory framework within which the Commission (renamed the Postal Regulatory Commission) exercised oversight of the Postal Service's rates and services. The PAEA also streamlined the process for approval of price increases by replacing the requirement for trial-type hearings on the record with notice and comment procedures closely analogous to informal rulemaking proceedings. These statutory changes required significant changes to the Commission's regulations, including its rules of practice.

The demands of implementing the far-reaching changes mandated by the PAEA in a timely manner prevented the Commission from undertaking a more comprehensive review and update of its rules. In their current form, the Commission's rules and regulations are not presented in any logical order or with a grouping of similar materials to facilitate their application.

III. Basis and Purpose of Final Rules

The proposed amendments to the rules of practice will codify existing Commission practice and make changes needed to make proceedings more efficient. Implementation of these changes should also enhance the ability of participants in Commission proceedings to participate more efficiently and effectively. The reorganization of the Commission's remaining regulations will accommodate changes to the rules of practice and will facilitate the location of relevant regulations.

The Commission's order organizes rules and regulations in six subchapters. Subchapter A to 39 CFR chapter III provides for the organization of the Commission and establishes standards of conduct for Commission employees. Subchapter B to 39 CFR chapter III contains rules governing access to information in the Commission's possession. Subchapter C to 39 CFR chapter III contains generally applicable rules of practice. Subchapter D to 39 CFR chapter III contains special rules of practice for specific types of Commission proceedings. Subchapter E to 39 CFR chapter III contains regulations governing Postal Service products and services. Subchapter F to 39 CFR chapter III contains regulations governing periodic reports by the Postal Service, its accounting practices, and its treatment of taxes.

The generally applicable rules of practice in subchapter C to 39 CFR chapter III are grouped in subparts containing related rules and should make the rules easier to use by regular participants in Commission proceedings and by those who participate less frequently. Subpart A to 39 CFR part 3010 contains generally applicable rules, such as rules that establish definitions, rules that govern the establishment of dockets, and rules that establish how time periods are to be computed. Subpart B to 39 CFR part 3010 addresses filing requirements. Subpart C to 39 CFR part 3010 governs participation in Commission proceedings. Subpart D to 39 CFR part 3010 establishes requirements for notice, motions, and Commission information requests. Subpart E to 39 CFR part 3010 establishes procedures for notice and comment rulemaking proceedings. Subpart F to 39 CFR part 3010 establishes procedures for on-the-record hearings.

IV. Implementation of the Final Rules

The Commission is delaying the effective date of these changes until April 20, 2020. This should facilitate the transition from the Commission's existing rules and regulations to the reorganized and revised rules by providing the Postal Service and interested persons an opportunity to familiarize themselves with the changes prior to implementation. It should also prevent unnecessary confusion in several major pending proceedings, such as the annual compliance review proceeding currently underway in Docket No. ACR2019, by delaying implementation of the revised and reorganized rules until after those

[1] Postal Rate Commission, Rules of Practice and Procedure, 36 FR 396 (January 12, 1971).

[2] *E.g.,* 39 CFR part 3001, subpart F, Rules Applicable to the Filing of Testimony by Intervenors, 38 FR 7536 (March 22, 1973); 39 CFR part 3001, subpart L, Rules Applicable to Negotiated Service Agreements, 69 FR 7574 (February 18, 2004).

proceedings are either concluded or have gone before the Commission for decision. Further Commission guidance regarding implementation of the revised and reorganized rules will be provided as necessary in proceedings that are still in progress as of April 20, 2020.

Final Rules

List of Subjects

39 CFR Part 3000

Conflict of interests.

39 CFR Part 3001

Administrative practice and procedure, Confidential business information, Freedom of information, Sunshine Act.

39 CFR Part 3002

Organization and functions (Government agencies), Seals and insignia.

39 CFR Part 3003

Privacy.

39 CFR Part 3004

Administrative practice and procedure, Freedom of information, Reporting and recordkeeping requirements.

39 CFR Part 3005

Administrative practice and procedure, Confidential business information, Postal Service, Reporting and recordkeeping requirements.

39 CFR Part 3007

Administrative practice and procedure, Confidential business information.

39 CFR Part 3008

Administrative practice and procedure, Courts.

39 CFR Parts 3010, 3020, and 3035

Administrative practice and procedure, Postal Service.

39 CFR Parts 3015, 3025, 3030, and 3031

Administrative practice and procedure.

39 CFR Part 3017

Administrative practice and procedure, Postal Service, Treaties.

39 CFR Part 3032

Administrative practice and procedure, Postal Service, Trademarks.

39 CFR Part 3050

Administrative practice and procedure, Postal Service, Reporting and recordkeeping requirements.

39 CFR Part 3055 and 3060

Administrative practice and procedure, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

■ 1. Under the authority of 39 U.S.C. 503, redesignate the parts in the ''Current part'' column as the parts in the ''New part'' column as shown in the following table:

Current part	New part
3035	3045
3020	3040
3015	3035
3030	3022
3010	3030
3025	3021
3017	3025
3032	3024
3031	3023
3005	3013
3008	3012
3007	3011
3001	3010
3004	3006
3003	3005
3000	3001
3002	3000

Subchapter A—The Commission

■ 2. Designate newly redesignated parts 3000 and 3001 as subchapter A under the heading set forth above.

Subchapter B—Seeking Information From the Commission

■ 3. Designate newly redesignated parts 3005 and 3006 as subchapter B under the heading set forth above.

Subchapter C—General Rules of Practice for Proceedings Before the Commission

■ 4. Designate newly redesignated parts 3010 through 3013 as subchapter C under the heading set forth above.

Subchapter D—Special Rules of Practice for Specific Proceeding Types

■ 5. Designate newly redesignated parts 3020 through 3025 as subchapter D under the heading set forth above.

Subchapter E—Regulations Governing Market Dominant Products, Competitive Products, Product Lists, and Market Tests

■ 6. Designate newly redesignated parts 3030 through 3045 as subchapter E under the heading set forth above.

Subchapter F—Periodic Reporting, Accounting Practices, and Tax Rules

■ 7. Designate parts 3050 through 3099 as subchapter F under the heading set forth above.

PART 3040—PRODUCT LISTS

■ 8. Under the authority of 39 U.S.C. 503, for newly redesignated part 3040, redesignate §§ 3020.1 through 3020.112 as §§ 3040.101 through 3040.212, respectively.

PART 3035—REGULATION OF RATES FOR COMPETITIVE PRODUCTS

■ 9. Under the authority of 39 U.S.C. 503, for newly redesignated part 3035, redesignate §§ 3015.1 through 3015.7 as §§ 3035.101 through 3035.107, respectively.

PART 3030—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS

■ 10. Under the authority of 39 U.S.C. 503, for newly redesignated part 3030, redesignate §§ 3010.1 through 3010.66 as §§ 3030.501 through 3030.566, respectively.

PART 3025—PROCEDURES RELATED TO COMMISSION VIEWS

■ 11. Under the authority of 39 U.S.C. 503, for newly redesignated part 3025, redesignate §§ 3017.1 through 3017.5 as §§ 3025.101 through 3025.105, respectively.

PART 3005—PRIVACY ACT RULES

■ 12. Under the authority of 39 U.S.C. 503, for newly redesignated part 3005, redesignate §§ 3003.1 through 3003.7 as §§ 3005.101 through 3005.107, respectively.

PART 3001—STANDARDS OF CONDUCT

■ 13. Under the authority of 39 U.S.C. 503, for newly redesignated part 3001, redesignate §§ 3000.5 through 3000.55 as §§ 3001.105 through 3001.155, respectively.

PART 3000—ORGANIZATION

■ 14. Under the authority of 39 U.S.C. 503, for newly redesignated part 3000, redesignate §§ 3002.1 through 3002.16 as §§ 3000.101 through 3000.116, respectively.

PART 3000—THE COMMISSION AND ITS OFFICES

■ 15. The authority for newly redesignated part 3000 continues to read as follows:

Authority: 39 U.S.C. 503; 5 U.S.C. 552.

■ 16. Revise heading for newly redesignated part 3000 to read as set forth above.

■ 17. Amend newly redesignated § 3000.102 by revising paragraph (b) to read as follows:

§ 3000.102 Statutory functions.

* * * * *

(b) *Public participation.* Interested persons may participate in proceedings before the Commission as described in part 3010, subpart C of this chapter. Pursuant to 39 U.S.C. 3662(a) and part 3022 of this chapter, any interested person may lodge rate and service complaints with the Commission. Persons served by a post office that the Postal Service decides to close or consolidate may appeal such determinations in accordance with 39 U.S.C. 404(d) and part 3021 of this chapter.

■ 18. Amend newly redesignated § 3000.110 by revising paragraphs (b) and (c) to read as follows:

§ 3000.110 The Commission and its offices.

* * * * *

(b) *The Chairman and Vice Chairman.* The Chairman has the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the offices and employees of the Commission. The Chairman has the administrative duty to preside at the meetings and sessions of the Commission and to represent the Commission in matters specified by statute or executive order or as the Commission directs. The Commission shall elect annually a member of the Commission to serve as Vice Chairman of the Commission for a term of one year or until a successor is elected. In case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, the Vice Chairman, unless otherwise directed by the Chairman, shall have the administrative responsibilities and duties of the Chairman during the period of vacancy, absence, or inability.

(c) *Commission offices.* The Commission's offices are located at 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001. On these premises, the Commission maintains offices for Commissioners and staff; a docket room where documents may be filed with the Commission pursuant to part 3010, subpart B of this chapter and examined by interested persons, a public reading room where the Commission's public records are available for inspection and copying; and a hearing room where formal evidentiary proceedings are held on matters before the Commission. The Commission also maintains an electronic reading room accessible through the internet, on its website at *http://www.prc.gov.*

■ 19. Amend newly redesignated § 3000.112 by revising paragraph (b) introductory text to read as follows:

§ 3000.112 Office of Accountability and Compliance.

* * * * *

(b) The Office of Accountability and Compliance provides the analytic support to the Commission for the review of rate changes, negotiated service agreements, classification of products, the Annual Compliance Determination, the Annual Report, changes to postal services, post office closings and other issues which come before the Commission. The functional areas of expertise within this office are:

* * * * *

■ 20. Amend newly redesignated § 3000.115 by revising paragraph (b)(2) to read as follows:

§ 3000.115 Office of Public Affairs and Government Relations.

* * * * *

(b) * * *

(2) *Consumer Affairs.* As the principal source of outreach and education to the public, the Office of Public Affairs and Government Relations provides information to postal consumers and assists in the resolution of rate and service inquiries from members of the public pursuant to part 3023 of this chapter. It supports the impartial resolution of those inquiries through use of the Postal Service's Office of Consumer Advocate and reports the results to the Commission. The Office of Public Affairs and Government Relations also utilizes procedures available under the Commission's rules and applicable law to assist relevant stakeholders in appeals of Postal Service decisions to close or consolidate individual post offices; maintains a record of service-related inquiries; and posts calendar updates and other public information on the Commission's website.

* * * * *

PART 3001—EMPLOYEE STANDARDS OF CONDUCT

■ 21. The authority for newly redesignated part 3001 continues to read as follows:

Authority: 39 U.S.C. 503, 504, 3603; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 56 FR 42547, 3 CFR, 1990 Comp., p. 396; 5 CFR parts 2634 and 2635.

■ 22. Revise the heading of newly redesignated part 3001 to read as set forth above.

■ 23. Amend newly redesignated § 3001.105 by revising paragraph (b) to read as follows:

§ 3001.105 Post-employment restrictions.

* * * * *

(b) No former employee of the Commission may within one year after the individual's employment has ceased, practice before or act as an attorney, expert witness, or representative in connection with any proceeding or matter before the Commission that was under the official responsibility of such individual, as defined in 18 U.S.C. 202(b), while in the service of the Commission.

■ 24. Amend newly redesignated § 3001.150 by revising paragraph (b) to read as follows:

§ 3001.150 Ex parte communications prohibited.

* * * * *

(b) Additional ex parte communications requirements, applicable to specific docket types, are described in part 3012 of this chapter.

PART 3005—PRIVACY ACT RULES

■ 25. The authority for newly redesignated part 3005 continues to read as follows:

Authority: Privacy Act of 1974 (Pub. L. 93–579), 5 U.S.C. 552a.

■ 26. Amend newly redesignated § 3005.103 by revising paragraphs (a)(1) through (3) and (c)(3) and (4) to read as follows:

§ 3005.103 Procedures for requesting inspection, copying, or correction.

(a) * * *

(1) Wishes to know whether a Commission system of records contains a record about the individual,

(2) Seeks access to a Commission record about the individual that is maintained in a system of records (including the accounting of disclosures), or

(3) Seeks to amend a record about the individual that is maintained in a system of records, may file a written

request with the chief administrative officer of the Commission at the Commission's current address (901 New York Avenue NW, Suite 200, Washington, DC 20268–0001). The request should state on the outside of the envelope and in the request that it is a Privacy Act request.

* * * * *

(c) * * *

(3) If accompanied by another individual, must sign a statement, if requested by the chief administrative officer, authorizing discussion of the individual's record in the presence of that individual;

(4) Who files a request by mail must include the individual's date of birth, dates of employment at the Commission (if applicable), and suitable proof of identity, such as a facsimile of a driver's license, employee identification card, or Medicare card; and

* * * * *

PART 3006—PUBLIC RECORDS AND FREEDOM OF INFORMATION ACT

■ 27. The authority for newly redesignated part 3006 continues to read as follows:

Authority: 5 U.S.C. 552; 39 U.S.C. 503.

■ 28. Amend newly redesignated § 3006.1 by revising paragraphs (b) and (c) to read as follows:

§ 3006.1 Purpose.

* * * * *

(b) Information required to be published or made available pursuant to 5 U.S.C. 552(a)(1) and (a)(2) may be found in part 3000 of this chapter, and on the Commission's website at *http://www.prc.gov.* The Commission's guide to FOIA, all required FOIA indexes, and recent annual FOIA reports are also available on the website.

(c) Section 3006.10 identifies records that the Commission has determined to be public.

■ 29. Amend newly redesignated § 3006.2 by revising paragraph (b) to read as follows:

§ 3006.2 Presumption of openness.

* * * * *

(b) It is the stated policy of the Commission that FOIA requests shall be administered with a clear presumption of openness. The Commission will only withhold information if it reasonably foresees that disclosure would harm an interest protected by a FOIA exemption, as enumerated in § 3006.11, or disclosure is otherwise prohibited by law.

* * * * *

■ 30. Amend newly redesignated § 3006.10 by revising paragraph (a) introductory text to read as follows:

§ 3006.10 Public records.

(a) Except as provided in § 3006.11 and in § 3011.200 of this chapter, the public records of the Commission include all submissions and filings as follows:

* * * * *

■ 31. Amend newly redesignated § 3006.12 by revising paragraph (b) to read as follows:

§ 3006.12 Reading room.

* * * * *

(b) The records available for public inspection and printing include, for example, decisions; reports; opinions; orders; notices; findings; determinations; statements of policy; copies of selected records released under FOIA; indexes required to be maintained under FOIA; and records described in § 3006.10 relating to any matter or proceeding before the Commission.

* * * * *

■ 32. Amend newly redesignated § 3006.30 by revising paragraphs (b), (d) introductory text, (d)(2), and (e)(2) to read as follows:

§ 3006.30 Relationship among the Freedom of Information Act, the Privacy Act, and the Commission's procedures for according appropriate confidentiality.

* * * * *

(b) *Requesting records subject to the Privacy Act.* A request by an individual for the individual's own records contained in a system of records is governed by the Privacy Act. Release will first be considered under the Privacy Act pursuant to part 3005 of this chapter. However, if there is any record that the Commission need not release under the Privacy Act, the Commission will also consider the request under FOIA, and will release the record if FOIA requires it.

* * * * *

(d) *Requesting a Postal Service record.* The Commission maintains custody of records that are both Commission and Postal Service records. In all instances that the Postal Service submits materials to the Commission that the Postal Service reasonably believes to be exempt from public disclosure, the Postal Service shall follow the procedures described in subpart B of part 3011 of this chapter.

* * * * *

(2) A request made pursuant to part 3011 of this chapter for records designated as non-public by the Postal Service shall be considered under the applicable standards set forth in that part.

(e) * * *

(2) A request made pursuant to part 3011 of this chapter for records designated as non-public by a person other than the Postal Service shall be considered under the applicable standards set forth in that part.

■ 33. Amend newly redesignated § 3006.40 by revising paragraph (a)(6) to read as follows:

§ 3006.40 Hard copy requests for records and for expedited processing.

(a) * * *

(6) Identify the request category under § 3006.51; and

* * * * *

■ 34. Amend newly redesignated § 3006.41 by revising paragraph (a)(4) to read as follows:

§ 3006.41 Electronic requests for records and for expedited processing.

(a) * * *

(4) Identify the request category under § 3006.51; and

* * * * *

■ 35. Amend newly redesignated § 3006.43 by revising paragraph (f) to read as follows:

§ 3006.43 Response to requests.

* * * * *

(f) Where a compelling need is not shown in an expedited request as specified in § 3006.41(b)(1), the Commission may grant requests for expedited processing at its discretion.

■ 36. Amend newly redesignated § 3006.51 by revising paragraph (b) to read as follows:

§ 3006.51 Fees—request category.

* * * * *

(b) *Privacy Act.* A request by an individual for the individual's own records in a system of records will be charged fees as provided under the Commission's Privacy Act regulations in part 3005 of this chapter.

■ 37. Amend newly redesignated § 3006.52 by revising paragraphs (e) introductory text and (e)(1) to read as follows:

§ 3006.52 Fees—general provisions.

* * * * *

(e) No requester will be charged a fee after any search or response which occurs after the applicable time limits as described in §§ 3006.43 and 3006.44, unless:

(1) The Commission extends the time limit for its response due to unusual circumstances, pursuant to § 3006.45(a),

and the Commission completes its response within the extension of time provided under that section; or

* * * * *

■ 38. Amend newly redesignated § 3006.53 by revising paragraph (b) to read as follows:

§ 3006.53 Fee schedule.

* * * * *

(b) In addition to the fee waiver provisions of § 3006.52(d), fees may be waived at the discretion of the Commission.

■ 39. Amend newly redesignated § 3006.54 by revising paragraph (a)(2) to read as follows:

§ 3006.54 Procedure for assessing and collecting fees.

(a) * * *

(2) When advance payment is required, the administrative time limits prescribed in 5 U.S.C. 552(a)(6) (§ 3006.43) begin only after such payment has been received.

* * * * *

■ 40. Revise newly redesignated § 3006.61 to read as follows:

§ 3006.61 Freedom of Information Act Public Liaison.

The Commission designates the Director of the Office of Public Affairs and Government Relations or the individual's designee as the FOIA Public Liaison who shall assist in the resolution of any dispute between a requester and the Commission. The FOIA Public Liaison may be contacted via email at *PRC–PAGR@prc.gov* or telephone at 202–789–6800.

■ 41. Amend newly redesignated § 3006.70 by revising paragraphs (a) through (c) to read as follows:

§ 3006.70 Submission of non-public materials by a person other than the Postal Service.

(a) *Overlap with treatment of non-public materials.* Any person who submits materials to the Commission (submitter) that the submitter reasonably believes to be exempt from public disclosure shall follow the procedures described in subpart B of part 3011 of this chapter.

(b) *Notice of request.* Except as provided in § 3006.30(d), if a FOIA request seeks materials designated as non-public materials, the Commission will provide the submitter with notice of the request. The Commission may also provide notice when it has reason to believe that materials submitted by a person other than the Postal Service are possibly exempt from disclosure and may fall within the scope of any FOIA request.

(c) *Objections to disclosure.* A submitter may file written objections to the request specifying all grounds for withholding the information under FOIA within seven days of the date of the notice. If the submitter fails to respond to the notice, the submitter will be considered to have no objection, beyond those objections articulated in its application for non-public treatment pursuant to § 3011.201 of this chapter, to the disclosure of the information.

* * * * *

■ 42. Add new part 3007, consisting of § 3007.100, to subchapter B to read as follows:

PART 3007—COMMISSION MEETINGS

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

§ 3007.100 Public access to Commission meetings.

(a) *Definition. Commission meeting* means the deliberations of at least three Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business.

(b) *Open Commission meetings.* (1) Commissioners shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in paragraph (d) of this section, every portion of every meeting of the Commission shall be open to public observation.

(2) Members of the public may not participate in open meetings. They may record the proceedings, provided they use battery-operated recording devices at their seats. Cameras may be used by observers to photograph proceedings, provided it is done from their seats and no flash or lighting equipment is used. Persons may electronically record or photograph a meeting, as long as such activity does not impede or disturb the members of the Commission in the performance of their duties, or members of the public attempting to observe, or to record or photograph, the Commission meeting.

(c) *Physical arrangements for open meetings.* The Secretary shall be responsible for seeing that ample space, sufficient visibility, and adequate acoustics are provided for public observation of the Commission meetings.

(d) *Closed Commission meetings.* Except in a case where the Commission finds that the public interest requires otherwise, the second sentence of paragraph (b)(1) of this section shall not apply to any portion of a Commission meeting, and the requirements of paragraphs (f) and (g) of this section shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the Commission properly determines that such portion or portions of its meetings or the disclosure of such information is likely to:

(1) Disclose matters that:

(i) Are specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy; and

(ii) Are in fact properly classified pursuant to such Executive order.

(2) Relate solely to the internal personnel rules and practices of the Commission;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute:

(i) Requires the matter to be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(v) Disclose investigative techniques and procedures; or

(vi) Endanger the life or physical safety of law enforcement personnel.

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action, except that this paragraph (d)(9) shall not apply in any instance where the Commission has already disclosed to the public the content or nature of its proposed action, or where the Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal; or

(10) Specifically concern the Commission's issuance of a subpoena or the Commission's participation in a civil action or appellate proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct or disposition by the Commission of a particular case of formal Commission adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

(e) *Procedures for closing meetings.* (1) Action under paragraph (d) of this section shall be taken only when three Commissioners vote to take such action. A separate vote of the Commissioners shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to paragraph (d) of this section, or with respect to any information which is proposed to be withheld under paragraph (d) of this section. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than 30 days after the initial meeting in such series. The vote of each Commissioner participating in such vote shall be recorded and no proxies shall be allowed.

(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraph (d)(5), (6), or (7) of this section, the Commission upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(3) Within one day of any vote taken pursuant to paragraph (e)(1) or (2) of this section, the Commission shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Commission shall, within one day of the vote taken pursuant to paragraph (e)(1) or (2) of this section, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

(4) Any person may protest a Commission decision to hold a closed meeting under paragraph (e)(1) or (2) of this section by filing a motion to open the meeting. Such motion shall be addressed to the Commission and shall set forth with particularity the statutory or other authority relied upon, the reasons for which the movant believes the meeting should not be closed, and the reasons for which the movant believes that the public interest requires the meeting to be open. Such motion shall be filed with the Secretary no later than 24 hours prior to the time for which the closed meeting is scheduled.

(5) The Commission has determined that a majority of its meetings may be closed to the public pursuant to paragraph (d)(4), (8), or (10) of this section or any combination thereof. Therefore, pursuant to 5 U.S.C. 552b(d)(4), Commission meetings shall be closed to the public pursuant to paragraph (d)(4), (8), or (10) of this section or any combination thereof when three Commissioners vote by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting, and a copy of such vote, reflecting the vote of each Commissioner on the question, is made available to the public. The provisions of paragraphs (e)(1) through (3) and (f) of this section shall not apply to any portion of a meeting to which paragraph (e)(5) of this section applies: Provided, that the Commission shall, except to the extent that such information is exempt from disclosure under the provisions of paragraph (d) of this section, provide the public with public announcement of the time, place, and subject matter of the meeting and of each portion thereof at the earliest practicable time.

(f) *Scheduling and public announcement.* (1) In the case of each meeting, the Commission shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting. Such announcement shall be made unless three Commissioners determine by a recorded vote that Commission business requires that such meeting be called at an earlier date, in which case the Commission shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(2) The time or place of a meeting may be changed following the public announcement required by paragraph (f)(1) of this section only if the Commission publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the Commission to open or close a meeting, or a portion of a meeting, to the public, may be changed following the public announcement required by paragraph (f)(1) of this section only if:

(i) Three Commissioners determine by a recorded vote that Commission business so requires and that no earlier announcement of the change was possible; and

(ii) The Commission publicly announces such change and the vote of each Commissioner upon such change at the earliest practicable time.

(3) Immediately following each public announcement required by this paragraph (f), notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting, shall also be submitted for publication in the **Federal Register**.

(4) The public announcement required by this section may consist of the Secretary:

(i) Publicly posting a copy of the document in the reception area of the Postal Regulatory Commission located at 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001;

(ii) Mailing a copy to all persons whose names are on a mailing list maintained for this purpose;

(iii) Operating a recorded telephone announcement, giving the announcement; and

(iv) Any other means which the Secretary believes will serve to further inform any persons who might be interested.

(g) *Certification of closed meetings; transcripts, electronic recordings, and minutes.* (1) Before any meeting to be closed pursuant to paragraphs (d)(1) through (10) of this section, the General Counsel of the Commission, or in the General Counsel's absence, the senior advisory staff attorney available, should publicly certify that, in the individual's opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such

certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Commission. The Commission shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (d)(8) or (10) of this section, the Commission shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each Commissioner on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) The Commission shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (g)(1) of this section) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Commission determines by a majority vote of all its members contains information which may be withheld under paragraph (d) of this section, and is not required by the public interest to be made available. Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The Commission shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

(h) *Requests to open or close Commission meetings.* (1)(i) Any person may request in writing that the Commission open to public observation discussion of a matter which it has earlier decided to close.

(ii) Such requests shall be captioned ''Request to open __ (date) Commission meeting on item __ (number or description).'' The request shall state the reason(s) therefor, the name and address of the person making the request and, if desired, a telephone number.

(iii) Ten copies of such requests must be received by the Office of Secretary and Administration no later than three working days after the issuance of the notice of meeting to which the request pertains. Requests received after that time will be returned to the requester with a statement that the request was untimely received and that copies of any nonexempt portions of the transcript or minutes for the meeting in question will ordinarily be available in the Office of Secretary and Administration ten working days after the meeting.

(2)(i) Any person whose interests may be directly affected may request in writing that the Commission close to public observation discussion of a matter which it has earlier decided to open as provided for in paragraph (e)(2) of this section.

(ii) Such requests shall be captioned ''Request to Close __ (date) Commission meeting on item __ (number or description),'' shall state the reason(s) therefor, the name and address of the person making the request and, if desired, a telephone number.

(iii) Ten copies of such requests should be filed with the Office of Secretary and Administration as soon as possible after the issuance of the notice of meeting to which the request pertains. However, a single copy of the request will be accepted. Requests to close meetings must be received by the Office of Secretary and Administration no later than the time scheduled for the meeting to which such a request pertains.

(3) The Secretary shall retain one copy of timely requests and forward one copy to each Commissioner, one copy to the interested Office, and two copies to the Docket Section, one for entry in the appropriate docket file, if any, and one to be posted on the Public Notice Board located in that section as an attachment to the Notice of Meeting to which it pertains.

(4) Pleadings replying to requests to open or close shall not be accepted.

(5) Any Commissioner may require that the Commission vote upon the request to open or close. If the request is supported by the votes of a majority of the agency membership, notice of change in meeting shall be issued and the Secretary shall immediately notify the requester and, before the close of business the next working day, have posted such vote and other material required by paragraphs (e) and (f) of this section on the Commission's Public Notice Board.

(6) If no Commissioner requests that a vote be taken on a request to open or close a Commission meeting, the Secretary shall by the close of the next working day after the meeting to which such request pertains certify that no vote was taken. The Secretary shall forward one copy of that certification to the requester and two copies of that certification to the Docket Section, one to be placed in the appropriate docket file, if any, and one to be posted on the Public Notice Board, where it will be displayed for one week.

■ 43. Revise newly redesignated part 3010 to read as follows:

PART 3010—RULES OF PRACTICE AND PROCEDURE

Subpart A—General Provisions

Sec.
3010.100 Applicability and scope.
3010.101 Definitions.
3010.102 Commission dockets.
3010.103 Procedural schedules in docketed proceedings.
3010.104 Consolidation and severance of proceedings.
3010.105 Consideration of matters before the Commission.
3010.106 Presiding officers.
3010.107 Appeals from interlocutory rulings by presiding officers.
3010.108 Computation of time.
3010.109 Automatic closure of inactive dockets.

Subpart B—Filing Requirements

3010.120 Filing material with the Commission.
3010.121 Filing Online system.
3010.122 Material filed using method other than the Filing Online system.
3010.123 Rejected filings.
3010.124 Form and content of text-based documents filed with the Commission.
3010.125 Library references.
3010.126 Subscription.
3010.127 Service.

Subpart C—Participation in Commission Proceedings

3010.140 Opportunity for comment.
3010.141 Appeals of Postal Service determinations to close or consolidate post offices.
3010.142 Parties to hearings on the record.
3010.143 Representation of persons.
3010.144 Limitation of participation by investigative or prosecuting officers.

Subpart D—Notices, Motions, and Information Requests

3010.150 Notices.
3010.151 Notices and orders initiating proceeding.
3010.152 Notices initiating dockets for consideration of negotiated service agreements.
3010.160 Motions.
3010.161 Motions for waiver.
3010.162 Motions for continuances and extensions of time.

3010.163 Motions for late acceptance.
3010.164 Motions to strike.
3010.170 Information requests.

Subpart E—Proceedings Using Notice and Comment Procedures

3010.200 Applicability.
3010.201 Initiation of a proceeding.
3010.202 Participation in notice and comment proceedings.
3010.203 Commission action.

Subpart F—Proceedings With an Opportunity for a Hearing on the Record

3010.300 Applicability.
3010.301 Notice of proceeding.
3010.302 Prehearing conferences.
3010.303 Hearing format.
3010.304 Scheduling order.
3010.310 Discovery—general policy.
3010.311 Interrogatories for purpose of discovery.
3010.312 Requests for production of documents or things for purpose of discovery.
3010.313 Requests for admissions for purpose of discovery.
3010.320 Settlement conferences.
3010.321 Hearings.
3010.322 Evidence—general.
3010.323 Evidence—introduction and reliance upon studies and analyses.
3010.324 In camera orders.
3010.325 Depositions.
3010.330 Briefs.
3010.331 Proposed findings and conclusions.
3010.332 Oral argument before the presiding officer.
3010.333 Oral argument before the Commission.
3010.334 Commission decisions.
3010.335 Intermediate decisions.
3010.336 Exceptions to intermediate decisions.

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

Subpart A—General Provisions

§ 3010.100 Applicability and scope.

(a) The rules in this part apply to practice before the Postal Regulatory Commission.

(b) When a general rule conflicts with a rule governing a specific practice area, the rule governing the specific practice area shall take precedence.

(c) The rules in this part shall be liberally construed to secure a just and speedy determination of issues. They permit the informal disposition of any matter for which formal procedures are not specifically required by statute.

(d) Except when specifically required by statute, the rules in this part may be waived for good cause and appropriate alternative procedures may be prescribed.

(e) The rules in this part shall be referred to as the ''rules of practice.'' Rules are to be cited using only the numbers and letters to the right of the decimal point. For example, paragraph (a) of ''§ 3010.120 Filing material with the Commission'' shall be referred to as ''section 120(a) of the rules of practice (39 CFR 3–1-.120(a))'' or as ''rule 120(a)'' (39 CFR 3010.120(a)).

§ 3010.101 Definitions.

(a) *Act* means title 39 of the United States Code, as amended.

(b) *Commission* or *Commissioner* means, respectively, the Postal Regulatory Commission established by the Act or a member thereof. The Commission is located at 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001. The Commission's regular business hours are from 8 a.m. to 4:30 p.m. Eastern Time, except for Saturdays, Sundays, and Federal holidays.

(c) *Complainant* means a person who files a complaint with the Commission pursuant to section 3662 of the Act in the form and manner hereinafter prescribed.

(d) *Effective date,* when used with respect to a notice, order, ruling, or other document issued by the Commission or an officer thereof (excluding documents issued for publication in the **Federal Register**), means the date the filing is posted on the Daily Listing page of the Commission's website unless otherwise specifically provided.

(e) *Hearing on the record* means a hearing conducted under sections 556 and 557 of title 5, U.S.C. (80 Stat. 386), as provided by section 3661 of the Act or in any other proceeding noticed by the Commission for a hearing on the record.

(f) *Negotiated service agreement* means a written contract, to be in effect for a defined period of time, between the Postal Service and a mailer, which provides for customer-specific rates or fees and/or terms of service in accordance with the terms and conditions of the contract. A rate associated with a negotiated service agreement is not a rate of general applicability.

(g) *Participant* means any person who participates, or seeks to participate, in a proceeding before the Commission.

(h) *Party* means the Postal Service, the Public Representative, a complainant, or a person who has intervened in a proceeding docketed for a hearing on the record before the Commission.

(i) *Person* means an individual, a partnership, corporation, limited liability company, trust, unincorporated association, public or private organization, or governmental entity.

(j) *Petitioner* means a person who is permitted by section 404(d)(5) of the Act to appeal to the Commission a determination of the Postal Service to close or consolidate a post office.

(k) *Postal Service* means the United States Postal Service established by the Act.

(l) *Postal service* refers to the delivery of letters, printed matter, or mailable packages, including acceptance, collection, sorting, transportation, or other functions ancillary thereto.

(m) *Presiding officer* means a person designated by the Chairman of the Commission or the Commission to preside over a Commission proceeding or over a hearing held on the record before the Commission.

(n) *Proceeding* means a Commission process initiated by the issuance of a notice or order that establishes a docket for the consideration of a matter before the Commission.

(o) *Product* means a postal service with a distinct cost or market characteristic for which a rate or rates are, or may reasonably be, applied.

(p) *Public Representative* or *PR* means an officer of the Commission designated to represent the interests of the general public in a Commission proceeding.

(q) *Rate or class of general applicability* means a rate or class that is available to all mailers equally on the same terms and conditions.

(r) *Record* means all documents and other material in a docket, including pleadings, testimony, exhibits, library references, transcripts of oral testimony or statements given or made during a hearing, comments, briefs, and *in camera* material, whether or not relied upon by the Commission or presiding officer in reaching a decision.

(s) *Secretary* means the Secretary of the Commission, the Acting Secretary, or the Secretary's designee.

(t) *Small business concern* means a for-profit business entity that:

(1) Is independently owned and operated;

(2) Is not dominant in its field of operation;

(3) Has a place of business located in the United States;

(4) Operates primarily within the United States or makes a significant contribution to the United States economy by paying taxes or using American products, materials, or labor; and

(5) Together with its affiliates, qualifies as *small* in its primary industry under the criteria and size standards established by the Small Business Administration in 13 CFR 121.201 based on annual receipts or number of employees.

(u) *Website* means the Commission's website located at *https://www.prc.gov.*

§ 3010.102 Commission dockets.

(a) The Commission may initiate a proceeding by issuing a notice or order that establishes a docket in which a proceeding is to be conducted.

(b) When permitted by statute or regulation, any person may seek the initiation of a proceeding by filing a request with the Commission that complies with the rules governing the type of proceeding being requested.

(c) The Secretary shall maintain a docket for all matters that come before the Commission.

(d)(1) The Secretary shall assign docket designations to each matter that comes before the Commission that reflect the nature of the matter, set forth the fiscal year in which the matter came before the Commission, and where applicable, the sequential number of the docket type within the fiscal year. Available docket types are:

(i) Appeal of a Post Office Closing (A);

(ii) Annual Compliance Report (ACR);

(iii) Complaint (C);

(iv) Competitive Product Rates (CP);

(v) General (G);

(vi) International Mail (IM);

(vii) Mail Classification (MC);

(viii) Market Test (MT);

(ix) Change in the Nature of Postal Services (N);

(x) Public Inquiry (PI);

(xi) Market Dominant Rates (R);

(xii) Rulemaking (RM);

(xiii) Special Studies (SS); and

(xiv) Annual Review of Tax Calculation (T).

(2) The Commission may modify the list of docket types and document formats without prior notice.

(e) The Secretary's assignment of a docket designation does not, by itself, establish a docket or initiate a proceeding. A docket is formally established and proceedings initiated only by the issuance of a Commission notice or order except for certain negotiated service agreements for which the authority to establish a docket and initiate a proceeding by issuance of a Secretary's notice has been delegated to the Secretary.

(f) The substance of the matter presented to the Commission, not the assigned docket type, shall govern the procedural requirements for the docket.

(g) Material filed with the Commission following the Secretary's assignment of a docket designation shall include the assigned docket designation.

(h) Public material filed within a docket may be viewed at the Commission's Docket Section during regular business hours. Public documents filed in a docket that appear in electronic format may also be accessed remotely via the Commission's website. Confidential material filed under seal in a docket may only be accessed with prior authorization. Part 3011 of this chapter sets forth the procedures for obtaining such authorization. Persons who wish to access confidential material should contact the Commission's Docket Section for the appropriate mode for transmitting material filed under seal.

(i) Active dockets may only be closed by the Commission.

§ 3010.103 Procedural schedules in docketed proceedings.

Procedural schedules shall be established and may be periodically modified for each matter that is assigned a docket designation.

§ 3010.104 Consolidation and severance of proceedings.

The Commission may order proceedings involving related issues or facts to be consolidated for consideration of any or all matters at issue in such proceedings. The Commission may sever proceedings which have been consolidated or order separate proceedings on any issue presented if it appears that separate proceedings will be more convenient, expeditious, or otherwise appropriate.

§ 3010.105 Consideration of matters before the Commission.

(a) Unless it orders otherwise, the Commission shall sit *en banc* in all matters that come before it. In those proceedings in which a presiding officer is appointed, the Commission will continue to sit *en banc,* unless modified by Commission notice or order, with the presiding officer responsible for those matters within the scope of the presiding officer's authority.

(b) A decision to establish a docket (other than certain negotiated service agreement dockets), close an active docket, or reach a final decision in any docket shall be by majority vote of the Commissioners then in office.

§ 3010.106 Presiding officers.

(a) *Designation of presiding officers.* The Chairman, in consultation with all other Commissioners then in office, may designate any Commissioner, including the Chairman, to act as presiding officer over any matter before the Commission. Subject to approval by majority vote of all Commissioners then in office, the Chairman may also designate any member of the Commission's staff, an Administrative Law Judge employed by the Commission for a specific proceeding, or any person under contract with the Commission to serve as presiding officer over any matter before the Commission. Contracts between the Commission and any person who is to serve as a presiding officer must include provisions that incorporate the ethical requirements and standards applicable to Commission employees who serve as presiding officers.

(b) *Notice of designation.* The Secretary shall issue a notice of any decision to designate a presiding officer. The notice shall identify the presiding officer and the date of appointment. Any expansion or limitation on the presiding officer's authority, or specific direction to a presiding officer (such as specific direction to issue an intermediate decision for the Commission's consideration) not specified in this section shall be included in the notice.

(c) *Authority delegated.* Presiding officers shall have the authority, within the Commission's powers and subject to its published rules to:

(1) Regulate the course of a proceeding before the Commission, including ruling on all matters not specifically reserved for the Commission, either orally during a hearing or by issuing written presiding officer rulings;

(2) Regulate the course of a public hearing, including the recessing, reconvening, and adjournment thereof;

(3) Issue presiding officer information requests;

(4) Administer oaths and affirmations;

(5) Issue subpoenas authorized by law (limited to Commissioners and Administrative Law Judges designated as presiding officers);

(6) Rule upon offers of proof and receive relevant evidence;

(7) Take or authorize that depositions be taken as provided in § 3010.324;

(8) Hold appropriate conferences before or during hearings and to rule on matters raised at such conferences, including prehearing conferences held pursuant to § 3010.302;

(9) Dispose of procedural requests or similar matters except for motions to dismiss or to otherwise make a final determination of a proceeding prior to the issuance of an intermediate decision as provided in paragraph (c)(11) of this section;

(10) Certify, within their discretion, or upon direction of the Commission, any question to the Commission for its consideration and disposition including, without limitation, motions to dismiss or to otherwise make a final determination of a proceeding prior to the issuance of an intermediate decision as provided in paragraph (c)(11) of this section;

(11) Submit an intermediate decision in accordance with § 3010.335, when directed; and

(12) Take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations, and policies of the Commission.

(d) *Conduct of hearings.* It is the duty of the presiding officer to conduct fair and impartial hearings and to maintain order. Any disregard by participants or counsel of presiding officer rulings on matters of order or procedure shall be noted on the record, and where the presiding officer deems it necessary shall be made the subject of a special written report to the Commission. In the event that participants or counsel should be guilty of disrespectful, disorderly, or contumacious language or conduct in connection with any hearing, the presiding officer may immediately submit to the Commission a report thereon, together with recommendations, and in the presiding officer's discretion, suspend the hearing.

(e) *Disqualification.* A presiding officer may withdraw from a proceeding when necessary due to disqualification, or may be removed by the Commission for good cause.

§ 3010.107 Appeals from interlocutory rulings by presiding officers.

(a) *General policy.* The Commission will not review interlocutory rulings of a presiding officer except in extraordinary circumstances.

(b) *Appeals certified by the presiding officer.* (1) Rulings of the presiding officer may be appealed to the Commission when the presiding officer certifies in writing that an interlocutory appeal is warranted. The presiding officer shall not certify an appeal unless the officer finds that:

(i) The ruling involves an important question of law or policy concerning which there is substantial ground for difference of opinion; and

(ii) An immediate appeal from the ruling will materially advance the ultimate termination of the proceeding or subsequent review will be an inadequate remedy.

(2) A request for the presiding officer to certify an appeal shall be made by motion within five days after the presiding officer's ruling has been issued. The request shall set forth with specificity the reasons that a participant believes that an appeal meets the criteria of paragraphs (b)(1)(i) and (ii) of this section. Such requests shall also state in detail the legal, policy, and factual arguments supporting the participant's position that the ruling should be modified. If the appeal is from a ruling rejecting or excluding evidence, such request shall include a statement of the substance of the evidence which the participant contends would be adduced by the excluded evidence and the conclusions intended to be derived therefrom.

(3) The presiding officer may request responsive pleadings from other participants prior to ruling upon the request to certify an appeal to the Commission.

(c) *Appeals not certified by the presiding officer.* A participant may request Commission review of a presiding officer's decision denying certification of an appeal by motion within five days of the decision. If the presiding officer fails to act on a request for certification within 15 days of the issuance of the ruling in question, the participant seeking certification may apply for review by the Commission within 20 days of the ruling in question. Unless the Commission directs otherwise, its review of the application for review will be based on the record and pleadings filed before the presiding officer pursuant to paragraph (b) of this section.

(d) *Action by the Commission.* (1) The Commission may dismiss an appeal certified by the presiding officer if it determines that:

(i) The objection to the ruling should be deferred until the Commission's consideration of the entire proceeding; or

(ii) Interlocutory review is otherwise not warranted or appropriate under the circumstances.

(2) When the presiding officer declines to certify an appeal, the Commission will not permit an interlocutory appeal unless it determines:

(i) That the presiding officer should have certified the matter;

(ii) That extraordinary circumstances exist; and

(iii) That prompt Commission decision is necessary to prevent grave detriment to the public interest.

(3) If the Commission fails to issue an order permitting an interlocutory appeal within 15 days after the presiding officer certifies the appeal or a participant files an application for review, the appeal shall be deemed denied. If the Commission issues an order permitting an appeal, it may rule upon the merits of the appeal in that order or at a later time.

(e) *Effect of appeals.* Unless the presiding officer or the Commission so orders, the certification of an appeal or the filing of an application for review shall not stay the proceeding or the effectiveness of any ruling.

(f) *Review at conclusion of proceeding.* If the Commission does not entertain an interlocutory appeal of a presiding officer's ruling, objection to the ruling may be raised:

(1) In briefs to the presiding officer or the Commission at the conclusion of hearings on the record; or

(2) By the deadline for submission of comments or reply comments, whichever is later, in all other proceedings in which a hearing on the record is not held.

§ 3010.108 Computation of time.

(a) In computing time periods, the term ''day'' shall mean calendar day.

(b) Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part, or by any notice, order, rule, presiding officer ruling, or regulation of the Commission or a presiding officer, the day of the act, event, or default after which a designated period of time begins to run is not to be included.

(c) The last day of the period so computed is to be included unless it is a Saturday, Sunday, Federal holiday, or a day on which the Commission is not continuously open from 8 a.m. to 4:30 p.m. or on which the Commission's docketing system is not accessible continuously during that time. In any such case, the applicable time period shall run until the end of the next full business day that the Commission is open and its docketing system is accessible.

(d) Except in proceedings to consider changes in the nature of postal services conducted under part 3020 of this chapter, in computing a period of time which is five days or less, all Saturdays, Sundays, Federal holidays, or days on which the Commission is not continuously open from 8 a.m. to 4:30 p.m. or on which the Commission's docketing system is not accessible continuously during that time are to be excluded.

§ 3010.109 Automatic closure of inactive dockets.

(a) *Automatic closure.* The Commission shall automatically close a docket in which there has been no activity of record by any person for 12 consecutive months, except dockets in which further action by the Commission is required by statute or regulation, or dockets for which the Commission finds good cause to remain open.

(b) *Notice of closure.* Each month, the Commission shall post on its website a list of dockets that will be subject to automatic closure during the following

calendar month and will include the date on which the docket will automatically close.

(c) *Motions to stay automatic closure.* (1) Persons, including the Postal Service or a Public Representative, may file a motion to stay automatic closure of a docket and request that the docket remain open for a specified term not to exceed 12 months. Motions to stay automatic closure must be filed at least 15 days prior to the automatic closure date.

(2) The Commission may order a docket remain open for a specified term not to exceed 12 months and must file such order at least 15 days prior to the automatic closure date.

(d) *Motions to reopen automatically closed dockets.* (1) If, at any time after a docket has been automatically closed, persons, including the Postal Service or a Public Representative, may file a motion to reopen the docket and must set forth with particularity good cause for reopening the docket.

(2) The Commission may order a closed docket to be reopened, and must set forth the basis for reopening the docket.

Subpart B—Filing Requirements

§ 3010.120 Filing material with the Commission.

(a) All material filed with the Commission shall be transmitted to the Commission in electronic format using the Filing Online system available over the internet through the Commission's website at *http://www.prc.gov.* The material must satisfy the Filing Online system compatibility requirements specified by the Secretary in the Filing Online User Guide, which shall also be accessible on the Commission's website. The exceptions to this rule are:

(1) Material that cannot reasonably be converted to electronic format;

(2) Confidential material filed under seal pursuant to part 3011 of this chapter shall not be transmitted electronically using the Filing Online system or any other electronic filing system unless authorized in advance by the Secretary;

(3) Hardcopy material filed by persons who do not have the ability to submit material using the Filing Online system and who files not more than ten pages of material with the Commission in any one calendar year;

(4) Hardcopy material filed by persons participating in proceedings that consider the appeal of a Postal Service determination to close or consolidate a post office, other than the Postal Service, that do not have the ability to submit material using the internet; and

(5) Hardcopy material filed in docketed proceedings with the approval of the Secretary for good cause shown.

(b) Material subject to the exceptions specified in paragraph (a) of this section may be filed either by mailing or by hand delivery during regular business hours to the Office of Secretary and Administration, Postal Regulatory Commission, 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001. The Secretary has authority to approve the use of secure alternative electronic filing systems pursuant to § 3011.203(c)(2) of this chapter for confidential material filed under seal. The Secretary also has authority to approve the use of alternative electronic filing systems for non-confidential material on a case-by-case basis when necessary to facilitate efficient docketing operations.

§ 3010.121 Filing Online system.

(a) Only registered users of the Filing Online system may file material using the Filing Online system. Both temporary and permanent account registrations are available. Information for establishing a Filing Online account may be obtained on the Commission's website at *http://www.prc.gov.*

(b) A temporary account allows a user to file materials immediately, but expires after 35 days. The purpose of a temporary account is to permit persons to file comments solicited by the Commission on a one-time or infrequent basis, or to file notices of intervention where there is limited time in which to establish a permanent account. A temporary account also may be used on an extraordinary basis for good cause shown.

(c) A permanent account requires the authorization of the Secretary prior to use, but remains active until cancelled. Registration can be in the form of a principal account holder or as an agent of the principal account holder. When a principal account holder is representing the interests of another person, the authority of the principal account holder to represent the person on whose behalf the document is filed must be valid and current, in conformance with § 3010.143. The authority of an agent account holder to submit documents for a principal account holder must be valid and current. A principal account holder must promptly inform the Secretary of any change in the principal account holder's authority to represent participants in a proceeding or any change in the authority delegated to an agent account holder to submit documents on the principal account holder's behalf.

(d) Only such material that conforms to the requirements of this part and any other applicable Commission rule or order shall be accepted for filing. In order for material to be accepted using the Filing Online system, it must be submitted to the Commission by a temporary or permanent account holder. Material submitted through the Filing Online system is considered to have been filed on the date indicated on the receipt issued by the Secretary. A filing is accepted when the Secretary, after review, posts the filing on the Daily Listing page of the Commission's website. Material received after the close of regular business hours or on a Saturday, Sunday, Federal holiday or other day on which the Commission is closed shall be deemed to be filed on the next regular business day.

§ 3010.122 Material filed using method other than the Filing Online system.

(a) *Hardcopy and other forms of material.* A hardcopy document is filed on the date stamped by the Secretary. It is accepted when the Secretary, after review, posts the document on the Daily Listing page of the Commission's website. Any other form of material filed with the Commission must be accompanied by a hardcopy notice of filing, which describes the material being filed, identifies the person filing the material, and specifies the docket caption and docket number under which the material is being filed. This material is accepted when the Secretary, after review, posts the notice of filing on the Daily Listing page of the Commission's website. Material received after the close of regular business hours or on a Saturday, Sunday, or Federal holiday shall be deemed to be filed on the next regular business day.

(b) *Computer media.* With the prior approval of the Secretary, a participant may submit a document on a compact disk or other media or method approved in advance by the Secretary, simultaneously with the filing of one printed original hardcopy, provided that the stored document is a file generated in either Acrobat (pdf), Word, WordPerfect, or Rich Text Format (rtf).

§ 3010.123 Rejected filings.

Any filing that does not comply with an applicable Commission rule or order may be rejected. Any filing that is rejected is deemed not to have been filed with the Commission. If a filing is rejected, the Secretary will attempt to notify the person submitting the filing, indicating the reason(s) for rejection. Acceptance for filing shall not waive any failure to comply with this part, and

such failure may be cause for subsequently striking all or any part of any document. Any controversies concerning the acceptability of a filing shall be resolved after review by the Office of General Counsel.

§ 3010.124 Form and content of text-based documents filed with the Commission.

(a) *Equivalent paper size.* Each document filed in paper form shall be produced on letter-size paper, 8 to 8½ inches wide by 10½ to 11 inches long, with left- and right-hand margins not less than 1 inch and other margins not less than 0.75 inches, except that tables, charts or special documents attached thereto may be larger if required, provided that they are folded to the size of the document to which they are attached. For a multiple page document, the preference is for the document to be not stapled, hole-punched, or bound, but may be fastened together by paper or binder clip, or equivalent. If the document is bound, it shall be bound on the left side. Each document filed in electronic form must be capable of meeting the above requirements when-printed from a text-based pdf formatted file version of the document. Consideration may be given to alternative file formats where necessary.

(b) *Line spacing and font.* The text of documents filed with the Commission shall be formatted in not less than one and one-half spaced lines except that tables of content, captions, tables, footnotes and quotations may be single-spaced. Documents shall be submitted in a san-serif font such as Arial (or substantially equivalent). Body text shall be 12 point, except that footnotes and quotations may appear as small as 10 point. Where necessary, special text such as in tables or charts, may appear as small as 9 point. These requirements may be waived on a case-by-case basis, based on both substantial compliance and the readability of the document.

(c) *Caption, title, page numbering, and table of contents.* The caption of each document filed with the Commission in any proceeding shall clearly show the docket designation and title of the proceeding before the Commission. The title of such document shall identify each participant on whose behalf the filing is made and include a brief description of the document or the nature of the relief sought therein (*e.g.,* motion for extension, brief on exceptions, complaint, notice of intervention, answer to complaint). Each page, after the first page, of a document shall be consecutively numbered. Unique page numbers are permissible for introductory material such as cover pages and table of contents, and for appendixes. Each document filed with the Commission consisting of 20 or more pages shall include a table of contents with page references. For briefs also *see* § 3010.330.

(d) *Improper matter.* Defamatory, scurrilous, or unethical matter shall not be included in any document filed with the Commission.

(e) *Exception for appeals of post office closings and consolidations.* The requirements of paragraphs (a) through (c) of this section are encouraged, but optional, for participants other than the Postal Service in proceedings to consider the appeal of a Postal Service determination to close or consolidate a post office conducted pursuant to part 3021 of this chapter.

§ 3010.125 Library references.

(a) *In general.* A library reference is a special type of filing, which is accepted by the Commission for the convenience of the person filing material that is not conducive to typical text based filings. The filing of a document as a library reference is appropriate when interest in the material is limited, when the material constitutes a secondary source that provides background or support for a position or matter, or when references to, or identification of, the material filed as a library reference would be facilitated. Examples of materials that are appropriate for filing as library references include electronic spreadsheets, workpapers in support of primary documents, pre-existing materials, secondary sources such as books or materials that are not readily available elsewhere, or other foundational materials filed in support of a primary document. Whenever possible, library references are to be filed in electronic format. The Commission reserves the right to refuse acceptance of any library reference material in its docket room and its right to take other action to ensure all persons' ability to obtain access to the material.

(b) *Categorization of library references.* To the extent possible, material filed as a library reference shall be identified and referred to by participants in terms of the following categories:

(1) Category 1—Reporting Systems Material (consisting of library references relating to the Postal Service's statistical cost and revenue reporting systems, and their primary outputs);

(2) Category 2—Witness Foundational Material (consisting of material relating to the testimony of specific witnesses, primarily that which is essential to the establishment of a proper foundation for receiving into evidence the results of studies and analyses);

(3) Category 3—Reference Material (consisting of previously published material provided for the convenience of the reader, such as books, chapters or other portions of books, articles, reports, manuals, handbooks, guides, and contracts);

(4) Category 4—Material Provided in Response to Discovery (consisting of material provided in response to discovery requests);

(5) Category 5—Disassociated Material (consisting of material filed at the request of another, from which the filing party wishes to be disassociated, is not vouching for or sponsoring the material provided);

(6) Category 6—All Other Material (consisting of library references not fitting any of the other categories).

(c) *Labeling.* Material filed as a library reference shall be labeled in a manner consistent with standard Commission notation and any other conditions the Commission or presiding officer establishes. Each library reference shall be identified by a unique identification number. The standard format for an identification number shall be ''[abbreviated name of person filing]-LR-[docket identification]-[optional: NP][sequential number by person filing].'' For example, ''PRC–LR–CP2010–1–NP8'' read right to left would be the eighth (8) non-public (NP) item filed in Docket No. (CP2010–1) as a library reference (LR) by the Postal Regulatory Commission (PRC). Alternative formats may be used when required for clear identification of the material being filed.

(d) *Filing procedure.* Participants filing material as a library reference shall file contemporaneous written notice of this action. The notice shall:

(1) Set forth the reason(s) why the material is being designated as a library reference;

(2) Identify the category into which the material falls and describe in detail what the material consists of or represents, noting matters such as the presence of survey results;

(3) Explain in detail how the material relates to the participant's case or to issues in the proceeding;

(4) Identify authors or others materially contributing to substantive aspects of the preparation or development of the library reference;

(5) Identify the documents (such as testimony, exhibits, and an interrogatory) or request to which the library reference relates, to the extent practicable;

(6) Identify other library references or testimony relied upon or referred to in

the designated material, to the extent practicable;

(7) Indicate whether the library reference is an update or revision to another library reference and, if it is, clearly identify the predecessor material; and

(8) To the extent feasible, for proceedings scheduled for a hearing on the record, identify portions expected to be entered into the record and the expected sponsor (if the participant filing a library reference anticipates seeking, on its own behalf, to enter all or part of the material contained therein into the evidentiary record). To the extent feasible, in all other proceeding types, identify portions relevant to the proceeding.

(e) *Optional preface or summary.* Inclusion of a preface or summary in a library reference addressing the matters set out in paragraphs (d)(1) through (8) of this section is encouraged, but optional.

§ 3010.126 Subscription.

(a) Each document filed with the Commission shall be subscribed. Subscription constitutes a certification that the person filing the document has read the document being filed; that the person filing the document knows the contents thereof; that if executed in any representative capacity, the document has been subscribed in the capacity specified in the document with full power and authority so to do; that to the best of the person's knowledge, information and belief every statement contained in the document is true and no such statements are misleading; and that such document is not filed for purposes of delay. This requirement extends to notices of filing for library references or other material, including the underlying library references or other material to the extent referenced in the notice of filing.

(b) For a document or notice of filing filed via the Filing Online system, the subscription requirement is met when the document or notice of filing is filed with the Commission.

(c) For a hardcopy document or hardcopy notice of filing, the subscription requirement is met by signing in ink, by affixing an electronic signature, or by including the typed name of the individual, authorized office, employee, attorney, or other representative who files the document or notice.

§ 3010.127 Service.

(a) Material filed by a person participating in a docket shall be deemed served on all other persons (except those served by the Secretary pursuant to paragraph (b) of this section) who are participating in the docket as of the date the material, or notice of the material's filing is posted by the Secretary on the Commission's website.

(b) The Secretary shall provide service by First-Class Mail, which is deemed complete upon mailing, to the following persons upon a demonstration of the inability to effectively utilize the Filing Online system (until alternative arrangements are established):

(1) Petitioners in dockets appealing Postal Service determinations to close or consolidate post offices conducted pursuant to part 3021 of this chapter;

(2) Parties that have intervened in proceedings docketed for a hearing on the record; and

(3) Where necessary for fairness and protection of due process, an active participant in a proceeding affecting the substantial rights of that participant.

(c) The Secretary shall maintain a current service list in each proceeding docketed for a hearing on the record which shall include the parties that have intervened in that proceeding and up to two individuals designated for physical service of documents, if necessary, by each party. The service list for each current proceeding will be available on the Commission's website at *http://www.prc.gov.* Each party who has internet access shall be responsible for ensuring that its listing on the Commission's website is accurate and should promptly notify the Secretary of any errors. The Secretary or the Secretary's designee shall be responsible for ensuring the accuracy of listings of any parties who lack internet access.

Subpart C—Participation in Commission Proceedings

§ 3010.140 Opportunity for comment.

Except for proceedings involving an appeal of a Postal Service determination to close or consolidate a post office, any person may submit comments in proceedings before the Commission. An opportunity to provide a reply to comments shall be at the discretion of the Commission, or the presiding officer if one is appointed. The scope and timing of comments and reply comments may be specified by notice, order, or presiding officer's ruling. There is no requirement to intervene in a proceeding as a party in order to submit comments.

§ 3010.141 Appeals of Postal Service determinations to close or consolidate post offices.

(a) Only a person served by the post office in which the Postal Service has issued a decision to close or consolidate a post office may file an appeal of the decision with the Commission.

(b) Any other person served by the same post office under review who desires to participate in the proceeding, or any Postmaster, counsel, agent, or other person authorized or recognized by the Postal Service as such person's representative, may participate in an appeal by submitting comments.

(c) Except for persons identified in paragraph (a) or (b) of this section, the designated Public Representative, and the Postal Service, no other person may participate in a proceeding to consider the appeal of a Postal Service determination to close or consolidate a post office.

(d) Opposition to a person asserting eligibility for participation shall be made within three days of that person's first filing in the proceeding.

§ 3010.142 Parties to hearings on the record.

(a) *Parties to a proceeding.* Any interested person may become a party to proceedings docketed for a hearing on the record by filing a notice of intervention. The Postal Service, and the Public Representative are automatically deemed parties in such proceedings without the need to file a notice of intervention. Persons who file a complaint are also automatically deemed a party to a complaint proceeding without the need to file a notice of intervention. Parties may be provided an opportunity to participate in discovery, file testimony, participate in the written or oral examination of witnesses, file briefs, or present oral argument before the Commission or the presiding officer. Persons that have not intervened may participate in a proceeding docketed for a hearing on the record, but such participation shall be limited to providing comments pursuant to § 3010.140 unless otherwise directed.

(b) *Notices of intervention.* A notice of intervention shall clearly and concisely set forth the nature and extent of the intervenor's interest in the issues to be decided, including the postal services utilized by the intervenor giving rise to the intervenor's interest in the proceeding, and to the extent known, the position of the intervenor with regard to the proposed changes in postal rates, fees, classifications, or services, or the subject matter of the complaint, as described in the notice of the proceeding. Such notice shall state whether or not the intervenor requests a hearing or in lieu thereof, a conference, and whether or not the intervenor intends to actively

participate in a hearing. Such notice shall also include on page one thereof the name and full mailing address of no more than two persons who are to receive service, when necessary, of any documents relating to such proceeding.

(c) *Form and time of filing.* Notices of intervention shall be filed no later than the date fixed for such filing by the Commission or its Secretary, unless for good cause shown, the Commission authorizes a late filing. Without a showing for good cause, late intervenors shall be subject to and may not challenge decisions by the Commission or presiding officer made prior to acceptance of the request for late intervention.

(d) *Oppositions.* (1) Except as otherwise provided in paragraph (d)(2) of this section, oppositions to notices of intervention may be filed by any party in the proceeding no later than ten days after the notice of intervention is filed.

(2) Oppositions to notices of interventions in proceedings considering the change in the nature of a postal service pursuant to part 3020 of this chapter may be filed by any party in the proceeding no later than three days after the notice of intervention is filed.

(3) Pending Commission action, an opposition to intervention shall, in all proceedings except those considering the change in the nature of a postal service pursuant to part 3020 of this chapter, delay on a day-for-day basis the date for responses to discovery requests filed by that intervenor.

(e) *Effect of intervention.* A person filing a notice of intervention shall be a party to the proceeding subject, however, to a determination by the Commission, either in response to an opposition, or *sua sponte,* that party status is not appropriate under the Act. Intervenors are also subject to the right of the Commission or the presiding officer as specified in § 3010.104 to require two or more intervenors having substantially like interests and positions to join together for purposes of service of documents, presenting evidence, making and arguing motions and objections, propounding discovery, cross-examining witnesses, filing briefs, and presenting oral arguments to the Commission or presiding officer. No intervention shall be deemed to constitute a decision by the Commission that the intervenor is aggrieved for purposes of perfecting an appeal of any final order of the Commission.

§ 3010.143 Representation of persons.

(a) *By whom.* An individual may participate on the individual's own behalf; a member of a partnership may represent the partnership; and an officer may represent a corporation, limited liability company, trust, unincorporated association, or governmental entity. A person may be represented in a proceeding by an attorney at law admitted to practice and in good standing before the Supreme Court of the United States, the highest court of any State or Territory of the United States or the District of Columbia, or the Court of Appeals or the District Court for the District of Columbia.

(b) *Authority to act.* When an officer or an attorney acting in a representative capacity appears in person, submits a document to the Commission using the Filing Online system as a principal account holder, or signs a paper filed with the Commission, the personal appearance, online submission, or signature, shall constitute a representation to the Commission that that individual is authorized to represent the particular person on whose behalf the individual acts. Any individual appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer to file evidence of the individual's authority to act in such capacity.

(c) *Notice of appearance and withdrawal of appearance.* An individual intending to appear before the Commission or its presiding officer in a representative capacity in a proceeding before the Commission shall file with the Commission a notice of appearance in the form prescribed by the Secretary unless that individual is named in an initial filing of the person whom the individual represents as the individual to whom communications from the Commission in regard to the filing are to be addressed. An individual whose authority to represent a person in a specific Commission proceeding has been terminated shall file a timely notice of withdrawal of appearance with the Commission.

(d) *Standards of conduct.* Individuals practicing before the Commission shall conform to the standards of ethical conduct required of practitioners by the District of Columbia Rules of Professional Conduct.

(e) *Disqualification and suspension.* After hearing, the Commission may disqualify and deny, temporarily or permanently, the privilege of appearing and practicing before it in any way to any individual who is found not to possess the requisite qualifications, or to have engaged in unethical or improper professional conduct. Contumacious conduct at any hearing before the Commission or its presiding officer shall be grounds for exclusion of any individual from such hearing and for summary suspension for the duration of the hearing by the Commission or the presiding officer.

§ 3010.144 Limitation of participation by investigative or prosecuting officers.

No officer, employee, or agent of the Commission who participates in a proceeding before the Commission as an attorney or witness or who actively participates in the preparation of evidence or argument presented by such persons, shall participate or advise as to the intermediate decision or Commission decision in that proceeding.

Subpart D—Notices, Motions, and Information Requests

§ 3010.150 Notices.

(a) *Purpose.* A notice is a document that announces a past, present, or future, event or occurrence. A notice shall not be combined with a request for any order or ruling that otherwise should be presented by motion. The Commission or presiding officer shall not combine a notice with a Commission order or a presiding officer's ruling, unless the title of the document clearly states the intent of document being issued.

(b) *Filing requirements.* The title of any document filed as a notice shall contain the word ''notice.'' Additional requirements for the content of specific forms of notices are provided throughout chapter III of this title, where appropriate.

§ 3010.151 Notices and orders initiating proceeding.

(a) Upon a finding that a matter is properly before the Commission, the Commission shall issue a notice and order initiating the proceeding to consider that matter. The rules in this section apply to all proceedings except for:

(1) Proceedings to consider certain negotiated service agreements, which are noticed pursuant to § 3010.152; and

(2) Proceedings to consider the appeal of a Postal Service determination to close or consolidate post office, pursuant to part 3021 of this chapter.

(b) The notice and order shall:

(1) Describe the general nature of the proceeding, *i.e.,* a complaint, a rulemaking, a change in rates, a change in the product lists, a change in the nature of postal services, etc.;

(2) Identify the person(s) requesting the initiation of the docket, if applicable;

(3) Refer to the legal authority under which the proceeding is to be conducted;

(4) Provide a sufficient description of the matter being considered such that the reader is informed of the substance of the proceeding, and provide direction as to where further information may be obtained;

(5) Establish the docket under which the proceeding will be conducted;

(6) Assign a Public Representative to represent the interests of the public, when required;

(7) Describe how interested persons may participate in the proceeding;

(8) Establish procedural deadlines, if known; and

(9) Include such other information as the Commission deems appropriate.

(c) For proceedings docketed for a hearing on the record pursuant to subpart F of this part, the notice and order shall also:

(1) Specify the date by which notices of intervention and requests for hearing must be filed;

(2) Specify the date, time, and place of a prehearing conference or first public hearing, if known; and

(3) Include the procedural schedule provided for under § 3020.110 of this chapter in proceedings to consider changes in the nature of postal services pursuant to part 3020 of this chapter.

(d) The document shall be published in the **Federal Register**.

§ 3010.152 Notices initiating dockets for consideration of negotiated service agreements.

(a) The Secretary shall issue a notice to initiate a docket for each Postal Service request which proposes the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list. Multiple requests may be combined into a single notice.

(b) The document shall specify:

(1) The docket number associated with each Postal Service request;

(2) The title of each Postal Service request;

(3) The request's acceptance date;

(4) The legal authority cited by the Postal Service for each request;

(5) The appointment of an officer of the Commission to represent the interests of the general public in the proceeding; and

(6) The comment deadline pertaining to each request.

(c) The document shall be published in the **Federal Register**.

§ 3010.160 Motions.

(a) *Motions.* A motion is an application for a Commission order or ruling by a presiding officer. Motions may be presented by any person who participates in, or who seeks to participate in, a proceeding before the Commission. Motions may be supported by declarations, exhibits, library references, attachments, and other submissions. Motions shall set forth with particularity the ruling or relief sought, the grounds therefore and the statutory and other authorities relied upon. Motions shall be in writing, except that after a hearing has convened, motions may be made orally to the Commission or to the presiding officer if one has been appointed.

(b) *Responses to motions.* A response to a motion may be presented by any person who participates in, or who seeks to participate in, a proceeding before the Commission. Responses shall state with particularity the position of the person submitting the response with regard to the relief or ruling requested in the motion and the grounds therefore and the statutory and other authorities relied upon. Responses to written motions must be filed within seven days after the motion is filed and posted on the Commission's website, or such other deadline as the rules of practice provide or as the Commission or presiding officer may establish. Responses to oral motions made during a hearing may be made orally to the Commission or to the presiding officer if one has been appointed, unless directed to reduce the response to writing for subsequent consideration.

(c) *Replies.* Unless the Commission or presiding officer otherwise provides, no reply to a response or any further responsive document may be filed.

(d) *Rulings.* The Commission or the presiding office may rule on a motion in writing, or orally during a hearing. A ruling may be issued immediately, without waiting for a response, whenever the person propounding the motion asserts that all affected persons have been contacted and agree not to oppose the motion or when the Commission in its discretion determines that immediate action is appropriate.

§ 3010.161 Motions for waiver.

(a) Any person may file a motion requesting that any requirement imposed by regulation, order, ruling, or Commission, Chairman, or presiding officer request be waived.

(b) Motions for waiver will not be entertained unless timely filed so as to permit disposition of the motion prior to the date specified for the requirement for which waiver is requested. The pendency of a motion for waiver does not excuse any person from timely meeting the requirement for which the waiver is requested.

(c) Motions for waiver may be granted in whole or in part to the extent permitted by law upon a showing of good cause and that such waiver will be consistent with the public interest and will not unduly prejudice the interests of other participants.

§ 3010.162 Motions for continuances and extensions of time.

(a) Any person may file a motion requesting the continuance of a hearing or the extension of time for any deadline.

(b) The motion should be filed before the expiration of the specified time for the deadline for preforming the act for which the continuance or extension is requested.

(c) The motion shall only be granted upon consideration of the potential adverse impact, if any, on other participants and the overall impact on the procedural schedule.

§ 3010.163 Motions for late acceptance.

(a) Any person may file a motion requesting that the Commission or the presiding officer accept any material filed by that person after an established filing deadline.

(b) The motion should be filed prior to or concurrent with the filing of any material filed after the established deadline.

(c) The Commission or the presiding officer are under no obligation to further consider any material filed after an established deadline, unless late acceptance is approved by the Commission or presiding officer. Posting late filed material to the Commission's website alone is not an indication that the material will be considered.

§ 3010.164 Motions to strike.

(a) Any person may, by motion, request that any material be stricken from consideration in any proceeding.

(b) Motions to strike are requests for extraordinary relief that must be supported with justification for why the material should be stricken from consideration. Motions to strike shall not be used as a substitute for rebuttal testimony, briefs, comments, or any other form of pleading.

§ 3010.170 Information requests.

(a) An information request is an informal discovery mechanism used at the discretion of the Commission, the Chairman of the Commission, or a presiding officer to obtain information that is likely to materially assist the

Commission in the conduct of its proceedings, in the preparation of its reports, or in the performance of its functions under title 39 of the United States Code.

(b) Information requests may be used to:

(1) Require the Postal Service in any proceeding, or any party to a Commission hearing on the record, to provide any information, and associated documents or things in its possession or control, or any information, and any associated documents or things that it can obtain through reasonable effort and expense; or

(2) Request that any person other than the Postal Service or a party to a Commission hearing on the record provide any information, and any associated documents or things that it can obtain through reasonable effort and expense.

(c) Information that can be sought by information request includes, but is not limited to, explanations, confirmations, factual descriptions, data, documents, and other materials. Documents refer to hard copy or electronic conveyance of information and may be stored in any medium from which information can be obtained either directly or, if necessary, after translation into a reasonably usable form. Documents include, but are not limited to, writings, notes, graphs, charts, data files, emails, drawings, photographs, and images. Materials include all matter, other than documents, that convey information.

(d) Information requests shall describe the information, documents, or things sought; shall briefly explain the reason for the request; and shall specify a date by which the response(s) shall be due.

(e) Any person may request the issuance of an information request by motion. The motion shall list the information, documents, or things sought; shall explain the reasons the information request should be issued; and shall demonstrate why the information sought is relevant and material to the Commission's duties under title 39 of the United States Code. Upon consideration of the motion and any responses, the Commission, the Chairman of the Commission, or presiding officer may issue an information request that includes some or all of the proposed questions or modified versions of some or all of the proposed questions. Motions that do not result in the issuance of an information request prior to the Commission's final decision in the docket shall be deemed denied.

Subpart E—Proceedings Using Notice and Comment Procedures

§ 3010.200 Applicability.

(a) Except as otherwise provided in this section, the Commission shall conduct proceedings in conformance with the notice and comment procedures of this subpart whenever:

(1) The Commission is considering the issuance, amendment, or repeal of any Commission rule or regulation;

(2) The Commission is seeking information to inform potential future Commission action with or without the issuance of a final decision; or

(3) The Commission in the exercise of its discretion determines it is appropriate.

(b) Unless the Commission orders otherwise, the rules in this subpart shall not apply to proceedings governed by subpart F of this part (Proceedings with an Opportunity for a Hearing on the Record). The rules in this subpart also shall not apply to the following parts of subchapter D of chapter III (Special Rules of Practice for Specific Proceeding Types) of this title: part 3020 (Rules Applicable to Requests for Changes in the Nature of Postal Services) of this chapter, part 3021 (Rules for Appeals of Postal Service Determinations to Close or Consolidate Post Offices) of this chapter, part 3022 (Rules for Complaints) of this chapter, part 3023 (Rules for Rate or Service Inquiries) of this chapter, and part 3024 (Special Rules for Complaints Alleging Violations of 39 U.S.C. 404a) of this chapter.

§ 3010.201 Initiation of a proceeding.

(a) The Commission may on its own motion initiate a proceeding under this subpart by issuing a notice and order initiating proceeding pursuant to § 3010.151.

(b)(1) Any person may request the initiation of a proceeding under this subpart by filing a petition with the Commission pursuant to the filing requirements of subpart B of this part. The petition shall:

(i) Provide the name, address, phone number and other pertinent contact information of the requesting person;

(ii) Identify the subject matter of the petition;

(iii) Provide specific proposals, including specific language, in regard to the subject matter of the petition;

(iv) Provide all facts, views, arguments, and data deemed to support the action requested; and

(v) Describe the impact of the proposal on the person filing the petition, the Postal Service, the mailing community, and the Commission, as applicable.

(2) Upon consideration of the petition, the Commission in its discretion may initiate a proceeding under this subpart by issuing a notice and order initiating proceeding pursuant to § 3010.151, reject the petition, or defer a decision whether to grant or reject the petition. The Commission shall provide an explanation for the rejection or delay in consideration of any petition.

(c) Subparts A, B, C, and D of this part apply to the initiation and conduct of proceedings under this subpart E.

§ 3010.202 Participation in notice and comment proceedings.

(a) *Comments.* The primary method for participating in notice and comment proceedings is through the filing of comments in accordance with § 3010.140. The notice and order initiating proceeding filed pursuant to § 3010.151 shall provide the deadline for filing comments, and if provided for, reply comments.

(b) *Information requests.* The Commission, Chairman, or presiding officer may in its or their own discretion or, if requested by an interested person by motion, issue information requests pursuant to § 3010.170.

(c) *Technical conferences.* The Commission, Chairman, or presiding officer may in its or their own discretion or, if requested by an interested person by motion, convene one or more off the record technical conferences to consider the matters being considered.

(d) *Oral presentations.* The Commission, Chairman, or presiding officer may in its or their own discretion or, if requested by an interested person by motion, permit oral presentations regarding the matters being considered.

(e) *Other procedures.* The Commission, the Chairman, or presiding officer may order additional procedures as appropriate.

§ 3010.203 Commission action.

(a) The Commission shall consider all relevant comments and material of record before taking any final action. Any final decision which includes the issuance, amendment, or repeal of a rule or regulation, shall, at a minimum, publish the final rule or regulation in the **Federal Register**.

(b) Any issuance, amendment, or repeal of a rule or regulation will be made effective not less than 30 days from the time it is published in the **Federal Register** except as otherwise specified in paragraph (c) of this section. If the order issuing, amending, or repealing a rule does not specify an effective date, the effective date shall be 30 days after the date on which the Commission's order is published in the

Federal Register, unless a later date is required by statute or is otherwise specified by the Commission.

(c) For good cause shown by publication with the rule, any issuance, amendment, or repeal of a rule may be made effective in less than 30 days from the time the Commission's order is published in the **Federal Register**.

(d) Rules involving any military, naval or foreign affairs function of the United States; matters relating to agency management or personnel, public property, loans, grants, benefits or contracts; rules granting or recognizing exemption or relieving restriction; rules of organization, procedure or practice; or interpretative rules; and statements of policy may be made effective without regard to the 30-day requirement.

Subpart F—Proceedings With an Opportunity for a Hearing on the Record.

§ 3010.300 Applicability.

The Commission shall conduct proceedings on the record with the opportunity for a hearing subject to this subpart whenever:

(a) The Commission determines that a complaint filed under part 3022 of this chapter raises one or more material issues of fact or law in accordance with § 3022.30 of this chapter and a proceeding on the record with the opportunity for a hearing is necessary;

(b) The Commission determines that the streamlined procedures in part 3020 of this chapter applicable to a Postal Service request to change the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis are not appropriate; or

(c) The Commission in the exercise of its discretion determines it is appropriate.

§ 3010.301 Notice of proceeding.

Whenever the Commission determines that a proceeding will be held on the record with an opportunity for a hearing under this part, it shall publish notice of the proceeding in the **Federal Register** pursuant to § 3010.151.

§ 3010.302 Prehearing conferences.

(a) *Initiation and purposes.* The Commission or the presiding officer, if one has been appointed, may direct the parties in a proceeding to appear for a prehearing conference for the purposes of considering all possible ways of expediting the proceeding, including those in paragraph (e) of this section. Prehearing conference procedures shall be rigorously pursued by all parties.

(b) *Who presides.* The presiding officer, if one has been designated, shall preside over prehearing conferences. If a presiding officer has not been designated or is otherwise unavailable for a prehearing conference, then the ranking Commissioner in attendance shall be considered the presiding officer for that conference. The presiding officer shall open and close each prehearing conference session and shall be responsible for controlling the conduct of the conference.

(c) *Informal off-the-record procedures.* In order to make the prehearing conference as effective as possible, the presiding officer may direct that conferences be held off the record, without the presiding officer present. Informal off-the-record conferences shall be presided over by the Public Representative or such other person as the parties may select. At off-the-record conferences, parties shall be expected to reach agreement on those matters, which will expedite the proceeding, including the matters specified in the notice of the prehearing conference, in the ruling of the presiding officer directing that the off-the-record conference be held, and in paragraph (e) of this section. A report on the results of off-the-record conferences shall be made to the presiding officer on the record at a time specified by the presiding officer. The presiding officer shall then determine the further prehearing procedures, if any, to be followed.

(d) *Required preparation and cooperation of all parties.* All parties in any proceeding before the Commission are required and expected to come to prehearing conferences fully prepared to discuss in detail and resolve all matters, such as those specified in paragraph (e) of this section, in the notice of the prehearing conference, and in such other notice or agenda as may have been issued by the Commission or the presiding officer. All parties are required and expected to cooperate fully at all stages of the proceeding to achieve these objectives through thorough advance preparation for the prehearing conference, including informal communications between the parties, requests for discovery and appropriate discovery procedures at the earliest possible time and no later than at the prehearing conference, and the commencement of preparation of evidence and cross-examination. The failure of any party to appear at the prehearing conference or to raise any matters that could reasonably be anticipated and resolved at the prehearing conference shall not be permitted to unduly delay the progress of the proceeding and shall constitute a waiver of the rights of the party with regard thereto, including all objections to the agreements reached, actions taken, or rulings issued by the presiding officer with regard thereto.

(e) *Matters to be pursued.* At the prehearing conference, the presiding officer and the parties shall consider and resolve such matters as:

(1) The definition and simplification of the issues, including any appropriate explanation, clarification, or amendment of any proposal, filing, evidence, complaint or other pleading filed by any party;

(2) Arrangements for timely completion of discovery from the Postal Service or any other party of information regarding any issues in the proceeding, prior filings, evidence or pleadings of any party;

(3) Procedures for timely discovery with regard to any future evidentiary filings of any party;

(4) Stipulations, admissions or concessions as to evidentiary facts, and agreements as to documentary matters, exhibits and matters of official notice, which will avoid unnecessary proof or dispute;

(5) The possible grouping of parties with substantially like interests for purposes of presenting evidence, making and arguing motions and objections, cross-examining witnesses, filing briefs, and presenting oral argument to the Commission or presiding officer;

(6) Disclosure of the number, identity and qualifications of witnesses, and the nature of their testimony, particularly with respect to the policies of the Act and, as applicable according to the nature of the proceeding;

(7) Limitation of the scope of the evidence and the number of witnesses in order to eliminate irrelevant, immaterial, or cumulative and repetitious evidence;

(8) Procedures to direct and control the use of discovery prior to the hearing and submission of written testimony and exhibits on matters in dispute so as to restrict to a bare minimum the amount of hearing time required for oral cross-examination of witnesses;

(9) Division of the proceeding where practicable into two or more phases for separate and, if advisable, simultaneous hearings;

(10) Establishment of dates for the submission and service of such written testimony and exhibits as may be appropriate in advance of the hearing;

(11) The order of presentation of the evidence and cross-examination of witnesses so that the hearing may proceed in the most expeditious and orderly manner possible; and

(12) All other matters which would aid in an expeditious disposition of the proceeding, including consent of the parties to the conduct of the entire proceedings off the record.

(f) *Rulings by presiding officer.* (1) The presiding officer at a prehearing conference, shall, irrespective of the consent of the parties, dispose of by ruling:

(i) Any of the procedural matters itemized in paragraph (e) of this section; and

(ii) Such other procedural matters on which the presiding officer is authorized to rule during the course of the hearing if ruling at this stage would expedite the proceeding.

(2) Either on the record at the conclusion of such prehearing conference, or by order issued shortly thereafter, the presiding officer shall state the agreements reached by the parties, the actions taken, and the rulings made by the presiding officer. Such rulings shall control the subsequent course of the proceedings unless modified during the hearing to prevent manifest injustice.

§ 3010.303 Hearing format.

(a) In any case noticed for a proceeding to be determined on the record, the Commission or the presiding officer, if one has been appointed, may determine whether to hold a public hearing, or to hold a hearing by written submission of material only. A public hearing may be held if a hearing is requested by any party to the proceeding or if the Commission determines that a hearing is in the public interest. Generally, public hearings provide an opportunity for oral cross-examination of witnesses whereas hearings held by written submission of material only do not.

(b) Once established, requests to change the hearing format may be proposed by motion, or by the Commission's or presiding officer's own motion.

(c) Only representatives of the Commission, parties that have intervened in a proceeding, or persons intending to intervene prior to the deadline for notices of intervention may participate in a public hearing. However, public hearings are generally open to the public for observation. Public hearings may be closed to the public for good cause, or when confidential material is being presented.

§ 3010.304 Scheduling order.

(a) *When issued.* Upon consideration of the outcome of the prehearing conference, if held, and a determination of the need for a public hearing, the Commission, or the presiding officer if one has been appointed, shall issue a scheduling order. The scheduling order may be combined with any other order or ruling that the Commission or the presiding officer may issue. The scheduling order may be periodically modified as warranted.

(b) *Content of scheduling order.* The content of the scheduling order shall be tailored to the specifics of the matter before the Commission, including any requirement for a public hearing. The Commission or the presiding officer shall consider scheduling the following:

(1) A deadline for conclusion of discovery on proponent's direct case;

(2) A deadline to request oral cross-examination of proponent's witnesses;

(3) A deadline for designation of written cross-examination on proponent's direct case;

(4) The time and date for a public hearing on proponent's direct case, or the date and procedures for entering a proponent's direct case into evidence in a hearing by written submission of material only;

(5) A deadline for parties other than the proponent to file testimony in support of, or in rebuttal to, the proponent's direct case;

(6) A deadline for conclusion of discovery on testimony supporting or rebutting the proponent's direct case;

(7) A deadline to request oral cross-examination of other parties' witnesses;

(8) A deadline for designation of written cross-examination on other parties' testimony;

(9) The time and date for a public hearing on other parties' testimony, or the date and procedures for entering other parties' testimony in a hearing by written submission of material only;

(10) A deadline for the proponent to file surrebuttal testimony to other parties' direct cases;

(11) A deadline for conclusion of discovery on any proponent's surrebuttal rebuttal testimony;

(12) A deadline to request oral cross-examination of proponent's surrebuttal witnesses;

(13) A deadline for designation of written cross-examination on proponent's surrebuttal testimony;

(14) The time and date for a public hearing on a proponent's surrebuttal testimony, or the date and procedures for entering a proponent's surrebuttal testimony in a hearing by written submission of material only;

(15) A deadline for filing briefs;

(16) A deadline for filing reply briefs; and

(17) A deadline for requesting oral argument.

(c) *Witness availability.* Parties shall promptly file notice of potential witness unavailability to appear at any public hearing as soon as known. Witness unavailability will be considered when establishing the initial, or any subsequent, procedural schedules. Once the initial scheduling order is issued, but no later than ten calendar days prior to a scheduled hearing, parties may file notice of preferences for dates and times of witness appearance at any public hearing.

(d) *Subsequent scheduling of public hearings.* At the adjournment of any public hearing (including prehearing conferences), the Commission, or the presiding officer if appointed, shall announce when the hearing will reconvene. If an announcement is not made, the Commission or the presiding officer shall announce the time, date, and location of the subsequent hearing, or prehearing conference in writing by notice, order, or presiding officer ruling.

§ 3010.310 Discovery—general policy.

(a) Sections 3010.311 through 3010.313 allow discovery reasonably calculated to lead to admissible evidence during a proceeding noticed for hearing on the record. In general, discovery against a party will be scheduled to end prior to the receipt into evidence of that party's direct case. An exception to this procedure shall operate in all proceedings set for hearing when a party needs to obtain information (such as operating procedures or data) available only from the Postal Service. Such discovery requests are permissible only for the purpose of the development of rebuttal testimony and may be made up to 20 days prior to the filing date for final rebuttal testimony.

(b) The discovery procedures set forth in §§ 3010.311 through 3010.313 are not exclusive. Parties are encouraged to engage in informal discovery whenever possible to clarify exhibits and testimony. The results of these efforts may be introduced into the record by stipulation, by supplementary testimony or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing, or by other appropriate means. In the interest of reducing motion practice, parties also are expected to use informal means to clarify questions and to identify portions of discovery requests considered overbroad or burdensome.

(c) If a party or an officer or agent of a party fails to obey an order of the Commission or the presiding officer to provide or permit discovery pursuant to §§ 3010.311 through 3010.313, the Commission or the presiding officer may make such orders in regard to the failure as are just, and among others,

may direct that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the proceeding in accordance with the claim of the parties obtaining the order, or prohibit the disobedient party from introducing designated matters in evidence, or strike the evidence, complaint or pleadings or parts thereof.

§ 3010.311 Interrogatories for purpose of discovery.

(a) *Service and contents.* In the interest of expedition and limited to information which appears reasonably calculated to lead to the discovery of admissible evidence, any party may propound to any other party in a proceeding written, sequentially numbered interrogatories, by witness, requesting non-privileged information relevant to the subject matter and reasonably calculated to lead to the discovery of admissible evidence in such proceeding, to be answered by the party served, who shall furnish such information as is available to the requesting party. A party through interrogatories may require any other party to identify each person whom the other party expects to call as a witness at the hearing and to state the subject matter on which the witness is expected to testify. The party propounding the interrogatories shall file them with the Commission and serve them on the answering party. Follow-up interrogatories to clarify or elaborate on the answer to an earlier discovery request may be filed after the initial discovery period ends. They must be filed within seven days of receipt of the answer to the previous interrogatory unless extraordinary circumstances are shown.

(b) *Answers.* Answers to discovery requests shall be prepared so that they can be incorporated as written cross-examination. Each answer shall begin on a separate page, identify the individual responding and the relevant testimony number, if any, the party who asked the question, and the number and text of the question. Each interrogatory shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in the manner prescribed by paragraph (c) of this section. The party responding to the interrogatories shall file the answers with the Commission and serve them on the requesting party within 14 days of the filing of the interrogatories or within such other period as may be fixed by the Commission or presiding officer, but before the conclusion of the hearing.

(c) *Objections.* In the interest of expedition, the grounds for every objection shall be clearly and fully stated. If an objection is made to part of an interrogatory, the part shall be specified. A party claiming privilege shall identify the specific evidentiary privilege asserted and state the reasons for its applicability. A party claiming undue burden shall state with particularity the effort that would be required to answer the interrogatory, providing estimates of cost and work hours required, to the extent possible. An interrogatory otherwise proper is not necessarily objectionable because an answer would involve an opinion or contention that relates to fact or the application of law to fact, but the Commission or presiding officer may order that such an interrogatory need not be answered until a prehearing conference or other later time. Objections shall be filed with the Commission and served on the requesting party within ten days of the filing of the interrogatories. Any ground not stated in a timely objection is waived unless excused by the Commission or presiding officer for good cause shown.

(d) *Motions to compel responses to discovery.* Motions to compel a more responsive answer, or an answer to an interrogatory to which an objection was interposed, should be filed within 14 days of the answer or objection to the discovery request. The text of the discovery request, and any answer provided, should be provided as an attachment to the motion to compel. Parties who have objected to interrogatories which are the subject of a motion to compel shall have seven days to answer. Answers will be considered supplements to the arguments presented in the initial objection.

(e) *Compelled answers.* The Commission, or the presiding officer, upon motion of any party to the proceeding, may compel a more responsive answer, or an answer to an interrogatory to which an objection has been raised if the objection is overruled, or may compel an additional answer if the initial answer is found to be inadequate. Such compelled answers shall be filed with the Commission and served on the compelling party within seven days of the date of the order compelling an answer or within such other period as may be fixed by the Commission or presiding officer, but before the conclusion of the hearing.

(f) *Supplemental answers.* The individual or party who has answered interrogatories is under the duty to seasonably amend a prior answer if the individual or party obtains information upon the basis of which the individual or party knows that the answer was incorrect when made or is no longer true. Parties shall serve supplemental answers to update or to correct responses whenever necessary, up until the date the answer could have been accepted into evidence as written cross-examination. Parties filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current or whether it is a complete replacement for the previous answer.

(g) *Orders.* The Commission or the presiding officer may order that any party or person shall answer on such terms and conditions as are just and may for good cause make any protective order, including an order limiting or conditioning interrogatories, as justice requires to protect a party or person from undue annoyance, embarrassment, oppression, or expense.

§ 3010.312 Requests for production of documents or things for purpose of discovery.

(a) *Service and contents.* In the interest of expedition and limited to information which appears reasonably calculated to lead to the discovery of admissible evidence, any party may serve on any other party to the proceeding a request to produce and permit the party making the request, or someone acting on behalf of the requesting party or the requesting party's agent to inspect and copy any designated documents or things that constitute or contain matters, not privileged, that are relevant to the subject matter involved in the proceeding or reasonably calculated to lead to the discovery of admissible evidence and that are in the custody or control of the party to whom the request is addressed. The request shall set forth the items to be inspected either by individual item or category, and describe each item and category with reasonable particularity, and shall specify a reasonable time, place and manner of making inspection. The party requesting the production of documents or things shall file its request with the Commission and serve the request on the responding party.

(b) *Answers.* The party responding to the request shall file an answer with the Commission and serve the answer on the requesting party within 14 days after the request is filed, or within such other period as may be fixed by the Commission or presiding officer. The answer shall state, with respect to each item or category, that inspection will be permitted as requested unless the

request is objected to pursuant to paragraph (c) of this section. The responding party may produce copies of documents or of electronically stored information in lieu of permitting inspection. Production must be completed no later than the time for inspection specified in the request unless good cause is shown.

(c) *Objections.* In the interest of expedition, the grounds for objection shall be clearly and fully stated. If an objection is made to part of an item or category, the part shall be specified. Any objection must state whether any responsive materials are being withheld on the basis of that objection. A party claiming privilege shall identify the specific evidentiary privilege asserted and state with particularity the reasons for its applicability. A party claiming undue burden shall state with particularity the effort that would be required to answer the request, providing estimates of cost and work hours required, to the extent possible. Objections shall be filed with the Commission and served on the requesting party within ten days of the request for production. The responding party may state an objection to a request to produce electronically stored information. If it objects to the form of the documents or things requested (or if no form was specified in the request), the responding party must state the form or forms it intends to use to produce the requested information.

(d) *Motions to compel requests for production of documents or things for purposes of discovery.* Motions to compel shall be filed within 14 days of the answer or objection to the discovery request. The text of the discovery request, and any answer provided, should be provided as an attachment to the motion to compel. Parties who have objected to requests for production of documents or things which are the subject of a motion to compel shall have seven days to answer. Answers will be considered supplements to the arguments presented in the initial objection.

(e) *Compelled answers.* Upon motion of any party to the proceeding to compel a response to discovery, as provided in paragraph (d) of this section, the Commission or the presiding officer may compel production of documents or things to which an objection is overruled. Such compelled documents or things shall be made available to the party making the motion within seven days of the date of the order compelling production or within such other period as may be fixed by the Commission or presiding officer, but before the conclusion of the hearing.

(f) *Orders and rulings.* The Commission or the presiding officer may direct any party or person to respond to a request for inspection on such terms and conditions as are just and may for good cause impose any protective conditions, including limitations or preconditions for inspections, as justice requires to protect a party or person from undue annoyance, embarrassment, oppression, or expense.

§ 3010.313 Requests for admissions for purpose of discovery.

(a) *Service and content.* In the interest of expedition, any party may serve upon any other party a written request for the admission, for purposes of the pending proceeding only, of any relevant, unprivileged facts, including the genuineness of any documents or exhibits to be presented in the hearing. Each requested admission shall be set forth separately and shall be deemed admitted unless within 14 days after the request is filed (or such other period as may be fixed by the Commission or presiding officer) the party to whom the request is directed files a written answer denying the requested admission pursuant to paragraph (c) of this section or objecting pursuant to paragraph (d) of this section. The party requesting an admission shall file its request with the Commission and serve the request on the responding party.

(b) *Answers.* Answers that fail to admit a matter as requested shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission. When a party qualifies an answer or denies only a part of the admission requested, the party shall specify so much of the requested admission as is true and qualify or deny the remainder. A failure to admit or deny for lack of information or knowledge shall not be made unless the responding party states that it has made a reasonable inquiry and that information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who answers a request for admission shall file its answer with the Commission and serve the answer on the requesting party.

(c) *Objections.* If an objection is made, the grounds for such objection shall be clearly and fully stated. If an objection is made to part of an item, the part to which an objection is made shall be specified. A party claiming privilege shall identify the specific evidentiary privilege asserted and state the reasons for its applicability. A party claiming undue burden shall state with particularity the effort that would be required to answer the request, providing estimates of cost and work hours required to the extent possible. Objections shall be filed with the Commission and served on the requesting party, within ten days of the request for admissions.

(d) *Motions to compel responses to requests for admissions.* The party who has requested an admission may move to determine the sufficiency of the answers or objections. Motions to compel a more responsive answer, or an answer to a request to which an objection was interposed, shall be filed within 14 days of the answer or objection to the request for admissions. The text of the request for admissions, and any answer provided, should be provided as an attachment to the motion to compel. Parties who have objected to requests for admissions which are the subject of a motion to compel shall have seven days to file a response. Responses will be considered supplements to the arguments presented in the initial objection.

(e) *Compelled answers.* The Commission or the presiding officer may compel answers to a request for admissions to which an objection has been raised if the objection is overruled. Such compelled answers shall be filed with the Commission and served on the requesting party within seven days of the date of the order compelling production or within such other period as may be fixed by the Commission or the presiding officer, but before the conclusion of the hearing. If the Commission or presiding officer determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be filed.

§ 3010.320 Settlement conferences.

Any party to a proceeding may submit offers of settlement or proposals of adjustment at any time and may request a conference between the parties to consider such offers or proposals. The Commission or the presiding officer shall afford the parties appropriate opportunity prior to or during the hearing for conferences for the purpose of considering such offers or proposals as time, the nature of the proceeding, and the public interest permit. Unaccepted offers of settlement or adjustment and proposed stipulations not agreed to shall be privileged and shall not be admissible in evidence against any party claiming such privilege.

§ 3010.321 Hearings.

(a) *How convened.* (1) Hearings shall be convened by the issuance of a notice, order, or presiding officer's ruling that is published in the **Federal Register**. Only the first session of a public hearing need be noticed and published in the **Federal Register**. All subsequent sessions within a docket are to be considered part of the same hearing. If there is a prehearing conference, the prehearing conference is to be considered the first hearing session in that docket.

(2) At the adjournment of each hearing session, the presiding officer responsible for the conduct of that hearing session shall announce if and when the hearing will reconvene. If an announcement is not made at the adjournment of the hearing session, the Commission or presiding officer shall announce the time, date, and location of any subsequent hearing, or prehearing conference, in writing by notice, order, or presiding officer ruling.

(b) *Who presides.* The presiding officer, if designated, shall preside over a public hearing. If a presiding officer has not been designated or is otherwise unavailable for a hearing, then the ranking Commissioner in attendance shall be considered the presiding officer for that hearing. The presiding officer shall open and close each session of the hearing, and shall be responsible for controlling the conduct of the hearing.

(c) *Entering of appearances.* The presiding officer before whom the hearing is held will cause to be entered on the record all appearances together with a notation showing on whose behalf each such appearance has been made.

(d) *Witnesses.* All witnesses are expected to be available for public hearings. Unless otherwise ordered by the presiding officer, a witness need only attend a hearing on those days scheduled for entering that witness's testimony. Subject to the discretion and prior approval of the presiding officer, a witness may be excused from appearing at a hearing and may have the witness's written testimony and cross-examination entered into evidence by counsel.

(e) *Order of presentations.* (1) The proponent of a matter before the Commission shall present the proponent's direct case first. In matters initiated by the Postal Service, the Postal Service shall be considered the proponent. In complaint proceedings under section 3662 of the Act, the complainant shall be considered the proponent. The proponent also shall be provided an opportunity to respond to any rebuttal to the proponent's direct case. In all other instances, the Commission or the presiding officer shall determine the order of presentation.

(2) The order of presentations by parties other than the proponent shall be determined by the Commission or the presiding officer.

(3) The Commission or presiding officer shall announce the order of presentation of parties and individual witnesses prior to hearing sessions and shall issue such other procedural orders as may be necessary to assure the orderly and expeditious conclusion of the hearing. Parties may present their preferences for order of appearance to the Commission or the presiding officer orally at a hearing or by filing a notice prior to the scheduled hearing date. Parties who disagree with a proposed order of appearances may move for a revised order of appearances either orally at a hearing or by filing a written motion pursuant to § 3010.160.

(f) *Swearing in of witnesses.* (1) Witnesses attending a hearing whose testimony is to be taken shall be sworn, or shall affirm, before their testimony shall be deemed evidence in the proceeding or any questions are put to them. The witness shall be sworn by means of the following (or an equivalent): ''Please raise your right hand. Do you solemnly swear (or affirm), that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth? Please state your full name.''

(2) The oath shall be given upon the first appearance of the witness providing testimony. Upon subsequent appearances, the witness is to be reminded by the presiding officer that the witness remains under oath for the duration of the proceeding.

(3) Witnesses not attending a hearing whose testimony is entered by counsel during a hearing shall attach a signed declaration that the testimony being submitted is that of the witness. A declaration shall be included with each piece of written testimony, and each set of written cross-examination. The declaration shall state the following (or an equivalent): ''Declaration of [witness name]. I, [witness name], hereby declare under penalty of perjury that: The [testimony, designated responses to written cross-examination] filed under my name were prepared by me or under my direction; and were I to [provide oral testimony, respond orally to the questions appearing in the interrogatories], my answers would be the same.''

(4) Hearings that are conducted by the written submission of testimony only shall also attach written declarations to testimony and cross-examination as described above.

(g) *Presentation of the evidence*—(1) *Presentations by parties.* Each party shall have the right to present evidence, cross-examine witnesses (limited to testimony adverse to the party conducting the cross-examination), and to present objections, motions, and arguments. The case-in-chief of parties other than the proponent shall be in writing and shall include the party's direct case and rebuttal, if any, to the initial proponent's case-in-chief. A party's presentation may be accompanied by a trial brief or legal memoranda. Legal memoranda on matters at issue are generally welcome at any stage of the proceeding. Parties will be given an opportunity to rebut presentations of other parties, including an opportunity for the initial proponent to present surrebuttal evidence. New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits. When objections to the admission or exclusion of evidence before the Commission or the presiding officer are made, the grounds relied upon shall be stated. Formal exceptions to rulings are unnecessary.

(2) *Written testimony.* (i) Written testimony shall be offered in evidence by motion. The motion shall be made orally during a hearing, or in writing when the hearing is conducted by the written submission of testimony only. When a party moves to enter testimony into the record, three hard copies of the document shall simultaneously be submitted to the Commission for the record. The copies are to be printed single-sided, and not stapled, hole-punched, or bound, but may be fastened together by paper or binder clip, or equivalent.

(ii) Witnesses shall be provided an opportunity to verify that the written testimony they are sponsoring is their testimony and that it would be the same if given orally. The witness, or counsel, shall state the original filing date of the testimony and identify all subsequent filings that amended the original testimony. If there are any final corrections to the testimony, the corrections may be noted on the hard copies submitted to the Commission. However, the witness shall be required to file errata to the testimony within seven days of the hearing, making corrections only to the extent as identified during the hearing. Any other changes shall be requested separately by motion to amend the record.

(iii) Parties shall be provided an opportunity to object to all or part of a witness's written testimony prior to

entering that testimony into the record. Objections that have not previously been made in writing at least 14 days prior to the hearing date shall be granted only under extraordinary circumstances.

(iv) After resolution of all objections, the presiding officer shall order the testimony entered into the record as evidence. Unless otherwise ordered by the presiding officer, the written testimony shall not be copied into the hearing transcript.

(3) *Library references.* (i) Library references sponsored by a witness and associated with the witness's written testimony or written cross-examination may be offered in evidence by motion. The motion shall be made orally during a public hearing, or in writing for a hearing that is conducted by the written submission of testimony only.

(ii) Witnesses shall be provided an opportunity to verify that the library reference is their library reference and to affirm that they are in fact sponsoring the library reference. If a witness inadvertently fails to verify and affirm that the witness is sponsoring a library reference that is cited in written testimony or in response to written cross-examination, it will be presumed that the library reference is to be included in the record to the extent specified in the notice of the filing of the library reference.

(iii) Parties shall be provided an opportunity to object to all or any part of the library reference being entered into the record. Objections that have not been made in writing at least 14 days prior to the hearing date shall be granted only under extraordinary circumstances.

(iv) After resolution of all objections, the presiding officer shall order the library reference be entered into the record as evidence. Unless ordered by the presiding officer, library references shall not be copied into the hearing transcript.

(4) *Written cross-examination.* (i) Written cross-examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence. Written cross-examination may be offered in evidence by motion. The motion shall be made orally during a public hearing, or in writing for a hearing that is conducted by the written submission of testimony only. Written cross-examination proposed by parties other than the party associated with the witness shall be considered first, followed by that of the party of the witness.

(ii) Designations of written cross-examination should be filed with the Commission and served on the answering party no later than three working days before the scheduled appearance of a witness. Designations shall identify every item to be offered as evidence, listing the party who initially posed the discovery request, the witness and/or party to whom the question was addressed (if different from the witness answering), the number of the request and, if more than one answer is provided, the dates of all answers to be included in the record. (For example, ''PR–T1–17 to USPS witness Jones, answered by USPS witness Smith (March 1, 1997) as updated (March 21, 1997)).'' When a party designates written cross-examination, three hard copies of the documents to be included shall simultaneously be submitted to the Secretary. The documents are to be printed single-sided, and not stapled, hole-punched, or bound, but may be fastened together by paper or binder clip, or equivalent. The Secretary shall prepare for the record a packet containing all materials designated for written cross-examination in a format that facilitates review by the witness and counsel.

(iii) A witness shall be provided an opportunity to verify that the written cross-examination is that of the witness and to assert that if the written cross-examination were being provided orally at the hearing it would be that of the witness. If there are any final corrections to the written cross-examination, the corrections may be noted on the hard copies before submission to the Commission.

(iv) Parties shall be provided an opportunity to object to all or any part of the written cross-examination prior to entering the testimony into the record.

(v) After resolution of all objections, the presiding officer shall order the written cross-examination entered into the record as evidence. The presiding office shall direct that the written cross-examination be copied into the hearing transcript.

(5) *Oral cross-examination.* (i) Oral cross-examination will be permitted for clarifying written cross-examination and for testing assumptions, conclusions, or other opinion evidence.

(ii) Notices of intent to conduct oral cross-examination should be filed three or more working days before the announced appearance of the witness and should include specific references to the subject matter to be examined and page references to the relevant direct testimony and exhibits. If no notices are filed, and the Commission or presiding officer has no other reason for the witness to appear, the Commission or the presiding officer, in their discretion, may excuse the witness from appearing at the hearing and direct that the witness's testimony be entered by counsel.

(iii) A party intending to use complex numerical hypotheticals, or to question using intricate or extensive cross-references, shall provide adequately documented cross-examination exhibits for the record. Copies of these exhibits should be filed at least two full business days before the scheduled appearance of the witness. They may be filed online or delivered in hardcopy form to counsel for the witness, at the discretion of the party. When presented, examination exhibits are not to be considered record evidence. They are to be transcribed into the record for reference only. If adopted by the witness, the examination exhibit may be offered in evidence by motion.

(iv) At the conclusion of oral cross-examination, the witness shall be given an opportunity to consult with counsel. Counsel shall then be provided an opportunity to examine the witness for the purpose of clarifying statements previously made during oral cross-examination.

(h) *Institutional testimony.* (1) This paragraph (h) is applicable to testimony offered in evidence that is not sponsored by an individual witness. This typically occurs when discovery questions are answered by the institution, and not by an individual witness.

(2) When institutional responses are offered in evidence by any party, the responding party shall make available at the hearing an officer of the institution that has the authority to attest to the authenticity and truthfulness of the responses, and that has the knowledge to be subject to oral cross-examination in regard to the responses. Section 3010.321 applies as if the officer of the institution were an individual witness.

(i) *Limitations on presentation of the evidence.* The taking of evidence shall proceed with all reasonable diligence and dispatch, and to that end, the Commission or the presiding officer may limit appropriately the number of witnesses to be heard upon any issue, the examination by any party to specific issues, and the cross-examination of a witness to that required for a full and true disclosure of the facts necessary for the disposition of the proceeding and to avoid irrelevant, immaterial, or unduly repetitious testimony.

(j) *Motions during hearing.* After a hearing has commenced, a request may be made by motion to the presiding officer for any procedural ruling or relief desired. Such motions shall specify the ruling or relief sought, and state the grounds therefor and statutory or other supporting authority. Motions made

during hearings may be stated orally upon the record, except that the presiding officer may require that such motions be reduced to writing and filed separately. Any party shall have the opportunity to answer or object to such motions at the time and in the manner directed by the presiding officer.

(k) *Rulings on motions.* The presiding officer is authorized to rule upon any such motion not formally acted upon by the Commission prior to the commencement of a prehearing conference or hearing where immediate ruling is essential in order to proceed with the prehearing conference or hearing, and upon any motion to the presiding officer filed or made after the commencement thereof, except that no motion made to the presiding officer, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon affirmatively by the presiding officer except as a part of a presiding officer's intermediate decision. This section shall not preclude a presiding officer, within the presiding officer's discretion, from referring any motion made in hearing to the Commission for ultimate determination.

(l) *Transcript corrections.* Corrections to the transcript of a hearing should not be requested except to correct a material substantive error in the transcription made at the hearing. Any request to correct a transcript shall be by motion filed no later than seven days after the transcript, or notice of the availability of a confidential transcript, is posted to the Commission's website. Corrections or changes to actual testimony shall not be allowed.

§ 3010.322 Evidence—general.

(a) *Form and admissibility.* In all hearings, relevant and material evidence which is not unduly repetitious or cumulative shall be admissible. Witnesses whose testimony is to be taken shall be sworn, or shall affirm, before their testimony shall be deemed evidence in the proceeding or any questions are put to them.

(b) *Documentary material*—(1) *General.* Documents and detailed data and information shall be presented as exhibits. Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains or represents. The title may also contain a statement of the purpose for which the exhibit is offered; however, this statement will not be considered part of the evidentiary record. Where one part of a multi-part exhibit is based on another part or on another exhibit, appropriate cross-references should be made. Relevant exposition should be included in the exhibits or provided in accompanying testimony. Testimony, exhibits and supporting workpapers prepared for Commission proceedings that are premised on data or conclusions developed in a library reference shall provide the location of that information within the library reference with sufficient specificity to permit ready reference, such as the page and line, or the file and the worksheet or spreadsheet page or cell. Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant or not intended to be put in evidence, the party offering the same shall plainly designate the matter offered excluding the immaterial or irrelevant parts. If other matter in such document is in such bulk or extent as would unnecessarily encumber the record, it may be marked for identification, and, if properly authenticated, the relevant and material parts may be read into the record, or, if the Commission or presiding officer so directs, a true copy of such matter in proper form shall be received in evidence as an exhibit. Copies of documents shall be delivered by the party offering the same to the other parties or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the entire document and to offer in evidence in like manner other material and relevant portions thereof.

(2) *Status of library references.* Designation of material as a library reference and acceptance in the Commission's docket section do not confer evidentiary status. The evidentiary status of the material is governed by § 3010.321(g)(3).

(c) *Commission's files.* Except as otherwise provided in paragraph (e) of this section, any matter contained in a report or other document on file with the Commission may be offered in evidence by specifying the report, document, or other file containing the matter so offered and the report or other document need not be produced or marked for identification.

(d) *Public document items.* Whenever there is offered in evidence (in whole or in part) a public document, such as an official report, decision, opinion or published scientific or economic statistical data issued by any of the Executive Departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations) and such document (or part thereof) has been shown by the offeror thereof to be reasonably available to the public, such document need not be produced or physically marked for identification, but may be offered in evidence as a public document item by clearly identifying the document and the relevant parts thereof.

(e) *Designation of evidence from other Commission dockets.* (1) Parties may request that evidence received in other Commission proceedings be entered into the record of the current proceeding. These requests shall be made by motion, shall explain the purpose of the designation, and shall identify material by page and line or paragraph number.

(2) In proceedings to consider the appeal of a Postal Service determination to close or consolidate a post office conducted pursuant to part 3021 of this chapter, these requests must be made at least six days before the date for filing the party's direct case. Oppositions to motions for designations and/or requests for counter-designations shall be filed within three days. Oppositions to requests for counter-designations are due within two days.

(3) In all other proceedings subject to this section, these requests must, in the absence of extraordinary circumstances, be made at least 28 days before the date for filing the party's direct case. Oppositions to motions for designations and/or requests for counter-designations shall be filed within 14 days. Oppositions to requests for counter-designations are due within seven days.

(4) In all proceedings subject to this section, the moving party must submit two copies of the identified material to the Secretary at the time requests for designations and counter-designations are made.

(f) *Form of prepared testimony and exhibits.* Unless the presiding officer otherwise directs, the direct testimony of witnesses shall be reduced to writing and offered either as such or as an exhibit. All prepared testimony and exhibits of a documentary character shall, so far as practicable, conform to the requirements of § 3010.124(a) and (b).

(g) *Copies to parties.* Except as otherwise provided in these rules, copies of exhibits shall be furnished to the presiding officer and to the parties or counsel during a hearing, unless the presiding officer otherwise directs.

(h) *Reception and ruling.* The presiding officer shall rule on the admissibility of evidence and otherwise control the reception of evidence so as

to confine it to the issues in the proceeding.

(i) *Offers of proof.* Any offer of proof made in connection with any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form, or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(j) *Official notice of facts.* Official notice may be taken of such matters as might be judicially noticed by the courts of the United States or of any other matter peculiarly within the knowledge of the Commission as an expert body. Any party shall, on timely request, be afforded an opportunity to show the contrary.

§ 3010.323 Evidence—introduction and reliance upon studies and analyses.

(a) *Statistical studies.* All statistical studies offered in evidence in hearing proceedings or relied upon as support for other evidence shall include a comprehensive description of the assumptions made, the study plan utilized, the procedures undertaken, and references from the academic literature supporting the procedures undertaken. Machine-readable data files, program files, workbooks, and all other necessary materials to enable independent replication of the results or program output if requested by the Commission or parties shall be provided in the form of a compact disk or other media or method approved in advance by the Secretary. Where a computer analysis is employed to obtain the result of a statistical study, all of the submissions required by paragraph (b) of this section shall be furnished, upon request. In addition, for each of the following types of statistical studies, the following information should be provided:

(1) *Market research.* The following information shall be provided:

(i) A clear and detailed description of the sample, observational, and data preparation designs, including definitions of the target population, sampling frame, units of analysis, questionnaires or data collection instruments, survey variables, and the possible values;

(ii) An explanation of methodology for the production and analysis of the major survey estimates and associated sampling errors;

(iii) A presentation of response, coverage and editing rates, and any other potential sources of error associated with the survey's quality assurance procedures;

(iv) A discussion of data comparability over time and with other data sources;

(v) A complete description and assessment of the effects of all editing and imputation employed;

(vi) Identification of all applicable statistical models considered and the reasons the model based procedures and/or models were selected over other models or procedures, when model-based procedures are employed; and

(vii) An explanation of all statistical tests performed and an appropriate set of summary statistics summarizing the results of each test.

(2) *Other sample surveys.* The following information shall be provided:

(i) A clear description of the survey design, including the definition of the universe under study, the sampling frame and units, and the validity and confidence limits that can be placed on major estimates; and

(ii) An explanation of the method of selecting the sample and the characteristics measured or counted.

(3) *Experimental analyses.* The following information shall be provided:

(i) A complete description of the experimental design, including a specification of the controlled conditions and how the controls were realized; and

(ii) A complete description of the methods of making observations and the adjustments, if any, to observed data.

(4) *Econometric studies.* The following information shall be provided:

(i) A presentation of the economic theory and assumptions underlying the study;

(ii) A complete description of the econometric model(s) and the reasons for each major assumption and specification;

(iii) The definition of the variables selected and the justification for their selection;

(iv) For any alternative model whose computed econometric results influenced the choice of the preferred model, a statement of the reasons for rejecting that alternative, an identification of any differences between that alternative and the preferred model with respect to variable definitions, equation forms, data, or estimation methods, and, upon request, the computed econometric results for that alternative;

(v) A reference to a detailed description in a text, manual, or technical journal for every econometric technique used in the estimation process and the reasons for selecting the technique, or, in the alternative, a description and analysis of the technique that is sufficient for a technical evaluation;

(vi) Summary descriptions and source citations for all input data and, upon request, a complete listing of the data. Complete descriptions of any alterations, adjustments, or transformations made to the data as received from the original sources, and the reasons for making the alterations, adjustments, or transformations;

(vii) A complete report of the econometric results including, where applicable coefficient estimates, standard errors and t-values, goodness-of-fit statistics, other appropriate test statistics, the variance/covariance matrix of the estimates, and computed residuals for results computed from samples composed of fewer than 250 observations, and, upon request, other computed residuals; and

(viii) Descriptions of all statistical tests of hypotheses and the results of such tests.

(5) *All other studies involving statistical methodology.* The following information shall be provided:

(i) The formula used for statistical estimates;

(ii) The standard errors of each component estimated;

(iii) Test statistics and the description of statistical tests and all related computations, and final results; and

(iv) Summary descriptions of input data, and upon request the actual input data shall be made available at the offices of the Commission.

(b) *Computer analyses.* (1) In the case of computer studies or analyses which are being offered in evidence, or relied upon as support for other evidence, a foundation for the reception of such materials must be laid by furnishing a general description of the program that includes the objectives of the program, the processing tasks performed, the methods and procedures employed, and a listing of the input and output data and source codes (or a showing pursuant to paragraph (b)(3) of this section as to why such codes cannot be so furnished) and such description shall be furnished in all cases. For the purpose of completing such foundation, the following additional items shall be deemed presumptively necessary and shall be furnished upon request of a party, the Commission, or the presiding officer, unless the presumption is overcome by an affirmative showing. The following information shall be provided:

(i) For all input data, designations of all sources of such data, and

explanations of any modifications to such data made for use in the program;

(ii) Definitions of all input and output variables or sets of variables;

(iii) A description of input and output data file organization;

(iv) For all source codes, documentation sufficiently comprehensive and detailed to satisfy generally accepted software documentation standards appropriate to the type of program and its intended use in the proceeding;

(v) All pertinent operating system and programming language manuals;

(vi) If the requested program is user interactive, a representative sample run, together with any explanation necessary to illustrate the response sequence;

(vii) An expert on the design and operation of the program shall be provided at a technical conference to respond to any oral or written questions concerning information that is reasonably necessary to enable independent replication of the program output; and

(viii) Computer simulation models offered in evidence or relied upon as support for other evidence, shall be bound by all applicable provisions of this paragraph (b) and the separate requirements of paragraph (a) of this section, to the extent that portions of the simulation model utilize or rely upon such studies. Information that compares the simulation model output results to the actual phenomena being modelled, using data other than those from which the model was developed, shall be separately identified and submitted as evidence supporting the test and validation of the simulation model. Separate statements concerning the model limitations, including limiting model design assumptions and range of data input utilized in model design, shall be provided. Where test and validation of the entire simulation model are not possible, test and validation information shall be provided for disaggregate portions of the model. If disaggregate testing and validation are not possible, separate statements to that effect and statements regarding operational experts' review of model validity shall be provided.

(2) Upon timely and otherwise proper request of a party, or *sua sponte,* the Commission or the presiding officer may rule that matters other than those listed in paragraphs (b)(1)(i) through (viii) of this section are necessary to establish the foundation for reception of the evidence concerned and must be furnished.

(3) When the requestor is other than the Commission or the presiding officer, the cost of producing the material required in paragraphs (b)(1)(iv), (vi), and (vii) of this section, shall be borne by the requesting party unless otherwise ordered, for good cause shown by the requestor. When the Commission or the presiding officer is the requestor, it may assume or equitably allocate such costs for good cause shown by the requester.

(4) If the recipient of a request for materials pursuant to this paragraph (b) asserts that compliance with the request would conflict with patent, copyright, trade secret or contract rights applicable to the requested material, the recipient shall immediately notify the requestor and the presiding officer. If valid, the presiding officer shall devise means of accommodating such rights. Such means may include protective orders, including access under protective conditions to the computer facilities of the recipient of a request, making material available for inspection, compensation, or other procedures, according to the nature of the right affected by compliance with this paragraph (b). If the presiding officer determines that compensation is necessary to accommodate the affected right, the cost of compensation shall be borne in the same manner that paragraph (b)(3) of this section prescribes for bearing the costs referenced there. If such right cannot be accommodated by reasonable compensation, or by protective orders or other procedures, and, as a result, materials required by this paragraph (b) cannot be provided, the presiding officer shall determine, in the presiding officer's discretion, whether evidence that relies upon the materials not provided shall be admissible or afforded limited weight.

(c) *Other studies and analyses.* In the case of all studies and analyses offered in evidence in hearing proceedings or relied upon as support for other evidence, other than the kinds described in paragraphs (a) and (b) of this section, there shall be a clear statement of the study plan, all relevant assumptions and a description of the techniques of data collection, estimation and/or testing. In addition, there shall be a clear statement of the facts and judgments upon which conclusions are based, together with an indication of the alternative courses of action considered and the steps taken to ensure the validity, accuracy, and reliability of the evidence. Tabulations of input data, workbooks, and all other materials necessary to replicate results shall be made available upon request at the offices of the Commission.

(d) *Expedition.* The party who offers studies or analyses in evidence shall expedite responses to requests made pursuant to this section for data or other information. Responses shall be served on the requesting party, and notice thereof filed with the Secretary in accordance with the provisions of § 3010.127 no later than 3 days after a request is made under § 3010.322(e)(2) or no later than 14 days after a request is made under § 3010.322(e)(3).

§ 3010.324 In camera orders.

(a) *Definition.* Except as hereinafter provided, documents and testimony made subject to *in camera* orders are not made a part of the public record, but are kept confidential, and only authorized parties, their counsel, authorized Commission personnel, and court personnel concerned with judicial review shall have access thereto. The right of the presiding officer, the Commission, and reviewing courts to disclose *in camera* data to the extent necessary for the proper disposition of the proceeding is specifically reserved.

(b) *In camera treatment of documents and testimony.* (1) Presiding officers shall have authority, but only in those unusual and exceptional circumstances when good cause is found on the record, to order documents or oral testimony offered in evidence whether admitted or rejected, to be placed *in camera.* The order shall specify the date on which *in camera* treatment expires and shall include:

(i) A description of the documents and testimony;

(ii) A full statement of the reasons for granting *in camera* treatment; and

(iii) A full statement of the reasons for the date on which *in camera* treatment expires.

(2) Any party desiring, for the preparation and presentation of the case, to disclose *in camera* documents or testimony to experts, consultants, prospective witnesses, or witnesses, shall make application to the presiding officer setting forth the justification therefor. The presiding officer, in granting such application for good cause found, shall enter an order protecting the rights of the affected parties and preventing unnecessary disclosure of information. *In camera* documents and the transcript of testimony subject to an *in camera* order shall be segregated from the public record and filed in a sealed envelope, bearing the title and docket number of the proceeding, the notation ''*In Camera* Record under § 3010.323,'' and the date on which *in camera* treatment expires.

(c) *Release of in camera information. In camera* documents and testimony shall constitute a part of the confidential records of the Commission. However, the Commission, on its own motion or pursuant to a request, may make *in*

camera documents and testimony available for inspection, copying, or use by any other governmental agency. The Commission shall, in such circumstances, give reasonable notice of the impending disclosure to the affected party. However, such notice may be waived in extraordinary circumstances for good cause.

(d) *Briefing of in camera information.* In the submittal of proposed findings, briefs, or other papers, counsel for all parties shall make a good faith attempt to refrain from disclosing the specific details of *in camera* documents and testimony. This shall not preclude references in such proposed findings, briefs, or other papers to such documents or testimony including generalized statements based on their contents. To the extent that counsel consider it necessary to include specific details of *in camera* data in their presentations, such data shall be incorporated in separate proposed findings, briefs, or other papers marked ''confidential,'' which shall be placed *in camera* and become a part of the *in camera* record.

§ 3010.325 Depositions.

(a) *When permissible.* The testimony of a witness may be taken by deposition when authorized by the Commission or the presiding officer on application of any party before the hearing is closed. An authorization to take the deposition of a witness will be issued only if:

(1) The person whose deposition is to be taken would be unavailable at the hearing;

(2) The deposition is deemed necessary to perpetuate the testimony of the witness; or

(3) The taking of the deposition is necessary to prevent undue and excessive expense to a party and will not result in undue delay or an undue burden to other parties.

(b) *Application.* An application for authorization to take testimony by deposition shall be filed with the Commission or the presiding officer and shall state:

(1) The name, identification, and post office address of the witness;

(2) The subject matter of the testimony.

(3) The time and place of taking the deposition;

(4) The name, identification, and post office address of the officer before whom the deposition is to be taken; and

(5) The reasons why the testimony of such witness should be taken by deposition.

(c) *Authorization.* If the application so warrants, the Commission or the presiding officer will issue and serve or cause to be served on the parties within a reasonable time in advance of the time fixed for taking testimony, an authorization for the taking of such testimony by deposition. Such authorization shall name the witness, the time, place, and officer before whom the deposition shall be taken, and shall specify the number of copies of the deposition to be submitted to the Commission. The authorization may include such terms and conditions as the Commission or the presiding officer deems fair and reasonable.

(d) *Qualifications of officer before whom taken.* Such deposition may be taken before a presiding officer or other authorized representative of the Commission, or any officer, not being counsel or attorney for any party or having an interest in the proceeding, authorized to administer oaths by the laws of the United States or of the place where the deposition is to be taken.

(e) *Oath and reduction to writing.* The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the examination of the witness. The examination shall be transcribed in the form specified in § 3010.124(a), signed by the witness, and certified in the usual form by the officer. The original of the deposition, together with the number of copies required by the authorization to be made by such officer, shall be forwarded by the officer to the Secretary by personal delivery or registered mail. Upon receipt, the Secretary shall hold the original for use in the hearing upon request by any party and shall make copies available for public inspection.

(f) *Scope and conduct of examination.* Unless otherwise directed in the authorization, the witness may be questioned regarding any matter which is relevant to the issues involved in the proceeding. Parties shall have the right for cross-examination and objection. In lieu of participation in the oral examination, parties may transmit written interrogatories to the officer who shall propound them to the witness.

(g) *Objections.* The officer before whom the deposition is taken shall not have the power to rule upon procedural matters or the competency, materiality, or relevancy of questions. Procedural objections or objections to questions of evidence shall be stated briefly and recorded in the deposition without argument. Objections not stated before the officer shall be deemed waived.

(h) *When a part of the record.* No portion of a deposition shall constitute a part of the record in the proceeding unless received in evidence by the presiding officer. If only a portion of the deposition is offered in evidence by a party, any other party may require the party to introduce all of it which is relevant to the part introduced, and any party may offer in evidence any other portions.

(i) *Fees.* Witnesses whose depositions are taken and the officer taking the same shall be entitled to the same fees as are paid for like services in the District Courts of the United States to be paid directly by the party or parties on whose application the deposition was taken.

§ 3010.330 Briefs.

(a) *When filed.* At the close of the taking of testimony in any proceeding, the Commission or the presiding officer shall fix the time for the filing and service of briefs, giving due regard to the timely issuance of the decision. In addition, subject to such consideration, due regard shall be given to the nature of the proceeding, the complexity and importance of the issues involved, and the magnitude of the record. In cases subject to a limitation on the time available to the Commission for decision, the Commission may direct each party to file its brief simultaneously with the filing of briefs by other parties. In cases where, because of the nature of the issues and the record or the limited number of parties involved, the filing of initial and reply briefs, or the filing of initial, answering, and reply briefs, will not unduly delay the conclusion of the proceeding and will aid in the proper disposition of the proceeding, the parties may be directed to file more than one brief and at different times rather than a single brief filed simultaneously with briefs filed by other parties. The Commission or presiding officer may also order the filing of briefs during the course of the proceeding.

(b) *Contents.* Each brief filed with the Commission shall be as concise as possible, within any page limitation specified by the Commission or the presiding officer, and shall include the following in the order indicated:

(1) A subject index with page references, and a list of all cases and authorities relied upon, arranged alphabetically, with references to the pages where the citation appears;

(2) A concise statement of the case from the viewpoint of the filing party;

(3) A clear, concise, and definitive statement of the position of the filing party as to the matter before the Commission and the decision to be issued;

(4) A discussion of the evidence, reasons, and authorities relied upon

with exact references to the record and the authorities; and

(5) Proposed findings and conclusions with appropriate references to the record or the prior discussion of the evidence and authorities relied upon.

(c) *Incorporation by references.* Briefs before the Commission or a presiding officer shall be completely self-contained and shall not incorporate by reference any portion of any other brief, pleading, or document.

(d) *Excerpts from the record.* Testimony and exhibits shall not be quoted or included in briefs except for short excerpts pertinent to the argument presented.

(e) *Filing and service.* Briefs shall be filed with the Commission and served on all parties as required pursuant to subpart B of this part.

§ 3010.331 Proposed findings and conclusions.

The Commission or the presiding officer may direct the filing of proposed findings and conclusions with a brief statement of the supporting reasons for each proposed finding and conclusion.

§ 3010.332 Oral argument before the presiding officer.

In any case in which the presiding officer is to issue an intermediate decision, such officer may permit the presentation of oral argument when, in the presiding officer's opinion, time permits, and the nature of the proceedings, the complexity or importance of the issues of fact or law involved, and the public interest warrants hearing such argument. The presiding officer shall determine the time and place for oral argument, and may specify the issue or issues on which oral argument is to be presented, the order in which the presentations shall be made, and the amount of time allowed each party. A request for oral argument before the issuance of an intermediate decision shall be made during the course of the hearing on the record.

§ 3010.333 Oral argument before the Commission.

(a) *When ordered.* In any proceeding before the Commission for decision, the Commission, upon the request of any party or on its own initiative, may order oral argument when, in the Commission's discretion, time permits, and the nature of the proceedings, the complexity or importance of the issues of fact or law involved, and public interest warrants such argument.

(b) *How requested.* Any party in a proceeding before the Commission for decision may request oral argument before the Commission by filing a timely motion. In a proceeding before the Commission on exceptions to an intermediate decision, such motion shall be filed no later than the date for the filing of briefs on exceptions.

(c) *Notice of oral argument.* The Commission shall rule on requests for oral argument, and if argument is allowed, the Commission shall notify the parties of the time and place set for argument, the amount of time allowed each party, and the issue or issues on which oral argument is to be heard. Unless otherwise ordered by the Commission, oral argument shall be limited to matters properly raised on the record and in the briefs before the Commission.

(d) *Use of documents at oral argument.* Charts, graphs, maps, tables, and other written material may be presented to the Commission at oral argument only if limited to facts in the record of the case being argued and if copies of such documents are filed with the Secretary and served on all parties at least seven days in advance of the argument. Enlargements of such charts, graphs, maps, and tables may be used at the argument provided copies are filed and served as required by this paragraph.

§ 3010.334 Commission decisions.

(a) At the conclusion of a proceeding on the record with the opportunity for a hearing, the Commission shall issue a final decision which either:

(1) Adopts an intermediate decision prepared by a presiding officer; or

(2) Rules upon the matters that are before the Commission, or provides explanation for why such rulings are not being provided.

(b) Commission decisions shall be based on the evidence entered into the record, and consider the arguments filed on brief. Argument provided in comments may further inform the Commission's decision, but have no evidentiary standing and are not required to be addressed in the final decision.

(c) An intermediate decision may be adopted by the Commission in whole or in part. When an intermediate decision is adopted in part, the Commission shall explain its decisions regarding both what is and is not adopted.

(d) When exceptions, or objections to exceptions, to an intermediate decision are filed pursuant to § 3010.336 by any party to the proceeding, the Commission shall consider and rule upon such exceptions, or objections to exceptions in its final decision.

(e) Commission decisions shall be filed in the docket and served on all parties. Commission decisions shall be part of the record of the proceeding.

§ 3010.335 Intermediate decisions.

(a) An intermediate decision shall be issued by the presiding officer which rules upon the matters that are before the Commission, or provides explanation for why such rulings are not being provided, in a proceeding on the record with the opportunity for a hearing when:

(1) The Commission is not sitting *en banc;* or

(2) The presiding office has been directed to issue an intermediate decision by Commission notice or order.

(b) Intermediate decisions shall be based on the evidence entered into the record, and shall consider the arguments filed on brief. Arguments provided in comments may further inform the presiding officer's decision, but are not required to be addressed in the intermediate decision.

(c) Intermediate decisions shall be filed in the docket and served on all parties. Intermediate decisions shall be part of the record of the proceeding.

(d) Intermediate decisions are subject to review by the Commission and subject to challenge by parties to the proceeding through the filing of exceptions pursuant to § 3010.336. After review and consideration of the exceptions filed, intermediate decisions may be adopted by the Commission, in whole or in part, as part of the final decision in the proceeding.

(e)(1) The Commission may, at any time, direct the omission of an intermediate decision and the certification of the record for the Commission's consideration sitting *en banc.* Parties to a proceeding may, by motion, request the omission of an intermediate decision and the certification of the record for the Commission's consideration sitting *en banc.* Motions shall specify:

(i) The concurrence of other parties; and

(ii) Whether opportunity for filing briefs or presenting oral argument to the Commission is desired or waived.

(2) Failure of any party to object to such request shall constitute a waiver of any objections. Motions shall be filed no later than the deadline for the filing of briefs. In either instance, the decision to omit an intermediate decision shall be based upon the consideration of the novelty of the matters before the Commission, and the timely and efficient operation of the docket.

§ 3010.336 Exceptions to intermediate decisions.

(a) *Briefs on exceptions and opposing exceptions.* Any party in a proceeding

may file exceptions to any intermediate decision by first filing a notice of intent to file a brief on exceptions with the Commission within seven days after the date of issuance of the intermediate decision or such other time as may be fixed by the Commission. The brief on exceptions shall be filed with the Commission within 30 days after the date of issuance of the intermediate decision or such other time as may be fixed by the Commission. Any party to a proceeding may file a response to briefs on exceptions within 20 days after the time limited for the filing of briefs on exceptions or such other time as may be fixed by the Commission. No further response will be entertained unless the Commission, upon motion for good cause shown or on its own initiative, so orders.

(b) *Filing and contents.* Briefs on exceptions and briefs opposing exceptions shall be filed in accordance with § 3010.330. In briefs on exceptions, the discussion of evidence, reasons and authorities shall be specifically directed to the findings, conclusions and recommendations in the intermediate decision to which exception is taken. Briefs on exceptions should not include a discussion of evidence and authorities on matters and issues to which no exception to the intermediate decision is taken. Briefs on exceptions and briefs opposing exceptions need not contain a statement of the case to the extent that it was correctly stated in either the intermediate decision or the brief on exceptions of another party to which reference is made.

(c) *Failure to except results in waiver.* Any party who fails to except or object to any part of an intermediate decision in its brief on exceptions may not thereafter raise such exceptions or objections which shall be deemed to have been waived.

PART 3011—NON-PUBLIC MATERIALS PROVIDED TO THE COMMISSION

■ 44. The authority for newly redesignated part 3011 continues to read as follows:

Authority: 39 U.S.C. 503, 504.

■ 45. Amend newly redesignated § 3011.101 by revising paragraph (a) to read as follows:

§ 3011.101 Definitions.

(a) *Non-public materials* means any documents or things that are provided to the Commission and identified as containing non-public information. The Postal Service may claim that information that would be exempt from disclosure pursuant to 39 U.S.C. 410(c), 504(g), 3652(f), or 3654(f) is non-public information. Any person other than the Postal Service with a proprietary interest in the materials may claim that information that would be protectable under Federal Rule of Civil Procedure 26(c) is non-public information. Any person may claim that information that is exempt from public disclosure under 5 U.S.C. 552(b) is non-public information. Non-public materials cease to be non-public if the status has expired or has been terminated by the Commission pursuant to this part. Except as provided by § 3011.205, non-public materials cease to be non-public if the submitter publicly discloses the materials with the consent of each affected person with a propriety interest in the materials (if applicable). The cessation of non-public status applies to the particular document or thing and the particular information contained therein (in whole or in part, as applicable).

* * * * *

■ 46. Amend newly redesignated § 3011.102 by revising paragraph (a) to read as follows:

§ 3011.102 Treatment of non-public materials.

(a) Except as described in part 3011 or part 3006 of this chapter, the Commission will neither disclose nor grant access to any non-public materials (and the non-public information contained therein).

* * * * *

■ 47. Amend newly redesignated § 3011.103 by revising paragraphs (a) and (c) to read as follows:

§ 3011.103 Commission action to determine non-public treatment.

(a) Information requests as described in § 3010.170 of this chapter, preliminary notices, or interim orders may be issued to help the Commission determine the non-public treatment, if any, to be accorded to the materials claimed by any person to be non-public.

* * * * *

(c) Upon its own motion, the Commission may issue notice of its preliminary determination concerning the appropriate degree of protection, if any, to be accorded to materials claimed by any person to be non-public. A response is due within seven calendar days of issuance of the preliminary determination, unless the Commission otherwise provides. No reply to a response shall be filed, unless the Commission otherwise provides. Pending the Commission's resolution of the preliminary determination, information designated as non-public will be accorded non-public treatment. The Commission will enter an order determining what non-public treatment, if any, will be accorded to the materials after the response period described in this paragraph has expired. The determination of the Commission shall follow the applicable standard described in § 3011.104.

■ 48. Amend newly redesignated § 3011.200 by revising paragraph (a) to read as follows:

§ 3011.200 General requirements for submitting non-public materials and seeking non-public treatment.

(a) Whenever providing non-public materials to the Commission, the submitter shall concomitantly provide the following: An application for non-public treatment that clearly identifies all non-public materials and describes the circumstances causing them to be submitted to the Commission in accordance with § 3011.201, a redacted (public) version of the non-public materials in accordance with § 3011.202, and an unredacted (sealed) version of the non-public materials in accordance with § 3011.203.

* * * * *

■ 49. Amend newly redesignated § 3011.203 by revising paragraph (b) to read as follows:

§ 3011.203 Unredacted version of the non-public materials.

* * * * *

(b) The Filing Online method that results in posting a document that is available to the public, which is accessible through the Commission's website (*http://www.prc.gov*) described under part 3010, subpart B of this chapter may not be used to submit the unredacted version of non-public materials.

* * * * *

■ 50. Amend newly redesignated § 3011.205 by revising paragraphs (a) through (c) introductory text and (c)(3) to read as follows:

§ 3011.205 Non-public materials inadvertently submitted publicly.

(a) Any filer or person with a proprietary interest that discovers the inclusion of materials that could have been subject to a claim for non-public treatment are contained within a public filing made in accordance with subpart B to part 3010 of this chapter shall telephone Dockets personnel immediately to request that the non-public materials be removed from the publicly available materials. Upon receipt of that telephone request, Dockets personnel will remove from the publicly available materials those materials for which non-public

treatment are being requested until the end of the next business day in order to provide the filer or person with a proprietary interest an opportunity to file an application for non-public treatment and the non-public materials in accordance with the requirements of this subpart. If any filer makes repeated use of this rule, the Secretary has discretion to impose additional requirements on this filer as necessary to ensure secure filing of non-public materials.

(b) Any submitter or person with a proprietary interest that discovers the inclusion of materials that could have been subject to a claim for non-public treatment are contained within a publicly available submission made to the Commission in circumstances other than through a public filing made in accordance with subpart B to part 3010 of this chapter shall telephone the Commission personnel to whom the submission was directed immediately to request that the non-public materials be removed from the publicly available materials. Upon receipt of that telephone request, the Commission personnel will remove from the publicly available materials those materials for which non-public treatment are being requested until the end of the next business day in order to provide the submitter or person with a proprietary interest an opportunity to submit an application for non-public treatment and the non-public materials in accordance with the requirements of this subpart. If any submitter makes repeated use of this rule, the Secretary has discretion to impose additional requirements on this submitter as necessary to ensure secure submission of non-public materials.

(c) An application for non-public treatment made under paragraph (a) or (b) of this section shall also clearly indicate if any special relief is sought. Examples of special relief include a request that any person not granted access to the materials under § 3011.300 or § 3011.301 perform any or all of the following actions:

* * * * *

(3) Take reasonable steps to retrieve any materials, and the information contained therein, that are claimed to be non-public and were disclosed to any person not granted access to the materials under § 3011.300 or § 3011.301 prior to the submission of application for non-public treatment.

■ 51. Amend newly redesignated § 3011.300 by revising paragraphs (a) and (c) to read as follows:

§ 3011.300 Eligibility for access to non-public materials.

(a) The following persons may access non-public materials without an order issued pursuant to § 3011.301(e):

* * * * *

(c) Any person not described in paragraph (a) or (b) of this section may request access to non-public materials as described in § 3011.301, for the purpose of aiding participation in a pending Commission proceeding (including compliance proceedings) or aiding the initiation of a proceeding before the Commission.

■ 52. Amend newly redesignated § 3011.301 by revising paragraphs (b)(4), (c), and (e) to read as follows:

§ 3011.301 Motion for access to non-public materials.

* * * * *

(b) * * *

(4) Specify if actual notice of the motion has been provided to each person identified in the application pursuant to § 3011.201(b)(2). If the motion states that actual notice has been provided, the motion shall identify the individual(s) to whom actual notice was provided, the date(s) and approximate time(s) of actual notice, the method(s) of actual notice (by telephone conversation, face-to-face conversation, or an exchange of telephone or email messages), and whether the movant is authorized to represent that the motion (in whole or in part) has been resolved or is contested by the submitter or any other affected person;

* * * * *

(c) *Response.* If actual notice of the motion was provided in advance of the filing to each person identified pursuant to § 3011.201(b)(2) by telephone conversation, face-to-face conversation, or an exchange of telephone or email messages, a response to the motion is due within three business days of the filing of the motion, unless the Commission otherwise provides. In all other circumstances, a response to the motion is due within seven calendar days of filing the motion, unless the Commission otherwise provides.

* * * * *

(e) *Commission ruling.* The Commission may enter an order at any time after receiving a motion if the movant states that actual notice has been given to each person identified pursuant to § 3011.201(b)(2) and that the movant is authorized to represent that the motion is uncontested. In all other circumstances, the Commission will enter an order determining if access will be granted after the response period described in paragraph (c) of this section has expired. If no opposition to the motion has been filed by the submitter or any person other than the submitter with a proprietary interest before the expiration of the response period described in paragraph (c) of this section, the Commission may issue an order granting access, subject to the agreed protective conditions. In determining whether to grant access to non-public materials, the Commission shall balance the interests of the parties consistent with the analysis undertaken by a Federal court when applying the protective conditions appearing in Federal Rule of Civil Procedure 26(c). If access is granted, access shall commence following the issuance of the appropriate order setting forth all protective conditions.

■ 53. Revise newly redesignated § 3011.302 to read as follows:

§ 3011.302 Non-dissemination, use, and care of non-public materials.

(a) No person who has been granted access to non-public materials in accordance with § 3011.300 or § 3011.301 may disseminate the materials or the information contained therein, in whole or in part, to any person not allowed access pursuant to § 3011.300 or § 3011.301.

(b) Persons with access to non-public materials under § 3011.300 or § 3011.301 shall use non-public materials only for the purposes for which the non-public materials are supplied.

(c) Persons with access to non-public materials under § 3011.300 or § 3011.301 shall protect the non-public materials from any person not granted access under § 3011.300 or § 3011.301 by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of these materials as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.

■ 54. Amend newly redesignated § 3011.303 by revising paragraph (a) introductory text to read as follows:

§ 3011.303 Sanctions for violating protective conditions.

(a) If a person who has been granted access to non-public materials under § 3011.301 violates the terms of the order granting access, the Commission may impose sanctions on the person who violated the order, the persons or entities on whose behalf the person was

acting, or both. The sanctions may include any or all of the following:

* * * * *

■ 55. Amend newly redesignated § 3011.304 by revising paragraphs (a)(1) and (b) to read as follows:

§ 3011.304 Termination and amendment of access to non-public materials.

(a) * * *

(1) Except as provided in paragraph (b) of this section, access to non-public materials granted under § 3011.301 terminates either when the Commission issues the final order or report concluding the proceeding(s) in which the participant who filed the motion seeking access represented that the non-public materials would be used, or when the person granted access withdraws or is otherwise no longer involved in the proceeding(s), whichever occurs first. For purposes of this paragraph, an order or report is not considered final until after the possibility of judicial review expires (including the completion of any Commission response to judicial review, if applicable).

* * * * *

(b) *Amendment of access.* Any person may file a motion seeking to amend any protective conditions related to access of non-public materials, including extending the timeframe for which access is granted or expanding the persons to whom access is to be granted, in accordance with § 3011.301.

■ 56. Amend newly redesignated § 3011.305 by revising paragraph (a) to read as follows:

§ 3011.305 Producing non-public materials in non-Commission proceedings.

(a) If a court or other administrative agency issues a subpoena or orders production of non-public materials that a person obtained under protective conditions ordered by the Commission, the target of the subpoena or order shall, within two days of receipt of the subpoena or order, notify each person identified pursuant to § 3011.201(b)(2) of the pendency of the subpoena or order to allow time to object to that production or to seek a protective order or other relief.

* * * * *

■ 57. Revise the newly redesignated appendix A to subpart C of part 3011 to read as follows:

Appendix A to Subpart C of Part 3011—Template Forms Protective Conditions Statement

_____ (name of submitter of non-public materials) requests confidential treatment of non-public materials identified as _____ (non-confidential description of non-public materials) (hereinafter ''these materials'') in Commission Docket No(s). _____ (designation of docket(s) in which these materials were filed).

_____ (name of participant filing motion) (hereinafter ''the movant'') requests access to these materials related to _____ (designation of docket(s) or description of proposed proceeding(s) in which these materials are to be used) (hereinafter ''this matter'').

The movant has provided to each person seeking access to these materials:

○ This Protective Conditions Statement;

○ the Certification to Comply with Protective Conditions;

○ the Certification of Compliance with Protective Conditions and Termination of Access; and

○ the Commission's rules applicable to access to non-public materials filed in Commission proceedings (subpart C of part 3011 of the U.S. Code of Federal Regulations).

Each person (and any individual working on behalf of that person) seeking access to these materials has executed a Certification to Comply with Protective Conditions by signing in ink or by typing/s/before his or her name in the signature block. The movant attaches the Protective Conditions Statement and the executed Certification(s) to Comply with Protective Conditions to the motion for access filed with the Commission.

The movant and each person seeking access to these materials agree to comply with the following protective conditions:

In accordance with 39 CFR 3011.303, the Commission may impose sanctions on any person who violates these protective conditions, the persons or entities on whose behalf the person was acting, or both.

2. In accordance with 39 CFR 3011.300(b), no person involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials shall be granted access to these materials. Involved in competitive decision-making includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with an individual or entity having a proprietary interest in the protected material.

3. In accordance with 39 CFR 3011.302(a), a person granted access to these materials may not disseminate these materials in whole or in part to any person not allowed access pursuant to 39 CFR 3011.300(a) (Commission and court personnel) or 3011.301 (other persons granted access by Commission order) except in compliance with:

a. Specific Commission order,

b. Subpart B of 39 CFR 3011 (procedure for filing these materials in Commission proceedings), or

c. 39 CFR 3011.305 (production of these materials in a court or other administrative proceeding).

4. In accordance with 39 CFR 3011.302(b) and (c), all persons granted access to these materials:

a. Must use these materials only related to this matter; and

b. must protect these materials from any person not authorized to obtain access under 39 CFR 3011.300 or 3011.301 by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of these materials as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.

5. The duties of each person granted access to these materials apply to all:

a. Disclosures or duplications of these materials in writing, orally, electronically, or otherwise, by any means, format, or medium;

b. Excerpts from, parts of, or the entirety of these materials;

c. Written materials that quote or contain these materials; and

d. Revised, amended, or supplemental versions of these materials.

6. All copies of these materials will be clearly marked as ''Confidential'' and bear the name of the person granted access.

7. Immediately after access has terminated pursuant to 39 CFR 3011.304(a)(1), each person (and any individual working on behalf of that person) who has obtained a copy of these materials must execute the Certification of Compliance with Protective Conditions and Termination of Access. In compliance with 39 CFR 3011.304(a)(2), the movant will attach the executed Certification(s) of Compliance with Protective Conditions and Termination of Access to the notice of termination of access filed with the Commission.

8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.

Respectfully submitted,

(signature of representative)

/s/ _____

(print name of representative)

(address line 1 of representative)

(address line 2 of representative)

(telephone number of representative)

(e-mail address of representative)

(choose the appropriate response)

Attorney/Non-Attorney Representative for

(name of the movant)

You may delete the instructional text to complete this form. This form may be filed as an attachment to the motion for access to non-public materials under 39 CFR 3011.301(b)(5).

Certification To Comply With Protective Conditions

_____ (name of submitter of non-public materials) requests confidential treatment of non-public materials identified as _____ (non-confidential description of non-public materials) (hereinafter ''these materials'') filed in Commission Docket No(s). _____ (designation of docket(s) in which these materials were filed).

_____ (name of participant filing motion) requests that the Commission grant me access to these materials to use related to _____ (designation of docket(s) or description of proposed proceeding(s) in which these materials are to be used) (hereinafter ''this matter'').

I certify that:

○ I have read and understand the Protective Conditions Statement and this Certification to Comply with Protective Conditions;

○ I am eligible to receive access to these materials because I am not involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials; and

○ I will comply with all protective conditions established by the Commission.

(signature of individual receiving access)

/s/ _____

(print name of individual receiving access)

(title of individual receiving access)

(employer of individual receiving access)

(name of the participant filing the motion)

(date)

You may delete the instructional text to complete this form. This form may be filed as an attachment to the motion for access to non-public materials under 39 CFR 3011.301(b)(6).

Certification of Compliance with Protective Conditions and Termination of Access

_____ (name of submitter of non-public materials) requests confidential treatment of non-public materials identified as _____ (non-confidential description of non-public materials) (hereinafter ''these materials'') filed in Commission Docket No(s). _____ (designation of docket(s) in which these materials were filed).

The Commission granted the request by _____ (name of participant filing notice) to grant me access to these materials to use related to _____ (designation of docket(s) or description of proposed proceeding(s) in which these materials are to be used) (hereinafter ''this matter'').

I certify that:

○ I accessed, maintained, and used these materials in accordance with the protective conditions established by the Commission;

○ Effective _____ (date), my access to these materials was terminated; and

○ Effective _____ (date), I no longer have any of these materials or any duplicates.

(signature of individual granted access)

/s/ _____

(print name of individual granted access)

(title of individual granted access)

(employer of individual granted access)

(name of participant filing notice)

(date)

You may delete the instructional text to complete this form. This form should be filed as an attachment to the notice of termination of access to non-public materials under 39 CFR 3011.304(a)(2).

■ 58. Amend newly redesignated § 3011.400 by revising paragraphs (a) through (c) and (f) to read as follows:

§ 3011.400 Motion for disclosure of non-public materials.

(a) *Application of this section.* This section applies to non-public materials during the initial duration of non-public status, up to ten years, and any non-public materials for which the Commission enters an order extending the duration of that status under § 3011.401(a).

(b) *Motion for disclosure of non-public materials.* Any person may file a motion with the Commission requesting that non-public materials be publicly disclosed. Any part of the motion revealing non-public information shall be filed in accordance with subpart B of this part. The motion shall justify why the non-public materials should be made public and specifically address any pertinent rationale(s) provided in the application for non-public treatment. The motion shall specify whether actual notice of the motion has been provided to each person identified in the application pursuant to § 3011.201(b)(2). If the motion states that actual notice has been provided, the motion shall identify the individual(s) to whom actual notice was provided, the date(s) and approximate time(s) of actual notice, the method(s) of actual notice (by telephone conversation, face-to-face conversation, or an exchange of telephone or email messages), and whether the movant is authorized to represent that the motion (in whole or in part) has been resolved or is contested by the submitter or any other affected person. The motion shall be filed in the docket in which the materials were filed or in the docket in which the materials will be used; in all other circumstances, the motion shall be filed in the G docket for the applicable fiscal year.

(c) *Response.* If actual notice of the motion was provided in advance of the filing to each person identified pursuant to § 3011.201(b)(2) by telephone conversation, face-to-face conversation, or an exchange of telephone or email messages, a response to the motion is due within three business days of the filing of the motion, unless the Commission otherwise provides. In all other circumstances, a response to the motion is due within seven calendar days of filing the motion, unless the Commission otherwise provides.

* * * * *

(f) *Commission ruling.* The Commission may enter an order at any time after receiving a motion if the movant states that actual notice has been given to each person identified pursuant to § 3011.201(b)(2) and that the movant is authorized to represent that the motion is uncontested. In all other circumstances, the Commission will enter an order determining what non-public treatment, if any, will be accorded to the materials after the response period described in paragraph (c) of this section has expired. The determination of the Commission shall follow the applicable standard described in § 3011.104.

■ 59. Amend newly redesignated § 3011.401 by revising paragraphs (c) and (f) to read as follows:

§ 3011.401 Materials for which non-public treatment has expired.

* * * * *

(c) *Response.* A response to the request is due within seven calendar days of the filing of the request, unless the Commission otherwise provides. Any response opposing the request shall seek an extension of non-public status by including an application for non-public treatment compliant with § 3007.201 of this chapter. This extension application shall also include specific facts in support of any assertion that commercial injury is likely to occur if the information contained in the materials is publicly disclosed despite the passage of ten years or the timeframe established by Commission order.

* * * * *

(f) *Ruling.* The Commission may grant the request at any time after the response period described in paragraph (c) of this section has expired. The Commission may deny the request and enter an order extending the duration of non-public status at any time after the reply period described in paragraph (d) of this section has expired. The determination of the Commission shall follow the applicable standard described in § 3011.104.

■ 60. Revise the newly redesignated appendix A to subpart D of part 3011 to read as follows:

Appendix A to Subpart D of Part 3011—Template Forms

Before the POSTAL REGULATORY COMMISSION WASHINGTON, DC 20268–0001

(Caption) _____

Docket No. _____

REQUEST FOR MATERIALS FOR WHICH NON-PUBLIC TREATMENT HAS EXPIRED

_____ , 20____ (date)

On _____ (date non-public materials were initially submitted), non-public treatment was requested for the materials identified as _____ (non-confidential description of non-public materials) (hereinafter ''these materials''). Because the non-public treatment of these materials has

expired, I request that these materials be disclosed to the public.

Respectfully submitted,

(signature of representative)

/s/ _____

(print name of representative)

(address line 1 of representative)

(address line 2 of representative)

(telephone number of representative)

(e-mail address of representative)

(choose the appropriate response)

Attorney/Non-Attorney Representative for

(name of the requestor)

You may delete the instructional text to complete this form and file a request under 39 CFR 3011.401(b).

PART 3012—EX PARTE COMMUNICATIONS

■ 61. The authority for newly redesignated part 3012 continues to read as follows:

Authority: 39 U.S.C. 404(d)(5); 503; 504; 3661(c); 3662.

■ 62. Amend newly redesignated § 3012.1 by revising paragraph (c) to read as follows:

§ 3012.1 Applicability.

* * * * *

(c) The rules in this section are not applicable to international mail (IM) proceedings undertaken pursuant to part 3025 of this chapter.

* * * * *

■ 63. Amend newly redesignated § 3012.2 by revising paragraph (b)(3) to read as follows:

§ 3012.2 Definition of ex parte communications.

* * * * *

(b) * * *

(3) Communications during the course of off-the-record technical conferences associated with a matter before the Commission, or the pre-filing conference for nature of service cases required by § 3020.111 of this chapter, where advance public notice of the event is provided indicating the matter to be discussed, and the event is open to all persons participating in the matter before the Commission;

* * * * *

■ 64. Amend newly redesignated § 3012.4 by revising paragraph (d)(2) to read as follows:

§ 3012.4 Definitions of persons subject to ex parte communication rules.

* * * * *

(d) * * *

(2) Commission personnel not participating in the decisional process owing to the prohibitions of § 3010.144 of this chapter regarding no participation by investigative or prosecuting officers;

* * * * *

■ 65. Amend newly redesignated § 3012.7 by revising paragraphs (b) and (c) to read as follows:

§ 3012.7 Penalty for violation of ex parte communication rules.

* * * * *

(b) Upon notice of a communication knowingly made or knowingly caused to be made by a participant in violation of § 3012.5(a), the Commission or presiding officer may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the participant to show cause why the participant's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(c) The Commission may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Commission, consider a violation of § 3012.5(a) sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

PART 3013—PROCEDURES FOR COMPELLING PRODUCTION OF INFORMATION BY THE POSTAL SERVICE

■ 66. The authority for newly redesignated part 3013 continues to read as follows:

Authority: 39 U.S.C. 503; 504; 3651(c); 3652(d).

■ 67. Amend newly redesignated § 3013.1 by revising paragraph (b) to read as follows:

§ 3013.1 Scope and applicability of other parts of this title.

* * * * *

(b) Subparts A, B, and D to part 3010 of this chapter apply unless otherwise stated in this part or otherwise ordered by the Commission.

■ 68. Amend newly redesignated § 3013.11 by revising paragraphs (d)(4) and (e) to read as follows:

§ 3013.11 General rule—subpoenas.

* * * * *

(d) * * *

(4) That a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a designated way as provided in part 3011 of this chapter; and

* * * * *

(e) Subpoenas shall be served in the manner provided by § 3013.14.

■ 69. Amend newly redesignated § 3013.12 by revising paragraphs (a) and (d) to read as follows:

§ 3013.12 Subpoenas issued without receipt of a third-party request.

(a) A subpoena duly authorized by a majority of the Commissioners then holding office may be issued by the Chairman, a designated Commissioner, or an administrative law judge under § 3013.11 without a request having been made by a third party under § 3013.13.

* * * * *

(d) Subpoenas issued under this section shall be issued subject to the right of the Postal Service and other interested persons to file a motion pursuant to § 3010.160(a) of this chapter to quash the subpoena, to limit the scope of the subpoena, or to condition the subpoena as provided in § 3013.11(d). Such motion shall include any objections to the subpoena that are personal to the covered person responsible for providing the information being sought. Motions alleging undue burden or cost must state with particularity the basis for such claims. Answers to the motion may be filed by any interested person pursuant to § 3010.160(b) of this chapter. Pending the resolution of any such motion, the covered person shall secure and maintain the requested information.

■ 70. Amend newly redesignated § 3013.13 by revising paragraphs (a) introductory text, (a)(2) through (4), (b) introductory text, and (b)(1) and (2) to read as follows:

§ 3013.13 Subpoenas issued in response to a third-party request.

(a) *Procedure for requesting and issuing subpoenas when hearings have been ordered.* A participant in any proceeding in which a hearing has been ordered by the Commission may request the issuance of a subpoena to a covered person pursuant to § 3013.11.

* * * * *

(2) Requests for subpoenas under this section shall be made by written motion filed with the presiding officer in the manner provided in § 3010.160 of this chapter. The Postal Service shall transmit a copy of the request to any covered person that it deems likely to be affected by the request and shall provide the person requesting the subpoena with the name, business address, and business phone number of the persons to whom the request has been transmitted.

(3) Answers to the motion may be filed by the Postal Service, by any

person to whom the Postal Service has transmitted the request, and by any other participant. Answers raising objections, including allegations of undue burden or cost, must state with particularity the basis for such claims. Answers shall be filed as required by § 3010.160(b) of this chapter.

(4) The presiding officer shall forward copies of the motion and any responses to the Commission together with a recommendation of whether or not the requested subpoena should be issued and, if so, the scope and content thereof and conditions, if any, that should be placed on the subpoena. Copies of the presiding officer's recommendation shall be served in accordance with § 3010.127 of this chapter.

* * * * *

(b) *Procedure for requesting and issuing subpoenas when no hearings have been ordered.* Any person may request the issuance of a subpoena to a covered person pursuant to § 3013.11 to enforce an information request issued by the Commission or a Commissioner even though no hearings have been ordered by the Commission.

(1) A request for the issuance of a subpoena shall be made by motion as provided by § 3010.160 of this chapter. A copy of the request shall be served upon the Postal Service as provided by § 3010.127 of this chapter and by forwarding a copy to the General Counsel of the Postal Service, or such other person authorized to receive process by personal service, by Express Mail or Priority Mail, or by First-Class Mail, Return Receipt requested. The Postal Service shall transmit a copy of the request to any covered person that it deems likely to be affected by the request and shall provide the person requesting the subpoena with the name, business address and business phone number of the persons to whom the request has been transmitted. Proof of service of the request shall be filed with the Secretary by the person requesting the subpoena. The Secretary shall issue a notice of the filing of proof of service and the deadline for filing answers to the request.

(2) Answers to the motion may be filed by the Postal Service, by any person to whom the Postal Service has transmitted the request, and by any other person. Answers raising objections, including allegations of undue burden or cost, must state with particularity the basis for such claims. Answers shall be filed as required by § 3010.160(b) of this chapter.

* * * * *

■ 71. Amend newly redesignated § 3013.14 by revising paragraphs (a)(1), (2), and (4), (b)(1) introductory text, and (b)(2) introductory text to read as follows:

§ 3013.14 Service of subpoenas.

(a) * * *

(1) *Existing Postal Service officers and employees.* In addition to electronic service as provided by § 3010.127(a) of this chapter, subpoenas directed to existing Postal Service officers and employees must be served by personal service upon the General Counsel of the Postal Service or upon such other representative of the Postal Service as is authorized to receive process. Upon receipt, the subpoena shall be transmitted and delivered by the Postal Service to the existing officers and employees responsible for providing the information being sought by the subpoena. Subpoenas served upon the Postal Service and transmitted to Postal Service officers and employees shall be accompanied by a written notice of the return date of the subpoena.

(2) *Existing Postal Service agents and contractors.* In addition to electronic service as provided by § 3010.127(a) of this chapter, subpoenas directed to existing Postal Service agents and contractors must be served by personal service upon the General Counsel of the Postal Service or upon such other representative of the Postal Service as is authorized to receive process. Upon receipt, the subpoena shall be transmitted and delivered by the Postal Service to existing agents and contractors responsible for providing the information being sought by the subpoena. Service upon such agents and contractors shall be accompanied by a written notice of the return date of the subpoena.

* * * * *

(4) *Service arrangements.* Arrangements for service upon the Postal Service under paragraph (a)(1) of this section or upon former Postal Service officers, employees, agents, or contractors under paragraph (a)(3) of this section shall be arranged either by the Commission or by the third party who requested issuance of the subpoena.

(b) * * *

(1) *Return of service.* Proof of service under paragraph (a) of this section must be filed with the Secretary within two business days following service, unless a shorter or longer period is ordered by the Commission, and must be accompanied by certifications of:

* * * * *

(2) *Proof of transmission.* The Postal Service shall within two business days of transmission of a subpoena by the Postal Service to an existing Postal Service officer, employee, agent, or contractor pursuant to paragraph (a)(1) or (2) of this section, or such shorter or longer period ordered by the Commission, file with the Secretary a certification of:

* * * * *

■ 72. Amend newly redesignated § 3013.15 by revising paragraph (f) to read as follows:

§ 3013.15 Duties in responding to a subpoena.

* * * * *

(f) Request for confidential treatment of information shall be made in accordance with part 3011 of this chapter.

■ 73. Revise newly redesignated appendix A to part 3013 to read as follows:

Appendix A to Part 3013—Subpoena Form

BILLING CODE 7710–FW–P

UNITED STATES OF AMERICA

POSTAL REGULATORY COMMISSION

WASHINGTON, DC 20268-0001

In the Matter of:

[Case Name – If Applicable] [Docket No. – If Applicable]

[Report Name – If Applicable]

SUBPOENA

TO:

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to provide testimony in the above matter.

PLACE OF TESTIMONY	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above matter.

PLACE OF DEPOSITION	DATE AND TIME

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (attach additional sheet if necessary).

PLACE	DATE AND TIME

ISSUING OFFICIAL'S SIGNATURE	DATE
ISSUING OFFICIAL'S NAME AND PHONE NUMBER	
ISSUING OFFICIAL IS (CHECK ONE): ☐ CHAIRMAN ☐ COMMISSIONER DESIGNATED BY THE CHAIRMAN ☐ ADMINISTRATIVE LAW JUDGE APPOINTED UNDER 5 U.S.C. 3105	

I HEREBY CERTIFY THAT THE MAJORITY OF THE COMMISSIONERS CURRENTLY HOLDING OFFICE HAVE PREVIOUSLY CONCURRED IN WRITING WITH THE ISSUANCE OF THIS SUBPOENA.

ISSUING OFFICIAL'S SIGNATURE DATE

39 CFR § 3013.15:

(a) A covered person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the subpoena.

(b) If a subpoena does not specify the form or forms for producing electronically stored information, a covered person responding to a subpoena must produce the information in a form or forms in which the covered person ordinarily maintains it or in a form or forms that are reasonably usable.

(c) A covered person responding to a subpoena need not produce the same electronically stored information in more than one form.

(d) A covered person commanded to produce and permit inspection or copying of designated electronically stored information, books, papers, or documents need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.

BILLING CODE 7710–FW–C

■ 74. Add a new part 3020 to read as follows:

PART 3020—RULES APPLICABLE TO POSTAL SERVICE REQUESTS FOR CHANGES IN THE NATURE OF POSTAL SERVICES

Sec.

3020.101 Applicability.
3020.102 Advisory opinion and special studies.
3020.103 Computation of time.
3020.104 Service by the Postal Service.
3020.105 Motions.
3020.106–3020.109 [Reserved]
3020.110 Procedural schedule.
3020.111 Pre-filing requirements.
3020.112 Filing of formal requests.
3020.113 Contents of formal requests.
3020.114 Filing of prepared direct evidence.
3020.115 Mandatory technical conference.
3020.116 Discovery—in general.
3020.117 Interrogatories.
3020.118 Production of documents.
3020.119 Admissions.
3020.120 Rebuttal testimony.
3020.121 Surrebuttal testimony.
3020.122 Hearings.
3020.123 Initial and reply briefs.
Appendix A to Part 3020—Pro Forma N-Case Procedural Schedule

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

§ 3020.101 Applicability.

The rules in this part govern the procedure with regard to proposals of the Postal Service pursuant to 39 U.S.C. 3661 requesting from the Commission an advisory opinion on changes in the nature of postal services that will generally affect service on a nationwide or substantially nationwide basis. The Rules of General Applicability in part 3010 of this chapter are also applicable to proceedings conducted pursuant to this subpart except that §§ 3010.160 through 3010.164 (Motions); § 3010.310 (Discovery—general policy); § 3010.311 (Interrogatories for purposes of discovery); § 3010.312 (Requests for production of documents or things for the purpose of discovery); § 3010.321 (Hearings); § 3010.325 (Depositions); and § 3010.330 (Briefs) of this chapter do not apply in proceedings conducted under this part.

§ 3020.102 Advisory opinion and special studies.

(a) *Issuance of opinion.* In the absence of a determination of good cause for extension, the Commission shall issue an advisory opinion in proceedings conducted under this subpart not later than 90 days following the filing of the

Postal Service's request for an advisory opinion.

(b) *Special studies.* Advisory opinions shall address the specific changes proposed by the Postal Service in the nature of postal services. If, in any proceeding, alternatives or related issues of significant importance arise, the Commission may, in its discretion, undertake an evaluation of such alternative or issues by means of special studies, public inquiry proceedings, or other appropriate means.

§ 3020.103 Computation of time.

In computing any period of time prescribed or allowed by this subpart, the term *day* means a calendar day unless explicitly specified otherwise. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal holiday for the Commission, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor Federal holiday.

§ 3020.104 Service by the Postal Service.

By filing its request electronically with the Commission, the Postal Service is deemed to have effectively served copies of its formal request and its prepared direct evidence upon those persons, including the officer of the Commission, who participated in the pre-filing conference held under § 3020.111. The Postal Service shall be required to serve hard copies of its formal request and prepared direct evidence only upon those persons who have notified the Postal Service, in writing, during the pre-filing conference(s), that they do not have access to the Commission's website.

§ 3020.105 Motions.

(a) *In general.* (1) An application for an order or ruling not otherwise specifically provided for in this subpart shall be made by motion. A motion shall set forth with particularity the ruling or relief sought, the grounds and basis therefor, and the statutory or other authority relied upon, and shall be filed with the Secretary and served pursuant to the provisions of subpart B to part 3010 of this chapter. A motion to dismiss proceedings or any other motion that involves a final determination of the proceeding, any motion under § 3020.121, and a motion that seeks to extend the deadline for issuance of an advisory opinion shall be addressed to the Commission. After a presiding officer is designated in a proceeding, all other motions in that proceeding, except those filed under part 3011 of this chapter, shall be addressed to the presiding officer.

(2) Within five days after a motion is filed, or such other period as the Commission or presiding officer in any proceeding under this subpart may establish, any participant to the proceeding may file and serve an answer in support of or in opposition to the motion pursuant to subpart B to part 3010 of this chapter. Such an answer shall state with specificity the position of the participant with regard to the ruling or relief requested in the motion and the grounds and basis and statutory or other authority relied upon. Unless the Commission or presiding officer otherwise provides, no reply to an answer or any further responsive document shall be filed.

(b) *Motions to be excused from answering discovery requests.* (1) A motion to be excused from answering discovery requests shall be filed with the Commission within three days of the filing of the interrogatory, request for production, or request for admission to which the motion is directed. If a motion to be excused from answering is made part of an interrogatory, request for production, or request for admission, the part to which objection is made shall be clearly identified. Claims of privilege shall identify the specific evidentiary privilege asserted and state the reasons for its applicability. Claims of undue burden shall state with particularity the effort that would be required to answer or respond to the request, providing estimates of costs and workhours required, to the extent possible.

(2) An answer to a motion to be excused from answering a discovery request shall be filed within two days of the filing of the motion. The text of the discovery request and any answer previously provided by the Postal Service shall be included as an attachment to the answer.

(3) Unless the Commission or presiding officer grants the motion to be excused from answering, the Postal Service shall answer the interrogatory, production request, or request for admission. Answers shall be filed in conformance with subpart B to part 3010 of this chapter within three days of the date on which a motion to be excused from answering is denied.

(4) The Commission or presiding officer may impose such terms and conditions as are just and may, for good cause, issue a protective order, including an order limiting or conditioning interrogatories, requests for production, and requests for admission as justice requires to protect the Postal Service from undue annoyance, embarrassment, oppression, or expense.

(c) *Motions to strike.* Motions to strike are requests for extraordinary relief and are not substitutes for briefs or rebuttal evidence in a proceeding. A motion to strike testimony or exhibit materials must be submitted in writing at least three days before the scheduled appearance of a witness, unless good cause is shown. Responses to motions to strike are due within two days.

(d) *Motions for leave to file surrebuttal testimony.* Motions for leave to file surrebuttal testimony submitted pursuant to § 3020.121 and any answers thereto must be filed on or before the dates provided in the procedural schedule established by the Commission.

§ § 3020.106–3020.109 [Reserved]

§ 3020.110 Procedural schedule.

(a) *Notice.* Subject to paragraph (b) of this section, the Commission shall include in the notice of proceeding issued under § 3010.151 of this chapter a procedural schedule based upon the pro forma schedule set forth in appendix A of this part. The procedural schedule shall include:

(1) A deadline for notices of interventions;

(2) The date(s) for the mandatory technical conference between the Postal Service, Commission staff, and interested parties;

(3) The deadline for discovery on the Postal Service's direct case;

(4) The deadline for responses to participant in discovery on the Postal Service's case;

(5) The deadline for participants to confirm their intent to file a rebuttal case;

(6) The date for filing participant rebuttal testimony, if any;

(7) The dates for filing motions for leave to file surrebuttal testimony and answers thereto;

(8) The date for filing surrebuttal, if any;

(9) The date(s) for hearings on the Postal Service's direct case, rebuttal testimony, and surrebuttal testimony, if any;

(10) The date for filing initial briefs;

(11) The date for filing reply briefs; and

(12) A deadline for issuance of an advisory opinion which is 90 days from the date of filing.

(b) *Changes for good cause.* These dates are subject to change for good cause only.

(c) *Incomplete request.* If at any time the Commission determines that the Postal Service's request is incomplete or that changes made subsequent to its filing significantly modify the request,

the Commission may extend the deadlines established or take any other action as justice may require.

§ 3020.111 Pre-filing requirements.

(a) *Pre-filing conference required.* Prior to the Postal Service filing a request that the Commission issue an advisory opinion on a proposed change in the nature of postal services subject to the procedures established in this subpart, the Postal Service shall conduct one or more pre-filing conference(s) with interested persons in the proceeding and shall make a good faith effort to address the concerns of such persons.

(b) *Purpose.* The purpose of a pre-filing conference is to expedite consideration of the Postal Service's request for the issuance of advisory opinions by informing interested persons of the Postal Service's proposal; by providing an opportunity for interested persons to give feedback to the Postal Service that can be used by the Postal Service to modify or refine its proposal before it is filed at the Commission; and by identifying relevant issues and information needed to address those issues during proceedings at the Commission.

(c) *Rationale for the proposal.* The Postal Service shall make available at the pre-filing conference a representative capable of discussing the policy rationale behind the Postal Service's proposal with interested persons.

(d) *Notice.* The Postal Service shall file with the Commission a notice of its intent to conduct any pre-filing conference(s) at least ten days before the first scheduled conference. The notice filed by the Postal Service shall include a schedule of proposed date(s) and location(s) for the conference(s). Upon receipt of such notice, the Commission shall issue a notice of pre-filing conference(s), which shall be published in the **Federal Register**, and appoint a Public Representative.

(e) *Nature of conferences.* Discussions during the pre-filing conference(s) shall be informal and off the record. No formal record will be created during a pre-filing conference.

(f) *Noncompliance.* If the Postal Service's noncompliance with the requirements of the pre-filing conference under § 3020.113(b)(4) is established by a participant, the Commission may, in its discretion, consider an extension of, or modification to, the procedural schedule.

(g) *Informal meetings.* Interested persons may meet outside the context of a pre-filing conference, among themselves or with the Postal Service, individually or in groups, to discuss the proposed changes in the nature of postal services.

§ 3020.112 Filing of formal requests.

Whenever the Postal Service determines to request that the Commission issue an advisory opinion on a proposed change in the nature of postal services subject to this subpart, the Postal Service shall file with the Commission a formal request for such an opinion in accordance with the requirements of subpart B to part 3010 of this chapter and § 3020.113. The request shall be filed not less than 90 days before the proposed effective date of the change in the nature of postal services involved. Within five days after the Postal Service has filed a formal request for an advisory opinion in accordance with this section, the Secretary shall lodge a notice thereof with the director of the Office of the Federal Register for publication in the **Federal Register**.

§ 3020.113 Contents of formal requests.

(a) *General requirements.* A formal request filed under this subpart shall include such information and data and such statements of reasons and basis as are necessary and appropriate to fully inform the Commission and interested persons of the nature, scope, significance, and impact of the proposed change in the nature of postal services and to show that the change in the nature of postal services is in accordance with and conforms to the policies established under title 39, United States Code.

(b) *Specific information.* A formal request shall include:

(1) A detailed statement of the present nature of the postal services proposed to be changed and the change proposed;

(2) The proposed effective date for the proposed change in the nature of postal services;

(3) A full and complete statement of the reasons and basis for the Postal Service's determination that the proposed change in the nature of postal services is in accordance with and conforms to the policies of title 39, United States Code;

(4) A statement that the Postal Service has completed the pre-filing conference(s) required by § 3020.111, including the time and place of each conference and a certification that the Postal Service has made a good faith effort to address concerns of interested persons about the Postal Service's proposal raised at the pre-filing conference(s);

(5) The prepared direct evidence required by § 3020.114;

(6) The name of an institutional witness capable of providing information relevant to the Postal Service's proposal that is not provided by other Postal Service witnesses; and

(7) Confirmation that Postal Service witnesses, including its institutional witness, will be available for the mandatory technical conference provided for in § 3020.115.

(c) *Additional information.* The Commission may request additional information from the Postal Service concerning a formal request.

(d) *Reliance on prepared direct evidence.* The Postal Service may incorporate detailed data, information, and statements of reason or basis contained in prepared direct evidence submitted under paragraph (b)(5) of this section into its formal request by reference to specific portions of the prepared direct evidence.

§ 3020.114 Filing of prepared direct evidence.

As part of a formal request for an advisory opinion under this subpart, the Postal Service shall file all of the prepared direct evidence upon which it proposes to rely in the proceeding on the record before the Commission to establish that the proposed change in the nature of postal services is in accordance with and conforms to the policies of title 39, United States Code. Such prepared direct evidence shall be in the form of prepared written testimony and documentary exhibits which shall be filed in accordance with §§ 3010.322 and 3010.323 of this chapter.

§ 3020.115 Mandatory technical conference.

(a) *Date.* A date for a mandatory technical conference shall be included in the procedural schedule required by § 3020.110. The date for this technical conference shall be set based upon the pro forma schedule set forth in appendix A to this part. The conference shall be held at the offices of the Commission.

(b) *Witnesses.* The Postal Service shall make available at the technical conference each witness whose prepared direct testimony was filed pursuant to § 3020.114. If the Postal Service seeks for any witness to be excused on the basis that the witness's testimony neither presents nor is based upon technical information, it shall make such a motion concurrent with its request.

(c) *Purpose.* The purpose of the technical conference is to provide an

informal, off-the-record opportunity for participants, the officer of the Commission representing the interests of the general public, and Commission staff to clarify technical issues and to identify and request information relevant to an evaluation of the nature of changes to postal services proposed by the Postal Service. The technical conference is not part of the formal record in the proceeding.

(d) *Relation to discovery process.* Information obtained during the mandatory technical conference may be used to discover additional relevant information by means of the formal discovery mechanisms provided for in §§ 3020.116 through 3020.119.

(e) *Record.* Information obtained during, or as a result of, the mandatory technical conference is not part of the decisional record unless admitted under the standards of § 3010.322(a) of this chapter.

§ 3020.116 Discovery—in general.

(a) *Purpose.* The rules in this subpart allow discovery that is reasonably calculated to lead to admissible evidence during a proceeding. The notice and scheduling order issued pursuant to § 3020.110 shall provide that discovery will be scheduled to end at least three days prior to the commencement of hearings.

(b) *Informal discovery.* The discovery procedures in this section and §§ 3020.117 through 3020.119 are not exclusive. Participants are encouraged to engage in informal discovery whenever possible to clarify exhibits and testimony. The results of these efforts may be introduced into the record by stipulation, or by other appropriate means. In the interest of reducing motion practice, participants also are expected to use informal means to clarify questions and to identify portions of discovery requests considered overbroad or burdensome.

(c) *Failure to obey orders or rulings.* If a participant fails to obey an order of the Commission or ruling of presiding officer to provide or permit discovery pursuant to this section or §§ 3020.117 through 3020.119, the Commission or the presiding officer may issue orders or rulings in regard to the failure as are just. These orders or rulings may, among other things:

(1) Direct that certain designated facts are established for the purposes of the proceeding;

(2) Prohibit a participant from introducing certain designated matters in evidence;

(3) Strike certain evidence, requests, pleadings, or parts thereof; or

(4) Such other relief as the Commission deems appropriate.

§ 3020.117 Interrogatories.

(a) *Service and contents.* In the interest of expedition and limited to information which appears reasonably calculated to lead to the discovery of admissible evidence, any participant in a proceeding may propound to any other participant no more than a total of 25 written, sequentially numbered interrogatories, by witness, requesting non-privileged information relevant to the subject matter of the proceeding. An interrogatory with subparts that are logically or factually subsumed within and necessarily related to the primary question will be counted as one interrogatory. The respondent shall answer each interrogatory and furnish such information as is available. The participant propounding the interrogatories shall file them with the Commission in conformance with part 3010, subpart B, of this chapter. Follow-up interrogatories that clarify or elaborate on the answer to an earlier discovery request may be filed after the period for intervenor discovery on the Postal Service case ends, if the interrogatories are filed within seven days of receipt of the answer to the previous interrogatory. In extraordinary circumstances, follow-up interrogatories may be filed not less than six days prior to the filing date for the participant's rebuttal or surrebuttal testimony.

(b) *Answers.* (1) Answers to interrogatories shall be prepared so that they can be incorporated into the record as written cross-examination. Each answer shall begin on a separate page, identify the individual responding and the relevant testimony number, if any, the participant who propounded the interrogatory, and the number and text of the question.

(2) Each interrogatory shall be answered separately and fully in writing by the individual responsible for the answer, unless it is objected to, in which event the reasons for objection shall be stated in a motion to be excused from answering in the manner prescribed by paragraph (c) of this section.

(3) An interrogatory otherwise proper is not necessarily objectionable because an answer would involve an opinion or contention that relates to fact or the application of law to fact.

(4) Answers filed by a respondent shall be filed in conformance with subpart B to part 3010 of this chapter within seven days of the filing of the interrogatories or within such other period as may be fixed by the Commission or presiding officer. Any other period fixed by the Commission or presiding officer shall end before the conclusion of the hearing.

(c) *Motion to be excused from answering.* A respondent may, in lieu of answering an interrogatory, file a motion pursuant to § 3020.105(b) to be excused from answering.

(d) *Supplemental answers.* A respondent has a duty to timely amend a prior answer if it obtains information upon the basis of which it knows that the answer was incorrect when made or is no longer true. A respondent shall serve supplemental answers to update or to correct responses whenever necessary, up until the date the answer could have been accepted into evidence as written cross-examination. A respondent shall indicate whether the answer merely supplements the previous answer to make it current or whether it is a complete replacement for the previous answer.

§ 3020.118 Production of documents.

(a) *Service and contents.* (1) In the interest of expedition and limited to information which appears reasonably calculated to lead to the discovery of admissible evidence, any participant may serve on any other participant a request to produce and permit the participant making the request, or someone acting on behalf of the participant, to inspect and copy any designated documents or things that constitute or contain matters, not privileged, that are relevant to the subject matter involved in the proceeding and that are in the custody or control of the respondent.

(2) The request shall set forth the items to be inspected either by individual item or category, and describe each item and category with reasonable particularity, and shall specify a reasonable time, place, and manner of making inspection. The participant requesting the production of documents or items shall file its request with the Commission in conformance with part 3010, subpart B, of this chapter.

(b) *Answers.* (1) The respondent shall file an answer to a request under paragraph (a) of this section with the Commission in conformance with subpart B to part 3010 of this chapter within seven days after the request is filed, or within such other period as may be fixed by the Commission or presiding officer. The answer shall state, with respect to each item or category, whether inspection will be permitted as requested.

(2) If the respondent objects to an item or category, it shall state the reasons for objection in a motion to be excused

from answering as prescribed by paragraph (c) of this section.

(c) *Motions to be excused from answering.* A respondent may, in lieu of answering a request for production, file a motion pursuant to § 3020.105(b) to be excused from answering.

§ 3020.119 Admissions.

(a) *Service and content.* In the interest of expedition, any participant may serve upon any other participant a written request for the admission of any relevant, unprivileged facts, including the genuineness of any documents or exhibits to be presented in the hearing. The admission shall be for purposes of the pending proceeding only. The participant requesting the admission shall file its request with the Commission in conformance with subpart B to part 3010 of this chapter.

(b) *Answers.* (1) A matter for which admission is requested shall be separately set forth in the request and is deemed admitted unless, within seven days after the request is filed, or within such other period as may be established by the Commission or presiding officer, the respondent files a written answer or motion to be excused from answering pursuant to paragraph (c) of this section. Answers to requests for admission shall be filed with the Commission in conformance with subpart B to part 3010 of this chapter.

(2) If the answer filed by the respondent does not admit a matter asserted in the participant's request, it must either specifically deny the matter or explain in detail why it cannot truthfully admit or deny the asserted matter. When good faith requires, the respondent must admit a portion of the asserted matter and either deny or qualify the remaining portion of such asserted matter. Lack of knowledge for failing to admit or deny can be invoked only after reasonable inquiry if the information already possessed or reasonably obtainable is insufficient to enable an admission or denial.

(3) Grounds for objection to requests for admission must be stated. Objections cannot be based solely upon the ground that the request presents a genuine issue for trial.

(c) *Motion to be excused from answering.* A respondent may, in lieu of answering a request for admission, file a motion pursuant to § 3020.105(b) to be excused from answering.

§ 3020.120 Rebuttal testimony.

(a) *Timing.* Any participant may file rebuttal testimony on or before the date established for that purpose by the procedural schedule issued by the Commission pursuant to § 3020.110. Hearing on rebuttal testimony shall proceed as set forth in the procedural schedule.

(b) *Limitations.* The scope of rebuttal testimony shall be limited to material issues relevant to the specific proposal made by the Postal Service. Rebuttal testimony shall not propose, or seek to address, alternatives to the Postal Service's proposal.

(c) *Intent to file rebuttal testimony.* If a participant wishes to file rebuttal testimony, it must file a document confirming its intent to file rebuttal testimony with the Commission by the date provided in the procedural schedule.

(d) *Adjustment of dates.* If no participant files a confirmation of intent to file rebuttal testimony on or before the date established by the procedural schedule issued by the Commission pursuant to § 3020.110, the Commission may adjust other dates in the procedural schedule as it deems to be necessary and appropriate.

§ 3020.121 Surrebuttal testimony.

(a) *Scope.* Surrebuttal testimony shall be limited to material issues relevant to the Postal Service's proposal and to the rebuttal testimony which the surrebuttal testimony seeks to address. Testimony that exceeds the scope of the Postal Service's proposal or rebuttal testimony shall not be permitted.

(b) *Motion for leave to file surrebuttal.* A participant who wishes to file surrebuttal testimony must obtain prior approval by filing with the Commission a motion for leave to file surrebuttal pursuant to § 3020.105(d) on or before the date provided in the procedural schedule established by the Commission. The motion must summarize the surrebuttal testimony the participant wishes to file and must identify and explain exceptional circumstances that require the filing of such testimony. The moving participant bears the burden of demonstrating exceptional circumstances that warrant a grant of the motion. Answers to such motions may be filed as provided in § 3020.105(d).

(c) *Deadline for filing surrebuttal authorized by the Commission.* In the event the Commission grants the motion for leave to file surrebuttal testimony, the moving participant must file its proposed surrebuttal testimony by the date provided in the procedural schedule established pursuant to § 3020.110.

(d) *Adjustment of procedural dates.* If no participant files a motion for leave to file surrebuttal testimony, or if the Commission denies all such motions as may be filed, the remaining dates in the procedural schedule may be adjusted by the Commission as it deems to be necessary and appropriate.

§ 3020.122 Hearings.

(a) *Initiation.* Hearings for the purpose of taking evidence shall be initiated by the issuance of a notice and scheduling order pursuant to § 3020.110.

(b) *Presiding officer.* All hearings shall be held before the Commission sitting *en banc* with a duly designated presiding officer.

(c) *Entering of appearances.* The Commission or the presiding officer before whom the hearing is held will cause to be entered on the record all appearances together with a notation showing on whose behalf each such appearance has been made.

(d) *Order of procedure.* In requests for advisory opinions before the Commission, the Postal Service shall be the first participant to present its case. Unless otherwise ordered by the Commission, the presiding officer shall direct the order of presentation of all other participants and issue such other procedural orders as may be necessary to assure the orderly and expeditious conclusion of the hearing.

(e) *Presentation of the evidence*—(1) *Presentations by participants.* Each participant shall have the right in public hearings to present evidence relevant to the Postal Service's proposal, cross-examine (limited to testimony adverse to the participant conducting the cross-examination), object, move, and argue. The participant's presentation shall be in writing and may be accompanied by a trial brief or legal memoranda. (Legal memoranda on matters at issue will be welcome at any stage of the proceeding.) When objections to the admission or exclusion of evidence before the Commission or the presiding officer are made, the grounds relied upon shall be stated. Formal exceptions to rulings are unnecessary.

(2) *Written cross-examination.* Written cross-examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence. Designations of written cross-examination shall be served in accordance with part 3010, subpart B, of this chapter no later than three days before the scheduled appearance of a witness. Designations shall identify every item to be offered as evidence, listing the participant who initially posed the discovery request, the witness and/or party to whom the question was addressed (if different from the witness answering), the number of the request and, if more than one answer is provided, the dates of all

answers to be included in the record. (For example, ''PR–T1–17 to USPS witness Jones, answered by USPS witness Smith (March 1, 1997) as updated (March 21, 1997)''). When a participant designates written cross-examination, two hard copies of the documents (unfastened, single-spaced, not hole-punched) are to be included and shall simultaneously be submitted to the Secretary of the Commission. The Secretary of the Commission shall prepare for the record a packet containing all materials designated for written cross-examination in a format that facilitates review by the witness and counsel. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel may object to written cross-examination at that time, and any designated answers or materials ruled objectionable will not be admitted into the record.

(3) *Oral cross-examination.* Oral cross-examination will be permitted for clarifying written cross-examination and for testing assumptions, conclusions or other opinion evidence. Notices of intent to conduct oral cross-examination shall be filed three or more days before the announced appearance of the witness and shall include specific references to the subject matter to be examined and page references to the relevant direct testimony and exhibits. A participant intending to use complex numerical hypotheticals, or to question using intricate or extensive cross-references, shall provide adequately documented cross-examination exhibits for the record. Copies of these exhibits shall be filed at least two days (including one working day) before the scheduled appearance of the witness. They may be filed online or delivered in hardcopy form to counsel for the witness, at the discretion of the participant. If a participant has obtained permission to receive service of documents in hardcopy form, hardcopy notices of intent to conduct oral cross-examination of witnesses for that participant shall be delivered to counsel for that participant and served three or more working days before the announced appearance of the witness. Cross-examination exhibits shall be delivered to counsel for the witness at least two days (including one working day) before the scheduled appearance of the witness.

(f) *Limitations on presentation of the evidence.* The taking of evidence shall proceed with all reasonable diligence and dispatch, and to that end, the Commission or the presiding officer may limit appropriately:

(1) The number of witnesses to be heard upon any issue;

(2) The examination by any participant to specific issues; and

(3) The cross-examination of a witness to that required for a full and true disclosure of the facts necessary for exploration of the Postal Service's proposal, disposition of the proceeding, and the avoidance of irrelevant, immaterial, or unduly repetitious testimony.

(g) *Motions during hearing.* Except as provided in § 3020.105(a), after a hearing has commenced in a proceeding, a request may be made by motion to the presiding officer for any procedural ruling or relief desired. Such motions shall set forth the ruling or relief sought, and state the grounds therefore and statutory or other supporting authority. Motions made during hearings may be stated orally upon the record, except that the presiding officer may require that such motions be reduced to writing and filed separately. Any participant shall have the opportunity to answer or object to such motions at the time and in the manner directed by the presiding officer.

(h) *Rulings on motions.* The presiding officer is authorized to rule upon any motion not reserved for decision by the Commission in § 3020.105(a). This section shall not preclude a presiding officer from referring any motion made in hearing to the Commission for ultimate determination.

(i) *Transcript corrections.* Corrections to the transcript of a hearing shall not be requested except to correct a material substantive error in the transcription made at the hearing.

(j) *Field hearings.* Field hearings will not be held except upon a showing by any participant and determination by the Commission that there is exceptional need or utility for such a hearing which cannot be accomplished by alternative means.

§ 3020.123 Initial and reply briefs.

(a) *When filed.* At the close of the taking of testimony in any proceeding, participants may file initial and reply briefs. The dates for filing initial and reply briefs shall be established in the procedural schedule issued pursuant to § 3020.110. Such dates may be modified by subsequent order issued by the Commission or the presiding officer.

(b) *Contents.* Each brief filed with the Commission shall be as concise as possible and shall include the following in the order indicated:

(1) A subject index with page references, and a list of all cases and authorities relied upon, arranged alphabetically, with references to the pages where the citation appears;

(2) A concise statement of the case from the viewpoint of the filing participant;

(3) A clear, concise, and definitive statement of the position of the filing participant as to the Postal Service request;

(4) A discussion of the evidence, reasons, and authorities relied upon with precise references to the record and the authorities; and

(5) Proposed findings and conclusions with appropriate references to the record or the prior discussion of the evidence and authorities relied upon.

(c) *Length.* Initial briefs filed by all participants other than the Postal Service shall not exceed 14,000 words. Initial briefs filed by the Postal Service shall not exceed 21,000 words. Reply briefs filed by all participants other than the Postal Service shall not exceed 7,000 words. Reply briefs filed by the Postal Service shall not exceed 10,500 words. All participants shall attest to the number of words contained in their brief. Tables of cases, tables of citations, and appendices shall not be considered as part of the word count.

(d) *Include by reference.* Briefs before the Commission or a presiding officer shall be completely self-contained and shall not incorporate by reference any portion of any other brief, pleading, or document.

(e) *Excerpts from the record.* Testimony and exhibits shall not be quoted or included in briefs except for short excerpts pertinent to the argument presented.

(f) *Filing and service.* Briefs shall be filed in the form and manner and served as required by subpart B to part 3010 of this chapter.

(g) *Statements of Position.* As an alternative to filing a formal brief, a participant may file a Statement of Position. To the extent practicable, the contents of each Statement of Position should include a clear, concise, and definitive statement of the position of the filing participant as to the Postal Service request, as well as any points or factors in the existing record that support the participant's position. Statements of Position shall be limited to the existing record and shall not include any new evidentiary material.

Appendix A to Part 3020—Pro Forma N-Case Procedural Schedule

Line	Action	Day number
1	Pre-Filing Consultations [1]	n/a.
2	Commission Order [2]	n/a.
3	Filing of Postal Service Request	0.
4	Commission Notice and Order [3]	1–3.
5	Technical Conference	10.
6	Participant Discovery on Postal Service Case Ends	28.
7	Responses to Participant Discovery on Postal Service Case	35.
8	Participants Confirm Intent to File a Rebuttal Case	37.[4]
9	Filing of Rebuttal Cases (if submitted)	42.
10	Deadline for Motions to Leave to File Surrebuttal	44.[5]
11	Deadline for Answers to Motions for Surrebuttal	46.
12	Filing of Surrebuttal Cases (if authorized)	49.[6]
13	Hearings:	
	Hearings (with no Rebuttal Cases)	42–44.
	Hearings (with Rebuttal Cases, but no requests for leave to file Surrebuttal Cases)	49–51.
	Hearings (with Rebuttal Cases and requests for leave to file Surrebuttal Cases)	54–56.
14	Initial Briefs	(7 days after conclusion of hearings).
15	Reply Briefs	(7 days after filing of Initial Briefs).
16	Target Issuance Date of Advisory Opinion	90.

[1] The Postal Service would initiate pre-filing consultations and would file a notice with the Commission of such consultations prior to their commencement.
[2] This order would appoint a Public Representative.
[3] This notice and order would announce the Postal Service request, set a deadline for interventions, set a date for a technical conference, and establish a procedural schedule.
[4] If no participant elects to file a rebuttal case, hearings begin on Day 42.
[5] If no surrebuttal cases are requested, hearings begin on Day 49.
[6] If one or more surrebuttal cases are requested (whether or not authorized by the Commission), hearings begin on Day 54.

PART 3021—RULES FOR APPEALS OF POSTAL SERVICE DETERMINATIONS TO CLOSE OR CONSOLIDATE POST OFFICES

■ 75. The authority for newly redesignated part 3021 continues to read as follows:

Authority: 39 U.S.C. 404(d).

■ 76. Amend newly redesignated § 3021.2 by revising paragraph (b) to read as follows:

§ 3021.2 Applicability.

* * * * *

(b) Subparts A through D to part 3010 of this chapter apply to appeals of post office closings or consolidations.

* * * * *

■ 77. Amend newly redesignated § 3021.13 by revising paragraph (a) to read as follows:

§ 3021.13 Deadlines for appeals.

(a) *In general.* If the Postal Service has issued a final determination to close or consolidate a post office, an appeal is due within 30 days of the final determination being made available in conformance with § 3021.3(b).

* * * * *

■ 78. Revise newly redesignated § 3021.14 to read as follows:

§ 3021.14 Participation by others.

(a) A person served by the post office to be closed or consolidated pursuant to the Postal Service written determination under review who desires to intervene in the proceeding, or any other interested person, or any counsel, agent, or other person authorized or recognized by the Postal Service as such interested person's representative or the representative of such interested person's recognized group, such as Postmasters, may participate in an appeal by sending written comments to the Postal Regulatory Commission in the manner described in § 3021.11.

(b) Persons may submit comments supporting or opposing a Commission order returning the entire matter to the Postal Service for further consideration. Comments must be filed in accordance with the deadlines established in §§ 3021.41 through 3021.43. Commenters may use PRC Form 61, which is available on the Commission's website, *http://www.prc.gov.*

■ 79. Amend newly redesignated § 3021.40 by revising paragraph (a) to read as follows:

§ 3021.40 Participant statement.

(a) When a timely Petition for Review of a decision to close or consolidate a post office is filed, the Secretary shall furnish petitioner with a copy of PRC Form 61. This form is designed to inform petitioners on how to make a statement of the petitioner's arguments in support of the petition.

* * * * *

PART 3022—RULES FOR COMPLAINTS

■ 80. The authority for newly redesignated part 3022 continues to read as follows:

Authority: 39 U.S.C. 503; 3622.

■ 81. Revise newly redesignated § 3022.1 to read as follows:

§ 3022.1 Applicability.

(a) The rules in this part govern the procedure for complaints filed under 39 U.S.C. 3662 that meet the form and manner requirements of subpart B of this part. Part 3010 of this chapter applies unless otherwise stated in this part or otherwise ordered by the Commission.

(b) Subpart E to part 3010 of this chapter does not apply to this part unless and until the Commission makes a finding under § 3022.30(a)(1) that the complaint raises material issues of fact or law and that the issues shall be considered through a hearing on the record.

■ 82. Amend newly redesignated § 3022.10 by revising paragraph (a)(10) to read as follows:

§ 3022.10 Complaint contents.

(a) * * *

(10) Include a certification that the complaint has been served on the United States Postal Service as required by § 3022.11.

* * * * *

■ 83. Revise newly redesignated § 3022.11 to read as follows:

§ 3022.11 Service.

Any person filing a complaint must simultaneously serve a copy of the complaint on the Postal Service at this address: *PRCCOMPLAINTS@usps.gov.*

A person without internet access may contact the Secretary to obtain approval for alternative methods of service.

■ 84. Amend newly redesignated § 3022.12 by revising paragraph (b)(2) to read as follows:

§ 3022.12 Pleadings filed in response to a complaint.

* * * * *

(b) * * *

(2) If the Commission invokes the rate or service inquiry special procedures under § 3022.13 to the complaint, the answer is due contemporaneously with the Postal Service's report under § 3023.11 of this chapter if the complaint has not been resolved by that date.

* * * * *

■ 85. Amend newly redesignated § 3022.13 by revising paragraphs (b) and (c) to read as follows:

§ 3022.13 Conditions for applying rate or service inquiry procedures to complaints.

* * * * *

(b) The Commission may in its discretion, *sua sponte,* attempt to resolve a complaint through the rate or service inquiry procedures of § 3023.11 of this chapter if the Commission finds that there is a reasonable likelihood that such procedures may result in resolution of the complaint. The Commission will issue an order to apply the procedures of § 3023.11 of this chapter prior to the due date for the Postal Service answer set forth in § 3022.12.

(c) If the Commission determines that application of paragraph (a) of this section is appropriate and the Postal Service is unable to resolve the complaint within 45 days, or such other period of time as ordered by the Commission, the Postal Service shall file its answer in accordance with § 3022.12(b)(2).

■ 86. Revise newly redesignated § 3022.20 to read as follows:

§ 3022.20 Sufficiency of information.

If, after review of the information submitted pursuant to this part, the Commission determines that additional information is necessary to enable it to evaluate whether the complaint raises material issues of fact or law, the Commission shall, in its discretion, either require the complainant and/or the Postal Service to provide additional information as deemed necessary, issue an appropriate order to appoint an investigator in accordance with § 3022.21, or do both.

■ 87. Amend newly redesignated § 3022.30 by revising paragraph (a)(1) to read as follows:

§ 3022.30 Beginning proceedings on complaints.

(a) * * *

(1) A notice and order in accordance with § 3010.151 of this chapter that finds the complaint raises one or more material issues of fact or law and begin proceedings on the complaint; or

* * * * *

■ 88. Amend newly redesignated § 3022.41 by revising paragraph (a) introductory text to read as follows:

§ 3022.41 Satisfaction.

(a) If a complaint is resolved informally, in whole or in part, subsequent to Commission action under § 3022.30(a)(1), the complainant must promptly file:

* * * * *

PART 3023—RULES FOR RATE OR SERVICE INQUIRIES BY THE PUBLIC ABOUT POSTAL SERVICE ACTIVITY

■ 89. The authority for newly redesignated part 3023 continues to read as follows:

Authority: 39 U.S.C. 503; 3662.

■ 90. Amend newly redesignated § 3023.11 by revising paragraph (b) to read as follows:

§ 3023.11 Rate or service inquiry procedures.

* * * * *

(b) The Commission will monitor all rate or service inquiries to determine if Commission action under § 3023.12 is appropriate.

* * * * *

■ 91. Revise newly redesignated § 3023.12 to read as follows:

§ 3023.12 Treatment as a complaint.

If the Commission receives a volume of rate or service inquiries on the same or similar issue such that there may be cause to warrant treatment as a complaint, it may appoint an investigator to review the matter under § 3022.21 of this chapter or appoint a Public Representative representing the interests of the general public to pursue the matter.

PART 3024—SPECIAL RULES FOR COMPLAINTS ALLEGING VIOLATIONS OF 39 U.S.C. 404a

■ 92. The authority for newly redesignated part 3024 continues to read as follows:

Authority: 39 U.S.C. 404a; 3662.

■ 93. Revise newly redesignated § 3024.1 to read as follows:

§ 3024.1 Applicability.

The rules in this part govern proceedings filed under 39 U.S.C. 3662 alleging violations of 39 U.S.C. 404a that meet the requirements of §§ 3022.2 and 3022.10 of this chapter.

■ 94. Amend newly redesignated § 3024.5 by revising paragraph (a) introductory text to read as follows:

§ 3024.5 Postal Service rules that create an unfair competitive advantage.

(a) A complaint alleging a violation of 39 U.S.C. 404a(a)(1) must show that a Postal Service rule, regulation, or standard has the effect of:

* * * * *

PART 3025—PROCEDURES RELATED TO COMMISSION VIEWS SUBMITTED TO THE SECRETARY OF STATE

■ 95. The authority for part 3025 continues to read as follows:

Authority: 39 U.S.C. 407; 503.

■ 96. The heading for newly redesignated part 3025 is revised to read as set forth above.

PART 3030—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS

■ 97. The authority for newly redesignated part 3030 continues to read as follows:

Authority: 39 U.S.C. 503; 3622.

■ 98. Amend newly redesignated § 3030.501 by revising paragraphs (b)(1) through (3), (d), (e), (h) through (l), and (m)(1) and (2) to read as follows:

§ 3030.501 Definitions.

* * * * *

(b) * * *

(1) In the case of a notice of a Type 1–A or Type 1–B rate adjustment filed 12 or more months after the last Type 1–A or Type 1–B notice of rate adjustment, the full year limitation on the size of rate adjustments calculated pursuant to § 3030.521;

(2) In the case of a notice of a Type 1–A or Type 1–B rate adjustment filed less than 12 months after the last Type 1–A or Type 1–B notice of rate adjustment, the partial year limitation on the size of rate adjustments calculated pursuant to § 3030.522; and

(3) In the case of a notice of a Type 1–C rate adjustment, the annual limitation calculated pursuant to § 3030.521 or § 3030.522, as applicable, for the most recent notice of a Type 1–A or Type 1–B rate adjustment.

* * * * *

(d) *De minimis rate increase* means a rate adjustment described in § 3030.530.

(e) *Maximum rate adjustment* means the maximum rate adjustment that the

Postal Service may make for a class pursuant to a notice of Type 1–A or Type 1–B rate adjustment. The maximum rate adjustment is calculated in accordance with § 3030.520.

* * * * *

(h) *Type 1–A rate adjustment* means a rate adjustment described in § 3030.504.

(i) *Type 1–B rate adjustment* means a rate adjustment described in § 3030.505.

(j) *Type 1–C rate adjustment* means a rate adjustment described in § 3030.506.

(k) *Type 2 rate adjustment* means a rate adjustment described in § 3030.507.

(l) *Type 3 rate adjustment* means a rate adjustment described in § 3030.508.

(m) * * *

(1) In the case of a Type 1–A or Type 1–B rate adjustment, the percentage calculated pursuant to § 3030.526; and

(2) In the case of a Type 1–C rate adjustment, the percentage calculated pursuant to § 3030.527.

■ 99. Amend newly redesignated § 3030.504 by revising paragraph (c) to read as follows:

§ 3030.504 Type 1–A rate adjustment—in general.

* * * * *

(c) A Type 1–A rate adjustment for any class that is less than the applicable annual limitation results in unused rate adjustment authority associated with that class. Part or all of the unused rate adjustment authority may be used in a subsequent rate adjustment for that class, subject to the expiration terms in § 3030.526(e).

■ 100. Amend newly redesignated § 3030.506 by revising paragraph (b)(1) to read as follows:

§ 3030.506 Type 1–C rate adjustment—in general.

* * * * *

(b)(1) Except as provided in paragraph (b)(2) of this section, a Type 1–C rate adjustment may generate unused rate adjustment authority, as described in § 3030.527.

* * * * *

■ 101. Amend newly redesignated § 3030.511 by revising paragraphs (b)(1) and (2), (d), and (k) to read as follows:

§ 3030.511 Proceedings for Type 1–A, Type 1–B, and Type 1–C rate adjustment filings.

* * * * *

(b) * * *

(1) Whether the planned rate adjustments measured using the formula established in § 3030.523(c) are at or below the annual limitation calculated under § 3030.521 or § 3030.522, as applicable; and

(2) Whether the planned rate adjustments measured using the formula established in § 3030.523(c) are at or below the limitation established in § 3030.529.

* * * * *

(d) Within 14 days of the conclusion of the public comment period the Commission will determine, at a minimum, whether the planned rate adjustments are consistent with the annual limitation calculated under § 3030.521 or § 3030.522, as applicable, the limitation set forth in § 3030.529, and 39 U.S.C. 3626, 3627, and 3629 and issue an order announcing its findings.

* * * * *

(k) A Commission finding that a planned Type 1–A, Type 1–B, or Type 1–C rate adjustment is in compliance with the annual limitation calculated under § 3030.521 or § 3030.522, as applicable; the limitation set forth in § 3030.529; and 39 U.S.C. 3626, 3627, and 3629 is decided on the merits. A Commission finding that a planned Type 1–A, Type 1–B, or Type 1–C rate adjustment does not contravene other policies of 39 U.S.C. chapter 36, subchapter I is provisional and subject to subsequent review.

■ 102. Amend newly redesignated § 3030.512 by revising paragraphs (b)(1), (3), and (4), (b)(9)(ii), and (e) to read as follows:

§ 3030.512 Contents of notice of rate adjustment.

* * * * *

(b) * * *

(1) The annual limitation calculated as required by § 3030.521 or § 3030.522, as appropriate. This information must be supported by workpapers in which all calculations are shown and all input values, including all relevant CPI–U values, are listed with citations to the original sources.

* * * * *

(3) The percentage change in rates for each class of mail calculated as required by § 3030.523. This information must be supported by workpapers in which all calculations are shown and all input values, including current rates, new rates, and billing determinants, are listed with citations to the original sources.

(4) The amount of new unused rate adjustment authority, if any, that will be generated by the rate adjustment calculated as required by § 3030.526 or § 3030.527, as applicable. All calculations are to be shown with citations to the original sources. If new unused rate adjustment authority will be generated for a class of mail that is not expected to cover its attributable costs, the Postal Service must provide the rationale underlying this rate adjustment.

* * * * *

(9) * * *

(ii) Whether the Postal Service has excluded the rate incentive from the calculation of the percentage change in rates under § 3030.523(e) or § 3030.524.

* * * * *

(e) The notice of rate adjustment shall identify for each affected class how much existing unused rate adjustment authority is used in the planned rates calculated as required by § 3030.528. All calculations are to be shown, including citations to the original sources.

* * * * *

■ 103. Amend newly redesignated § 3030.520 by revising paragraphs (b) and (d)(2) to read as follows:

§ 3030.520 Calculation of maximum rate adjustment.

* * * * *

(b) Type 1–A and Type 1–B rate adjustments are subject to an inflation-based annual limitation computed using CPI–U values as detailed in §§ 3030.521(a) and 3030.522(a).

* * * * *

(d) * * *

(2) For a Type 1–B notice of rate adjustment, the annual limitation for the class plus the unused rate adjustment authority for the class that the Postal Service elects to use, subject to the limitation under § 3030.529.

* * * * *

■ 104. Amend newly redesignated § 3030.523 by revising paragraph (e)(1) to read as follows:

§ 3030.523 Calculation of percentage change in rates.

* * * * *

(e) * * *

(1) Rate incentives may be excluded from a percentage change in rates calculation. If the Postal Service elects to exclude a rate incentive from a percentage change in rates calculation, the rate incentive shall be treated in the same manner as a rate under a negotiated service agreement (as described in § 3030.524).

* * * * *

■ 105. Amend newly redesignated § 3030.524 by revising paragraph (a) to read as follows:

§ 3030.524 Treatment of volume associated with negotiated service agreements and rate incentives that are not rates of general applicability.

(a) Mail volumes sent at rates under a negotiated service agreement or a rate incentive that is not a rate of general applicability are to be included in the

calculation of percentage change in rates under § 3030.523 as though they paid the appropriate rates of general applicability. Where it is impractical to identify the rates of general applicability (*e.g.,* because unique rate categories are created for a mailer), the volumes associated with the mail sent under the terms of the negotiated service agreement or the rate incentive that is not a rate of general applicability shall be excluded from the calculation of percentage change in rates.

* * * * *

■ 106. Revise newly redesignated § 3030.525 to read as follows:

§ 3030.525 Limitation on application of unused rate adjustment authority.

Unused rate adjustment authority may only be applied after applying the annual limitation calculated pursuant to § 3030.521 or § 3030.522.

■ 107. Amend newly redesignated § 3030.526 by revising paragraphs (b) and (c)(2) to read as follows:

§ 3030.526 Calculation of unused rate adjustment authority for Type 1–A and Type 1–B rate adjustments.

* * * * *

(b) When notices of Type 1–A or Type 1–B rate adjustments are filed 12 months apart or less, annual unused rate adjustment authority will be calculated. Annual unused rate adjustment authority for a class is equal to the difference between the annual limitation calculated pursuant to § 3030.521 or § 3030.522 and the percentage change in rates for the class calculated pursuant to § 3030.523(b)(1).

(c) * * *

(2) Interim unused rate adjustment authority is equal to the Base Average applicable to the second notice of rate adjustment (as developed pursuant to § 3030.521(b)) divided by the Recent Average utilized in the first notice of rate adjustment (as developed pursuant to § 3030.521(b)) and subtracting 1 from the quotient. The result is expressed as a percentage.

* * * * *

■ 108. Amend newly redesignated § 3030.527 by revising paragraphs (a), (c), and (d) to read as follows:

§ 3030.527 Calculation of unused rate adjustment authority for Type 1–C rate adjustments.

(a) For a notice of Type 1–C rate adjustment, unused rate adjustment authority for a class is calculated in two steps. First, the difference between the annual limitation calculated pursuant to § 3030.521 or § 3030.522 for the most recent notice of Type 1–A or Type 1–B rate adjustment and the percentage change in rates for the class calculated pursuant to § 3030.523(b)(2) is calculated. Second, the unused rate adjustment authority generated in the most recent Type 1–A or Type 1–B rate adjustment is subtracted from that result.

* * * * *

(c) Unused rate adjustment authority generated under paragraph (a) of this section for a class shall be added to the unused rate adjustment authority generated in the most recent notice of Type 1–A rate adjustment on the schedule maintained under § 3030.526(f). For purposes of § 3030.528, the unused rate adjustment authority generated under paragraph (a) of this section for a class shall be deemed to have been added to the schedule maintained under § 3030.526(f) on the same date as the most recent notice of Type 1–A or Type 1–B rate adjustment.

(d) Unused rate adjustment authority generated under paragraph (a) of this section shall be subject to the limitation under § 3030.529, regardless of whether it is used alone or in combination with other existing unused rate adjustment authority.

■ 109. Amend newly redesignated § 3030.530 by revising paragraph (b) to read as follows:

§ 3030.530 De minimis rate increases.

* * * * *

(b) No unused rate adjustment authority will be added to the schedule of unused rate adjustment authority maintained under § 3030.526(f) as a result of a *de minimis* rate increase.

* * * * *

■ 110. Revise newly redesignated § 3030.562 to read as follows:

§ 3030.562 Supplemental information.

The Commission may require the Postal Service to provide clarification of its request or to provide information in addition to that called for by § 3030.561 in order to gain a better understanding of the circumstances leading to the request or the justification for the specific rate adjustments requested.

■ 111. Amend newly redesignated § 3030.563 by revising paragraph (b) to read as follows:

§ 3030.563 Treatment of unused rate adjustment authority.

* * * * *

(b) Pursuant to an exigent request, rate adjustments may use existing unused rate adjustment authority in amounts greater than the limitation described in § 3030.528 of this subpart.

* * * * *

■ 112. Amend newly redesignated § 3030.565 by revising paragraphs (b) and (c) to read as follows:

§ 3030.565 Special procedures applicable to exigent requests.

* * * * *

(b) The Commission will hold a public hearing on the Postal Service request. During the public hearing, responsible Postal Service officials will appear and respond under oath to questions from the Commissioners or their designees addressing previously identified aspects of the Postal Service's request and the supporting information provided in response to the topics specified in § 3010.561 of this chapter.

(c) Interested persons will be given an opportunity to submit to the Commission suggested relevant questions that might be posed during the public hearing. Such questions, and any explanatory materials submitted to clarify the purpose of the questions, should be filed in accordance with part 3010, subpart B, of this chapter and will become part of the administrative record of the proceeding.

* * * * *

PART 3040—PRODUCT LISTS AND THE MAIL CLASSIFICATION SCHEDULE

■ 113. The authority for newly redesignated part 3040 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 114. Revise the heading to part 3040 to read as set forth above.

■ 115. Revise newly redesignated § 3040.102 to read as follows:

§ 3040.102 Product lists.

(a) *Market dominant product list.* The market dominant product list shall be published in the **Federal Register** at appendix A to subpart A of part 3040—Market Dominant Product List.

(b) *Competitive product list.* The competitive product list shall be published in the **Federal Register** at appendix B to subpart A of part 3040—Competitive Product List.

■ 116. Amend newly redesignated § 3040.181 by revising paragraph (b) to read as follows:

§ 3040.181 Supporting justification for material changes to product descriptions.

* * * * *

(b)(1) As to market dominant products, explain why the changes are not inconsistent with each requirement of 39 U.S.C. 3622(d) and part 3030 of this chapter; or

(2) As to competitive products, explain why the changes will not result in the violation of any of the standards of 39 U.S.C. 3633 and part 3035 of this chapter.

* * * * *

■ 117. Amend newly redesignated § 3040.190 by revising paragraph (c)(1) to read as follows:

§ 3040.190 Minor corrections to product descriptions.

* * * * *

(c) * * *

(1) Explain why the proposed corrections do not constitute material changes to the product description for purposes of § 3040.180;

* * * * *

PART 3045—RULES FOR MARKET TESTS OF EXPERIMENTAL PRODUCTS

■ 118. The authority for newly redesignated part 3045 continues to read as follows:

Authority: 39 U.S.C. 3641.

■ 119. Amend newly redesignated § 3045.3 by revising paragraphs (a)(1)(ii) and (a)(2)(vi) and adding reserved paragraph (b) to read as follows:

§ 3045.3 Contents of notice.

(a) * * *

(1) * * *

(ii) Establish that the introduction or continued offering of the experimental product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns, as defined in § 3010.101(t) of this chapter; and

* * * * *

(2) * * *

(vi) Includes a data collection plan for the market test, including a description of the specific data items to be collected. The minimum data collection plan requirements are described in § 3045.20.

(b) [Reserved]

■ 120. Revise newly redesignated § 3045.10 to read as follows:

§ 3045.10 Duration.

A market test may not exceed 24 months in duration unless the Commission authorizes an extension pursuant to a request filed by the Postal Service under § 3045.11.

■ 121. Amend newly redesignated § 3045.15 by revising paragraphs (a) and (b) to read as follows:

§ 3045.15 Dollar amount limitation.

(a) The Consumer Price Index used for calculations under this part is the CPI–U index, as specified in §§ 3030.521(a) and 3030.522(a) of this chapter.

(b) An experimental product may only be tested if total revenues that are anticipated or received by the Postal Service do not exceed $10 Million in any fiscal year, as adjusted for the change in the CPI–U index, as specified in paragraph (d) of this section ($10 Million Adjusted Limitation). Total revenues anticipated or received may exceed the $10 Million Adjusted Limitation in any fiscal year if an exemption is granted pursuant to § 3045.16.

* * * * *

■ 122. Amend newly redesignated § 3045.16 by revising paragraph (f)(3) to read as follows:

§ 3045.16 Exemption from dollar amount limitation.

* * * * *

(f) * * *

(3) Estimate the additional revenue that is anticipated by the Postal Service for each fiscal year remaining on the market test, including any extension period granted by the Commission in accordance with § 3045.11(c), and provide available supporting documentation; and

* * * * *

■ 123. Revise newly redesignated § 3045.17 to read as follows:

§ 3045.17 Prevention of market disruption.

Notwithstanding the $10 Million Adjusted Limitation or any adjustment granted pursuant to § 3045.16, the Commission may limit the amount of revenues the Postal Service may obtain from any particular geographic market as necessary to prevent the creation of an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns, as defined in § 3010.101(t) of this chapter.

■ 124. Amend newly redesignated § 3045.18 by revising paragraphs (a), (d)(1)(i)(B), and (d)(2)(i)(B) to read as follows:

§ 3045.18 Request to add a non-experimental product or price category based on an experimental product to the product list.

(a) If the Postal Service seeks to add a non-experimental product or price category based on a former or current experimental product to the market dominant or competitive product list, the Postal Service shall file a request, pursuant to 39 U.S.C. 3642 and part 3040, subpart B of this chapter, to add a non-experimental product or price category to the applicable product list.

* * * * *

(d) * * *

(1)(i) * * *

(B) The market test is expected to exceed any authorized limitation specified in §§ 3045.15 and 3045.16 during any fiscal year, whichever is earlier.

* * *

(2)(i) * * *

(B) The market test is expected to exceed any authorized limitation specified in §§ 3035.15 and 3035.16 §§ 3045.15 and 3045.16 during any fiscal year, whichever is earlier.

* * * * *

■ 125. Amend newly redesignated § 3045.20 by revising paragraph (a) introductory text to read as follows:

§ 3045.20 Data collection and reporting requirements.

(a) A notice of a market test shall include a data collection plan for the market test as required by § 3045.3(a)(2)(vi). Data collection plans shall include, at a minimum:

PART 3055—SERVICE PERFORMANCE AND CUSTOMER SATISFACTION REPORTING

■ 126. The authority for part 3055 continues to read as follows:

Authority: 39 U.S.C. 503, 3622(a), 3652(d) and (e); 3657(c).

■ 127. Revise 3055.1 to read as follows:

§ 3055.1 Annual reporting of service performance achievements.

For each market dominant product specified in the Mail Classification Schedule in part 3040, appendix A to subpart A of part 3040 of this chapter, the Postal Service shall file a report as part of the section 3652 report addressing service performance achievements for the preceding fiscal year.

■ 128. Revise § 3055.30 to read as follows:

§ 3055.30 Periodic reporting of service performance achievements.

For each market dominant product specified in the Mail Classification Schedule in part 3040, appendix A to subpart A of part 3040 of this chapter, the Postal Service shall file a Quarterly Report with the Commission addressing service performance achievements for the preceding fiscal quarter (within 40 days of the close of each fiscal quarter).

■ 129. Revise § 3055.90 to read as follows:

§ 3055.90 Reporting of customer satisfaction.

For each market dominant product specified in the Mail Classification

Schedule in part 3040, appendix A to subpart A of part 3040 of this chapter, the Postal Service shall file a report as part of the section 3652 report, unless a more frequent filing is specifically indicated, addressing customer satisfaction achievements for the preceding fiscal year. The report shall include, at a minimum, the specific reporting requirements presented in §§ 3055.91 through 3055.92.

PART 3060—ACCOUNTING PRACTICES AND TAX RULES FOR THE THEORETICAL COMPETITIVE PRODUCTS ENTERPRISE

■ 130. The authority for part 3060 continues to read as follows:

Authority: 39 U.S.C. 503, 2011, 3633, 3634.

■ 131. Revise § 3060.21 to read as follows:

§ 3060.21 Income report.

The Postal Service shall file an Income Report in the form and content of table 1 to § 3060.21.

TABLE 1 TO § 3060.21—COMPETITIVE PRODUCTS INCOME STATEMENT—PRC FORM CP–01

[$ in 000s]

	FY 20xx	FY 20xx–1	Change from SPLY	Percent change from SPLY
Revenue:	$x,xxx	$x,xxx	$xxx	xx.x
(1) Mail and Services Revenues	xxx	xxx	xx	xx.x
(2) Investment Income	x,xx	x,xxx	xxx	xx.x
(3) Total Competitive Products Revenue	.....	.....	.....	.....
Expenses:	x,xxx	.....	.....	.....
(4) Volume-Variable Costs	x,xxx	x,xxx	xxx	xx.x
(5) Product Specific Costs	x,xxx	x,xxx	xxx	xx.x
(6) Incremental Inframarginal Costs	x,xxx	x,xxx	xxx	xx.x
(7) Total Competitive Products Attributable Costs	x,xxx	x,xxx	xxx	xx.x
(8) Net Contribution Competitive Products Market Tests	x,xxx	x,xxx	xxx	xx.x
(9) Net Income Before Institutional Cost Contribution	x,xxx	x,xxx	xxx	.....
(10) Required Institutional Cost Contribution	x,xxx	x,xxx	xxx	x.x.x
(11) Net Income (Loss) Before Tax	x,xxx	x,xxx	xxx	xx.x
(12) Assumed Federal Income Tax	x,xxx	x,xxx	xxx	xx.x
(13) Net Income (Loss) After Tax	x,xxx	x,xxx	xxx	xx.x

Line (1): Total revenues from Competitive Products volumes and Ancillary Services.
Line (2): Income provided from investment of surplus Competitive Products revenues.
Line (3): Sum total of revenues from Competitive Products volumes, services, and investments.
Line (4): Total Competitive Products volume-variable costs as shown in the Cost and Revenue Analysis (CRA) report.
Line (5): Total Competitive Products product-specific costs as shown in the CRA report.
Line (6): Inframarginal costs calculated as part of total Competitive Products incremental costs as shown in ACR Library Reference ''Competitive Product Incremental and Group Specific Costs'' (Currently NP10).
Line (7): Sum total of Competitive Products costs (sum of lines 4, 5, and 6).
Line (8): Net Contribution Competitive Products Market Tests as shown in the Annual Compliance Report.
Line (9): Difference between Competitive Products total revenues and attributable costs and Market Tests Contributions (line 3 less line 7 plus line 8).
Line (10): Minimum amount of Institutional cost contribution required under 39 CFR 3035.7 of this chapter.
Line (11): Line 9 less line 10.
Line (12): Total assumed Federal income tax as calculated under 39 CFR 3060.40.
Line (13): Line 11 less line 12.

CHAPTER III—[AMENDED]

■ 132. In chapter III of title 39, revise all references to ''Web site'' to read ''website.''

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2020–01055 Filed 2–18–20; 8:45 am]

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