

*Executive Order 12372*

The Supplemental Nutrition Assistance Program is listed in the Catalog of Federal Domestic Assistance under Number 10.551 and is not subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials.

*Federalism Summary Impact Statement*

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section 6(b)(2)(B) of Executive Order 13132.

The Department has considered the impact of this rule on State and local governments and has determined that this rule does not have federalism implications. Therefore, under section 6(b) of the Executive Order, a federalism summary is not required.

*Executive Order 12988, Civil Justice Reform*

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full and timely implementation. This rule is not intended to have retroactive effect unless so specified in the Effective Dates section of the final rule. Prior to any judicial challenge to the provisions of the final rule, all applicable administrative procedures must be exhausted.

*Civil Rights Impact Analysis*

FNS has reviewed this proposed rule in accordance with USDA Regulation 4300-4, "Civil Rights Impact Analysis," to identify any major civil rights impacts the rule might have on program participants on the basis of age, race, color, national origin, sex or disability. After a careful review of the rule's intent and provisions, FNS has determined that this rule is not expected to affect the participation of protected individuals in the Supplemental Nutrition Assistance Program.

*Executive Order 13175*

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications,

including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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. We are unaware of any current Tribal laws that could be in conflict with this rule.

*Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (44 U.S.C. chap. 35; 5 CFR part 1320) requires the Office of Management and Budget (OMB) to approve all collections of information by a Federal agency before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number.

This rule does not contain information collection requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1994.

*E-Government Act Compliance*

The Department is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

**List of Subjects***7 CFR Part 278*

Banks, banking, Food stamps, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Surety bonds.

*7 CFR Part 279*

Administrative practice and procedure, Food stamps, Grant programs—social programs.

Accordingly, 7 CFR parts 278 and 279 are proposed to be amended as follows:

- 1. The authority citation for 7 CFR parts 278 and 279 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

**PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS**

- 2. In § 278.6, add paragraph (p) to read as follows:

**§ 278.6 Disqualification of retail food stores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualifications.**

\* \* \* \* \*

(p) *Freedom of Information Act (FOIA) requests.* A FOIA request for records or FOIA appeal shall not delay or prohibit FNS from taking administrative action against a firm under this part, or delay the effective date of the FNS administrative action.

**PART 279—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS AND FOOD WHOLESALERS**

- 3. Revise § 279.4 by adding a new sentence before the last sentence of paragraph (c) to read as follows:

**§ 279.4 Action upon receipt of a request for review.**

\* \* \* \* \*

(c) \* \* \* FNS may not grant extensions of time or hold the administrative review process in abeyance solely on the basis of a pending FOIA request for records or FOIA appeal. \* \* \*

- 4. Revise § 279.6 by adding a new sentence before the last sentence of paragraph (b) to read as follows:

**§ 279.6 Legal advice and extensions of time.**

\* \* \* \* \*

(b) \* \* \* The designated reviewer may not grant extensions of time or hold the administrative review process in abeyance solely on the basis of a pending FOIA request for records or FOIA appeal. \* \* \*

Dated: February 12, 2019.

**Brandon Lipps,**

*Administrator, Food and Nutrition Service.*

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**BILLING CODE 3410–30–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 151**

[EPA–HQ–OLEM–2017–0444; FRL–9989–49–OLEM]

**RIN 2050–AG87**

**Clean Water Act Hazardous Substances Spill Prevention Proposed Action Under Clean Water Act Section 311(j)(1)(C); Notification of Data Availability—Responses to 2018 Clean Water Act Hazardous Substances Survey (OMB Control No. 2050–0220)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed action; notification of data availability.

**SUMMARY:** EPA is making available for review and comment the data received from respondents of a voluntary survey, “2018 Clean Water Act Hazardous Substances Survey” (OMB Control No. 2050-0220). This data is being made available consistent with the preamble to the proposed action “Clean Water Act Hazardous Substances Spill Prevention” published on June 25, 2018. The data collected through the voluntary survey is available in *Regulations.gov* at Docket ID: EPA-HQ-OLEM-2017-0444.

**DATES:** Comments on data from respondents of the voluntary survey posted in Docket ID: EPA-HQ-OLEM-2017-0444 must be received on or before March 5, 2019.

**ADDRESSES:** Submit comments to Docket ID: EPA-HQ-OLEM-2017-0444 in the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Gregory Wilson, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564-7989; email address: [wilson.gregory@epa.gov](mailto:wilson.gregory@epa.gov).

**SUPPLEMENTARY INFORMATION:** Detailed background information on the Information Collection Request (ICR) process and the development of the voluntary survey may also be found in *Regulations.gov* at Docket ID: EPA-HQ-OLEM-2017-0444. The proposed action

associated with the voluntary survey, Clean Water Act Hazardous Substances Spill Prevention, was published in the **Federal Register** on June 25, 2018 (83 FR 29499). Additional detailed background information on the proposed action can be found in *Regulations.gov* at Docket ID: EPA-HQ-OLEM-2018-0024.

### I. What action is EPA taking?

EPA’s initial data gathering efforts for the Clean Water Act (CWA) Hazardous Substances (HS) Spill Prevention proposed action focused on assessing the scope of historical CWA HS discharges, identifying relevant industry practices, and identifying regulatory requirements related to preventing CWA HS discharges. EPA also developed a voluntary survey to collect information from states, tribes and territories focused on the universe of potentially-regulated facilities and on CWA HS discharges. EPA anticipated using relevant survey responses to further inform the proposed action.

EPA has already made the voluntary survey data available in *Regulations.gov* at Docket ID: EPA-HQ-OLEM-2017-0444, provided notice of its availability on the EPA website for this action, and provided direct notice to the litigants that the data was available. Nonetheless, EPA is publishing this Notice of Data Availability to ensure the public has an opportunity to review and comment on the data EPA received in response to the voluntary survey. The Agency will consider the supplemental data and related comments as appropriate in the final Clean Water Act Hazardous Substances Spill Prevention action.

### II. What is the background for this action?

On July 21, 2015, EPA was sued for failing to comply with the alleged duty to issue regulations to prevent and contain CWA hazardous substance discharges. On February 16, 2016, the United States District Court for the Southern District of New York entered a Consent Decree between EPA and the litigants that required EPA to sign a notice of proposed rulemaking pertaining to the issuance of hazardous substance regulations and take final action after notice and comment on said notice. On June 25, 2018, based on an analysis of the frequency and impacts of reported CWA HS discharges and the existing framework of EPA regulatory requirements, EPA proposed to establish no new spill prevention requirements for CWA HS under Clean Water Act (CWA) Section 311 at this time.

EPA’s initial data gathering efforts for the proposed action focused on

assessing the scope of historical CWA HS discharges, identifying relevant industry practices, and identifying regulatory requirements related to preventing CWA HS discharges. EPA also used available data to estimate the universe of potentially regulated entities subject to this action. Additionally, EPA developed a voluntary survey intended to collect information from states, territories, and tribes focused on the universe of potentially-regulated facilities and on a 10-year period of CWA HS discharges.

On June 22, 2018, EPA issued the voluntary survey to respondents identified as potential custodians of data relevant to the survey. The voluntary survey was directed at State and Tribal Emergency Response Coordinators (respondents with custodial responsibility for data representing the potentially affected “facility universe” that produce, store, or use CWA hazardous substances), as well as state, tribal, and territorial government agencies with custodial responsibility for data on CWA hazardous substance impacts to drinking water utilities and fish kills potentially caused by discharge(s) of CWA hazardous substances. EPA provided 45 days to submit data responsive to the voluntary survey, requesting that information be submitted by August 6, 2018. EPA received responses from: Alabama, California, Delaware, Hawaii, Indiana, Kentucky, Maryland, Minnesota, Missouri, New Hampshire, New Mexico, Oregon, Rhode Island, and Texas. The data collected through the voluntary survey is available for review and comment in *Regulations.gov* at Docket ID: EPA-HQ-OLEM-2017-0444.

Dated: February 6, 2019.

**Reggie Cheatham,**

*Director, Office of Emergency Management.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 5, 25, and 97

[IB Docket No. 18-313; FCC 18-159]

### Mitigation of Orbital Debris in the New Space Age

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Communications Commission (FCC or Commission) proposes to amend its rules related to