



# FEDERAL REGISTER

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Vol. 84                      Monday,  
No. 135                     July 15, 2019

Pages 33691–33820

OFFICE OF THE FEDERAL REGISTER



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# Contents

## Federal Register

Vol. 84, No. 135

Monday, July 15, 2019

### Agriculture Department

*See* Economic Research Service

*See* Forest Service

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33733–33735

### Air Force Department

#### NOTICES

Intent To Grant a Partially Exclusive Patent License, 33758

### Army Department

#### RULES

Repeal of Obsolete Acquisition Regulation:

Government Property, 33708

Required Sources of Supplies and Services, 33706–33707

Small Business and Small Disadvantaged Business Concerns, 33707–33708

Solicitation Provisions and Contract Clauses, 33708–33709

#### NOTICES

Update to the October 24, 2016 Military Freight Traffic Unified Rules Publication NO. 1, 33758–33759

### Centers for Medicare & Medicaid Services

#### PROPOSED RULES

Medicaid Program:

Methods for Assuring Access to Covered Medicaid Services—Rescission, 33722–33732

### Civil Rights Commission

#### NOTICES

Meetings:

Minnesota Advisory Committee, 33737–33738

### Coast Guard

#### RULES

Safety Zones:

Annual Events Requiring Safety Zones in the Captain of the Port, Lake Michigan Zone—Corn Festival Fireworks, 33693–33694

#### PROPOSED RULES

Safety Zone:

Fireworks Displays; Patapsco River, Inner Harbor, Baltimore, MD, 33713–33715

### Commerce Department

*See* Foreign-Trade Zones Board

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

### Comptroller of the Currency

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

General Reporting and Recordkeeping Requirements by Savings Associations, 33810–33811

### Defense Acquisition Regulations System

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Defense Federal Acquisition Regulation Supplement; Quality Assurance, 33759

### Defense Department

*See* Air Force Department

*See* Army Department

*See* Defense Acquisition Regulations System

#### NOTICES

Meetings:

Board of Regents, Uniformed Services University of the Health Sciences, 33759–33760

### Economic Research Service

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33735–33737

### Education Department

*See* National Assessment Governing Board

#### NOTICES

Applications for New Awards:

Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Planning Grants for Increasing Instructional Time and Reducing Administrative Burdens, 33762–33767

### Energy Department

*See* Federal Energy Regulatory Commission

### Environmental Protection Agency

#### RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

Idaho; Regional Haze Progress Report, 33697–33699

Revision of Sheboygan County, WI, Nonattainment Designation for the 1997 and 2008 Ozone Standards and Clean Data Determination for the 2008 Ozone Standards, 33699–33703

Tolerance Exemption:

Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer, 33703–33706

#### PROPOSED RULES

Federal Implementation Plan for Managing Air Emissions From True Minor Sources in Indian Country:

Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector, 33715–33721

National Oil and Hazardous Substances Pollution

Contingency Plan National Priorities List, 33721–33722

#### NOTICES

Privacy Act; Systems of Records, 33770–33771

### Federal Aviation Administration

#### PROPOSED RULES

Airworthiness Directives:

The Boeing Company Airplanes, 33710–33712

**NOTICES**

Environmental Impact Statements; Availability, etc.:  
O'Hare Modernization Environmental Impact Statement  
for the Proposed Interim Fly Quiet, 33799–33800

**Federal Deposit Insurance Corporation****NOTICES**

Meetings:  
Advisory Committee on Community Banking, 33771

**Federal Energy Regulatory Commission****NOTICES**

Application:  
Public Utility District No. 1 of Pend Oreille County, WA,  
33769–33770  
Combined Filings, 33767, 33769  
Permit Application:  
ECOspensible, LLC, 33768–33769  
Request Under Blanket Authorization:  
Sabal Trail Transmission, LLC, 33767–33768

**Federal Motor Carrier Safety Administration****NOTICES**

Qualification of Drivers; Exemption Applications:  
Epilepsy and Seizure Disorders, 33800–33801, 33804–  
33810  
Vision, 33801–33804

**Federal Reserve System****NOTICES**

Change in Bank Control:  
Acquisitions of Shares of a Bank or Bank Holding  
Company, 33771–33772  
Formations of, Acquisitions by, and Mergers of Bank  
Holding Companies, 33772

**Federal Retirement Thrift Investment Board****NOTICES**

Meetings; Sunshine Act, 33772

**Foreign Assets Control Office****NOTICES**

Blocking or Unblocking of Persons and Properties, 33811–  
33812

**Foreign-Trade Zones Board****NOTICES**

Authorization of Production Activity:  
Detroit Bikes LLC, Foreign-Trade Zone 70, Detroit, MI,  
33738  
Offshore Energy Services, Inc., Foreign-Trade Zone 124,  
Gramercy, LA, 33738  
Puerto Rico Steel Products Corp., Foreign-Trade Zone  
163, Ponce, PR, 33738

**Forest Service****NOTICES**

Boundary Establishment:  
Whychus Creek National Wild and Scenic River,  
Deschutes National Forest, Deschutes County, OR,  
33737

**Geological Survey****NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Nonindigenous Aquatic Species Sighting Reporting Form  
and Alert Registration Form, 33776–33777

**Health and Human Services Department**

*See* Centers for Medicare & Medicaid Services  
*See* Health Resources and Services Administration  
*See* National Institutes of Health

**Health Resources and Services Administration****NOTICES**

Request for Nominations:  
Advisory Council on Blood Stem Cell Transplantation,  
33772–33773

**Homeland Security Department**

*See* Coast Guard

**Interior Department**

*See* Geological Survey  
*See* National Park Service

**Internal Revenue Service****RULES**

Regulations Regarding Advance Payments for Goods and  
Long-Term Contracts, 33691–33692

**International Trade Administration****NOTICES**

Antidumping or Countervailing Duty Investigations, Orders,  
or Reviews:  
Glycine From the People's Republic of China, 33754–  
33755  
Initiation of Administrative Reviews, 33739–33754  
Determination of Sales at Less Than Fair Value:  
Acetone From Belgium, the Republic of Korea, and the  
Republic of South Africa, 33739

**International Trade Commission****NOTICES**

Antidumping or Countervailing Duty Investigations, Orders,  
or Reviews:  
Polyethylene Terephthalate Sheet From Korea, Mexico,  
and Oman, 33785–33786  
Utility Scale Wind Towers from Canada, Indonesia,  
Korea, and Vietnam, 33784–33785

**Legal Services Corporation****NOTICES**

Meetings; Sunshine Act, 33786

**National Assessment Governing Board****NOTICES**

Meetings, 33760–33762

**National Credit Union Administration****NOTICES**

Meetings; Sunshine Act, 33787

**National Institutes of Health****NOTICES**

Meetings:  
Eunice Kennedy Shriver National Institute of Child  
Health and Human Development, 33776  
National Cancer Institute, 33774  
National Eye Institute, 33775  
National Institute of Allergy and Infectious Diseases,  
33775–33776  
National Institute of Diabetes and Digestive and Kidney  
Diseases, 33773–33776  
National Institute on Aging, 33773  
National Institute on Alcohol Abuse and Alcoholism,  
33774

**National Oceanic and Atmospheric Administration****PROPOSED RULES**

Findings on the Active Candidate Status of the Proposed Designation of Wisconsin-Lake Michigan National Marine Sanctuary, 33712–33713

**NOTICES****Meetings:**

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review, 33755–33756

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review, 33755

Mid-Atlantic Fishery Management Council, 33758

Ocean Exploration Advisory Board, 33757

Pacific Fishery Management Council, 33756–33757

South Atlantic Fishery Management Council, 33757–33758

**National Park Service****NOTICES****Inventory Completion:**

Oregon State Parks and Recreation Department, Salem, OR and Oregon State University, NAGPRA Office, Corvallis, OR, 33777–33779

U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office, McCook, NE, and History Nebraska (formerly the Nebraska State Historical Society), Lincoln, NE, 33779–33784

University of Louisville, Louisville, KY, 33781–33782

**National Science Foundation****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33787

**Nuclear Regulatory Commission****PROPOSED RULES**

Measurement Standards Used at U.S. Nuclear Power Plants; Correction, 33710

**NOTICES**

Meetings; Sunshine Act, 33787–33788

**Pension Benefit Guaranty Corporation****RULES**

Benefits Payable in Terminated Single-Employer Plans: Interest Assumptions for Paying Benefits, 33692–33693

**Postal Regulatory Commission****NOTICES**

New Postal Products, 33788

**Presidential Documents****EXECUTIVE ORDERS****Health and Medical Care:**

Kidney Disease; Effort To Advance Treatment and Prevention (EO 13879), 33815–33819

**Securities and Exchange Commission****NOTICES**

Self-Regulatory Organizations; Proposed Rule Changes:

BOX Exchange, LLC, 33788–33796

NYSE American, LLC, 33796–33798

**Surface Transportation Board****NOTICES**

Abandonment Exemption:

BNSF Railway Co. in Los Angeles County, CA, 33798

**Trade Representative, Office of United States****NOTICES**

Fiscal Year 2020 Tariff-Rate Quota Allocations for Raw Cane Sugar, Refined and Specialty Sugar, and Sugar-Containing Products, 33798–33799

**Transportation Department**

*See* Federal Aviation Administration

*See* Federal Motor Carrier Safety Administration

**Treasury Department**

*See* Comptroller of the Currency

*See* Foreign Assets Control Office

*See* Internal Revenue Service

**Veterans Affairs Department****RULES**

Approval Criteria for Rates Charged for Community Residential Care, 33694–33697

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Loan Service Report, 33812

Meetings:

National Research Advisory Council, 33812–33813

**Separate Parts In This Issue****Part II**

Presidential Documents, 33815–33819

**Reader Aids**

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

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**CFR PARTS AFFECTED IN THIS ISSUE**

---

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

**3 CFR****Executive Orders:**

13879.....33817

**10 CFR****Proposed Rules:**

50.....33710

52.....33710

**14 CFR****Proposed Rules:**

39.....33710

**15 CFR****Proposed Rules:**

922.....33712

**26 CFR**

1.....33691

602.....33691

**29 CFR**

4022.....33692

**33 CFR**

165.....33693

**Proposed Rules:**

165.....33713

**38 CFR**

17.....33694

**40 CFR**

52 (2 documents) .....33697,  
33699

81.....33699

180.....33703

**Proposed Rules:**

49.....33715

300.....33721

**42 CFR****Proposed Rules:**

447.....33722

**48 CFR**

5108.....33706

5119.....33707

5145.....33708

5152.....33708

# Rules and Regulations

Federal Register

Vol. 84, No. 135

Monday, July 15, 2019

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

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 602

[TD 9870]

RIN 1545-BO66

#### Regulations Regarding Advance Payments for Goods and Long-Term Contracts

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations that streamline IRS regulations by removing regulations that are no longer necessary after the enactment of recent tax legislation. Specifically, these final regulations remove existing regulations regarding advance payments for goods and long-term contracts. These final regulations affect accrual method taxpayers who receive advance payments for goods, including those for inventorable goods.

#### DATES:

*Effective date:* These regulations are effective on July 15, 2019.

*Applicability date:* These regulations apply for taxable years ending on or after July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Charles Gorham, (202) 317-5091, or Joanna L. Trebat, (202) 317-6890.

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains amendments to the Income Tax Regulations (26 CFR parts 1 and 602), under section 451 of the Internal Revenue Code (Code) relating to the treatment of advance payments for goods and long-term contracts. On October 15, 2018, the Department of the Treasury (Treasury Department) and the IRS published a notice of proposed rulemaking (REG-104872-18) in the **Federal Register** (83 FR 51904) containing proposed

regulations under section 451 of the Code (proposed regulations).

The Treasury Department and the IRS received no written or electronic comments responding to the proposed regulations. Accordingly, no public hearing was held on the proposed regulations. This Treasury Decision adopts the proposed regulations without modification.

#### Explanation of Provisions

These final regulations remove § 1.451-5, and its cross-references, relating to the treatment of advance payments for goods and long-term contracts under section 451. Section 1.451-5 generally allowed accrual method taxpayers to defer the inclusion of income for advance payments for goods until the taxable year in which they were properly included in income under the taxpayer's method of accounting for federal income tax purposes if that method resulted in the advance payments being included in gross income no later than when the advance payments were recognized in gross receipts under the taxpayer's method of accounting for financial reporting purposes.

Section 13221 of "the Tax Cuts and Jobs Act (TCJA)," Public Law 115-97 (2017), amended section 451 by redesignating section 451(b) through (i) as (d) through (k) and adding new subsections (b) and (c). New section 451(c) generally requires an accrual method taxpayer that receives any advance payment described in section 451(c)(4) during the taxable year to include the advance payment in income in the taxable year of receipt or make an election to: (1) Include any portion of the advance payment in income in the taxable year of receipt to the extent required under new section 451(b); and (2) include the remaining portion of the advance payment in income in the following taxable year.

New section 451(c) and its election to defer advance payments override the deferral method provided by § 1.451-5. See H.R. Rep. No. 115-466, at 429 n.880 (2017) (Conf. Rep.). Accordingly, these final regulations remove § 1.451-5 and its cross references. Removing § 1.451-5 ensures that the new deferral rules of section 451(c) apply uniformly and consistently to all taxpayers and simplifies tax administration. The rules of section 446 regarding changes in methods of accounting apply to

taxpayers changing a method of accounting for advance payments from a method described in § 1.451-5 to another method of accounting.

#### Effective/Applicability Date

These final regulations apply for taxable years ending on or after July 15, 2019.

#### Special Analyses

This regulation is not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Department of the Treasury and the Office of Management and Budget regarding review of tax regulations. Because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding this final rule was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business and no comments were received.

#### Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. In 2018, that threshold is approximately \$150 million. This rule does not include any Federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

#### Executive Order 13132: Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose

substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

#### Drafting Information

The principal author of these final regulations is Joanna L. Trebat, Office of the Associate Chief Counsel (Income Tax and Accounting). Other personnel from the IRS and Treasury Department participated in their development.

#### List of Subjects

##### 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

##### 26 CFR Part 602

Reporting and recordkeeping requirements.

#### Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

#### 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 1.381(c)(4)–1 is amended by revising the second sentence of paragraph (b)(2) to read as follows:

##### **§ 1.381(c)(4)–1 Method of accounting.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \* The installment method under section 453, the mark-to-market method under section 475, the amortization of bond premium under section 171, the percentage of completion method under section 460, the recurring item exception of § 1.461–5, and the income deferral method under section 455 are examples of special methods of accounting. \* \* \*

\* \* \* \* \*

■ **Par. 3.** Section 1.382–7 is amended by revising the third sentence of paragraph (a) to read as follows:

##### **§ 1.382–7 Built in gains and losses.**

(a) \* \* \* Examples to which this paragraph (a) will apply include, but are not limited to, income received prior to the change date that is deferred under section 455 or Rev. Proc. 2004–34 (2004–1 CB 991 (June 1, 2004)) (or any successor revenue procedure) (see § 601.601(d)(2)(ii)(b)).

\* \* \* \* \*

##### **§ 1.451–5 [Removed]**

■ **Par. 4.** Section 1.451–5 is removed.

##### **§ 1.861–18 [Amended]**

■ **Par. 5.** Section 1.861–18 is amended in paragraph (i)(4) by:

■ 1. Removing *Example 2*;

■ 2. Designating *Examples 1* and *3* as paragraphs (i)(4)(i) and (ii), respectively; and

■ 3. In the heading for newly designated paragraph (i)(4)(ii), removing “3” and adding “2” in its place.

##### **§ 1.6655–0 [Amended]**

■ **Par. 6.** Section 1.6655–0 is amended by removing the entries for § 1.6655–2(f)(3)(i) and (f)(3)(i)(A) and redesignating the entry for § 1.6655–2(f)(3)(i)(B) as § 1.6655–2(f)(3)(i).

##### **§ 1.6655–2 [Amended]**

■ **Par. 7.** Section 1.6655–2 is amended by removing the paragraph (f)(3)(i) heading and paragraph (f)(3)(i)(A) and redesignating (f)(3)(i)(B) as (f)(3)(i).

■ **Par. 8.** Section 1.6655–6 is amended in paragraph (c) by:

■ 1. Revising the heading and introductory text;

■ 2. Removing *Example 1*;

■ 3. Designating *Example 2* as paragraph (c)(1) and revising the heading of newly designated paragraph (c)(1); and

■ 4. Adding reserved paragraph (c)(2). The revisions read as follows:

##### **§ 1.6655–6 Methods of accounting.**

\* \* \* \* \*

(c) *Example.* The following example illustrates the rules of this section:

(1) *Example.* \* \* \*

\* \* \* \* \*

#### PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 9.** Add an authority citation for part 602 to read as follows:

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

##### **§ 602.101 [Amended]**

■ **Par. 10.** Section 602.101 is amended by removing the entry for § 1.451–5 in the table in paragraph (b) and by removing the parenthetical authority citation at the end of the section.

**Kirsten Wielobob,**

*Deputy Commissioner for Services and Enforcement.*

Approved: June 27, 2019.

**David J. Kautter,**

*Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 2019–14947 Filed 7–11–19; 4:15 pm]

**BILLING CODE 4830–01–P**

#### PENSION BENEFIT GUARANTY CORPORATION

##### 29 CFR Part 4022

#### Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation’s regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe certain interest assumptions under the regulation for plans with valuation dates in August 2019. These interest assumptions are used for paying certain benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

**DATES:** Effective August 1, 2019.

##### **FOR FURTHER INFORMATION CONTACT:**

Gregory Katz ([katz.gregory@pbgc.gov](mailto:katz.gregory@pbgc.gov)), Attorney, Regulatory Affairs Division, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202–326–4400 ext. 3829. (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400, ext. 3829.)

**SUPPLEMENTARY INFORMATION:** PBGC’s regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminated single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974 (ERISA). The interest assumptions in the regulation are also published on PBGC’s website (<https://www.pbgc.gov>).

PBGC uses the interest assumptions in appendix B to part 4022 (“Lump Sum Interest Rates for PBGC Payments”) to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Because some private-sector pension plans use these interest rates to determine lump sum amounts payable to plan participants (if the resulting lump sum is larger than the amount required under section 417(e)(3) of the Internal Revenue Code and section 205(g)(3) of ERISA), these rates are also provided in appendix C to part 4022 (“Lump Sum Interest Rates for Private-Sector Payments”).

This final rule updates appendices B and C of the benefits payment regulation to provide the rates for August 2019 measurement dates.



The August 2019 lump sum interest assumptions will be 0.50 percent for the period during which a benefit is (or is assumed to be) in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for July 2019, these assumptions represent a decrease of 0.25 percent in the immediate rate and are otherwise unchanged.

PBGC updates appendices B and C each month. PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to issue new interest assumptions promptly so that they are available for plans that rely on our publication of them each month to calculate lump sum benefit amounts.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during August 2019, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

#### List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

#### PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

**Authority:** 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, rate set 310 is added at the end of the table to read as follows:

#### Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)					
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$	
* 310	* 8-1-19	* 9-1-19	* 0.50	* 4.00	* 4.00	* 4.00	* 7	* 8	

■ 3. In appendix C to part 4022, rate set 310 is added at the end of the table to read as follows:

#### Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)					
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$	
* 310	* 8-1-19	* 9-1-19	* 0.50	* 4.00	* 4.00	* 4.00	* 7	* 8	

Issued in Washington, DC, by

**Stephanie Cibinic,**

*Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.*

[FR Doc. 2019-14793 Filed 7-12-19; 8:45 am]

**BILLING CODE 7709-02-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2019-0548]

#### Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port, Lake Michigan Zone—Corn Festival Fireworks

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a safety zone on the Illinois River in Morris, IL. This action is necessary and intended to promote the safety of life and property on navigable waters

before, during, and immediately after a shore-based firework display. During the enforcement period listed below, vessels and persons are prohibited from transiting through, mooring, or anchoring within this safety zone without approval from the Captain of the Port, Lake Michigan or his or her designated representative.

**DATES:** The regulations in 33 Code of Federal Regulations (CFR) 165.929 will be enforced for the location listed in item (h)(1) in Table 165.929 to 33 CFR 165.929 from 8:30 p.m. through 9 p.m. on September 28, 2019.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LT John Ramos, Waterways Management Division, Marine Safety Unit Chicago; telephone (630) 986-2155, email

address *D09-DG-MSUChicago-Waterways@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Safety Zone; Corn Festival Fireworks listed as item (h)(1) in Table 165.929 of 33 CFR 165.929. Section 165.929 lists many annual events requiring safety zones in the Captain of the Port, Lake Michigan zone. This safety zone will encompass all waters of the Illinois River within an 560 foot radius from approximate launch position at 41°21.173' N, 88°25.101' W (NAD 83). This safety zone will be enforced from 8:30 p.m. through 9 p.m. on September 28, 2019.

All vessels must obtain permission from the Captain of the Port, Lake Michigan, or his or her designated on-scene representative to enter, move within, or exit this safety zone during the enforcement times listed in this notice of enforcement. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case-by-case basis. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port, Lake Michigan, or his or her on-scene representative.

This notice of enforcement is issued under authority of 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port, Lake Michigan zone, and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners and Local Notice to Mariners. The Captain of the Port, Lake Michigan or his or her designated on-scene representative may be contacted via VHF Channel 16 or at (414) 747-7182.

Dated: July 9, 2019.

**Thomas J. Stuhlreyer,**

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

[FR Doc. 2019-14921 Filed 7-12-19; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

**RIN 2900-AP63**

### Approval Criteria for Rates Charged for Community Residential Care

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The Department of Affairs (VA) adopts as final, with changes, a proposed rule amending its regulation governing standards applicable to a community residential care facility (CRC) approved by VA. This rule also addresses the amount that a veteran may be charged for residence in a CRC and how VA determines whether that rate is appropriate. The cost of community residential care is financed by the veteran's own resources, and the resident or an authorized personal representative and a representative of the CRC must agree upon the charge and payment procedures for community residential care. VA reviews and has approval authority over this agreement. The rule amends and updates the criteria VA uses to determine whether the rate for care charged to a veteran residing in an approved CRC is appropriate, clarifying how VA determines whether a CRC rate should be approved, consistent with current VA practice. In addition, this rulemaking defines in regulation the level of care that must be provided to a veteran residing in a CRC.

**DATES:** This final rule is effective on August 14, 2019.

#### FOR FURTHER INFORMATION CONTACT:

Dayna Cooper, Chief, Home and Community Based Programs, Geriatrics and Extended Care (10NC4), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, *dayna.cooper3@va.gov* (202) 632-8321. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** In a document published in the **Federal Register** on April 24, 2018, VA proposed to amend its regulation governing standards applicable to a CRC approved by VA. 83 FR 17777. VA provided a 60-day comment period, which ended on June 25, 2018. We received three comments on the proposed rule and make no changes based on these comments. We adopt the proposed rule as is, with the exception of minor technical amendments and corrections as explained further in this rulemaking.

VA is authorized under 38 U.S.C. 1730 to assist veterans by referring them for placement, and aiding veterans in obtaining placement, in CRCs. A CRC is a form of enriched housing that provides health care supervision to eligible veterans not in need of hospital or nursing home care, but who, because of medical, psychiatric and/or psychosocial limitations as determined through a statement of needed care, are not able to live independently and have no suitable family or significant others

to provide the needed supervision and supportive care. CRC care consists of room, board, assistance with activities of daily living and supervision as required on an individual basis. The size of a CRC can vary from one bed to several hundred. VA maintains a list of approved CRCs. Employees of the CRC are not VA employees, and no employment relationship exists between employees of the CRC and VA.

A veteran may elect to reside in any CRC he or she wants; however, VA will only recommend CRCs that apply for approval and meet our standards. Once approved by VA, the CRC is placed on VA's referral list and VA refers veterans for whom CRC care is an option to listed CRCs when those veterans are determining where they would like to live. To become approved, a CRC must meet the specified criteria in 38 CFR 17.63, which sets forth standards relating to the physical integrity of the facility, the health care provided at the CRC, the standard of living therein, costs charged directly to veteran residents of the CRC, and other criteria for approval.

We proposed removing the definition of "daily living activities" and substituting the terms "activities of daily living" and "instrumental activities of daily living" where it is used in §§ 17.61(b) and 17.62. In the latter section, we proposed defining "activities of daily living" as basic daily tasks an individual performs as part of self-care which may be used as a measurement of the functional status of a person including: Walking; bathing; shaving; brushing teeth; combing hair; dressing; eating; getting in or getting out of bed; and toileting. We proposed defining "Instrumental activities of daily living" as tasks that are not necessary for fundamental functioning, but allow an individual to live independently in a community. Instrumental activities of daily living include: Housekeeping and cleaning room; meal preparation; taking medications; laundry; assistance with transportation; shopping- for groceries, clothing or other items; ability to use the telephone; ability to manage finances; writing letters; and obtaining appointments. In addition, we proposed revising § 17.62 by removing the paragraph designations for the definitions in that section, arranging the defined terms in alphabetical order, and making non-substantive changes to the definitions to make the introductory wording for each definition consistent with that of other defined terms in part 17.

The proposed rule also focused on CRC standards set forth in § 17.63. We

proposed revising paragraph (b) to state that the CRC must provide the resident, at a minimum, a base level of care to include room and board; nutrition consisting of three meals per day and two snacks, or as required to meet special dietary needs; laundry services; transportation (either provided or arranged) to VA and healthcare appointments; and accompanying the resident to appointments if needed; 24-hour supervision, if indicated; and care, supervision, and assistance with activities of daily living and instrumental activities of daily living.

Paragraph (k) of this section addresses the amount that a veteran may be charged for residence in a CRC and how VA determines whether that rate is appropriate. VA proposed amending and updating this paragraph to make it consistent with changes in the practices of approved CRCs since this provision became effective on June 14, 1989, and to clarify the criteria VA uses to determine whether the rate charged by the CRC is reasonable. We proposed amending paragraph (k)(2) to state that the cost of community residential care should reflect the cost of providing the base level of care as defined in paragraph (b). Proposed paragraph 17.63(k)(3) would retain the requirement, currently found in paragraph 17.63(k)(2), that the resident or an authorized personal representative and a representative of the CRC facility must agree upon the charge and payment procedures for community residential care.

We proposed to add paragraph (k)(4) to establish standards for use by a VA approving official in reviewing and approving this agreement consistent with current practice. We proposed that the charges for community residential care must be reasonable and comparable to the current average rate for residential care in the State or Region for the same level of care provided to the resident. Any year to year increase in the charge for care in a community residential care facility for the same level of care may not exceed the annual percentage increase in the National Consumer Price Index (CPI) for that year. We stated that the approving official would have the authority to approve a rate lower than the current average rate for residential care in the State or Region for the same level of care if the CRC and resident agreed to such rate, and the lower rate does not result in a lower level of care than the resident requires. Conversely, the approving official would have the authority to approve a rate higher than the current average rate for residential care in the State or Region for the same level of care if the CRC and resident or

authorized personal representative agreed to such rate, and the higher rate is related to the individual needs of the resident which exceed the base level of care as defined in paragraph (b).

We received three comments. One commenter generally supported the rulemaking while two raised issues which we respond to here.

One commenter stated that although the United States government assumes no responsibility for paying the cost for care in these facilities, it provides the eligibility requirements under which the residents referred by VA are to receive assistance. The commenter stated that this limits patient choice options and financially neglects patients needing assistance outside of hospital stays. The commenter asserted that the federal government should provide financial assistance to this population much like it does for the veteran homeless community with the Grant and Per Diem program in which it pays entities providing transitional housing to homeless veterans. Additionally, the commenter expressed concern that the proposed rule does not ensure criteria for standardizing levels of care which may subject veterans to inequalities in care. The commenter further asserted that this proposed rule may result in a high occurrence of low level care being suggested to save on payment for services. Furthermore, the commenter stated that there are no insurances or safeguards to ensure that care evaluation costs for lower levels of care rendered are not overinflated to justify a larger budget request. The commenter asserted that in this case a veteran would not be given a choice above VA standards which may be lower than what the veteran actually needs.

The CRC program provides a form of enriched housing and health care supervision to eligible veterans not in need of acute hospital care but who, because of medical and/or psychosocial health conditions, are not able to live independently and have no suitable family or significant others to provide the needed supervision and supportive care. VA does not have the authority to provide financial assistance to veterans through the CRC program, and providing such assistance through another vehicle is outside the scope of this rulemaking. Also, this rulemaking does address standardization of care by requiring CRCs to provide a base level of care. CRCs must provide, at a minimum, room and board; nutrition consisting of three meals per day and two snacks, or as required to meet special dietary needs; laundry services; transportation (either provided or arranged) to VA and healthcare

appointments, and accompanying the resident if needed; 24-hour supervision, if indicated; care supervision, and assistance with activities of daily living and independent activities of daily living. CRCs are also required to provide medically appropriate level of care for residents who require more than a base level of care. VA does not provide financial assistance to veterans through the CRC program nor does it determine the average rate for residential care in each state or region; thus, the determination of level of care needed by a veteran residing in a CRC is based solely on clinical need. Additionally, VA uses a multi-step approach in evaluating whether a proposed CRC rate will be approved. This approach includes a review of the level of care a veteran requires; the current average rate of residential care in the state or region for the same level of care provided to the resident, as determined by each state; and the current CRC rate being charged to a veteran. This review ensures that a veteran receives the individualized level of care required, and that the CRC is compensated for the level of care provided. We make no changes based on this comment.

Another commenter stated that VA should pay for CRC care. While VA is authorized to operate the CRC program under 38 U.S.C. 1730, the statute explicitly exempts VA from any responsibility for payment for CRC care. The statute also states that VA may assist a veteran by referring such veteran for placement, and aiding such veteran in obtaining placement, in a VA-approved CRC. Per 38 U.S.C. 1730(b)(3), payment of the charges of a CRC for any care or service provided to a veteran whom VA has referred to that facility is not the responsibility of the United States or VA. We make no changes based on this comment.

In this final rule, we are also making minor technical amendments and corrections. These changes are non-substantive but are necessary to remedy drafting errors in the proposed rule. We are amending the authority citation in this final rule to only reflect the CFR sections that are affected by this rule, which are §§ 17.61 through 17.74. Also, in § 17.62 we are amending typographical errors in the definitions for “activities of daily living” and “instrumental activities of daily living” by replacing the uppercase letter following the colon with its matching lowercase letter. Furthermore, in § 17.63(k)(4)(i) we are also amending a typographical error by replacing the first uppercase letter in the section with the matching lowercase letter.

Based on the rationale set forth in the proposed rule and in this document, VA is adopting the provisions of the proposed rule as a final rule with changes as noted above.

### Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

### Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). Under 38 CFR 17.63(i), a CRC must maintain records on each resident, to include a copy of all signed agreements with the resident. This would include any agreement between the CRC and the resident regarding the rate charged for residence in the facility, which is the subject of this final rule. This information collection is already approved under Office of Management and Budget (OMB) control number 2900–0491.

### Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will 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 final rule would amend § 17.63 which governs the standards applicable to a community residential care facility (CRC) approved by VA. This final rule would merely conform this regulation with our current practices. This final rule would directly affect only individuals and those small entities that seek inclusion on VA's approved list of CRCs. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

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

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined, and it has been determined not to be 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.” This final rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

### 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 one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

### Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers and titles

affected by this document are 64.011—Veterans Dental Care; 64.012—Veterans Prescription Service; 64.013—Veterans Prosthetic Appliances; 64.029—Purchase Care Program; 64.035—Veterans Transportation Program; 64.041—VHA Outpatient Specialty Care; 64.044—VHA Home Care; 64.045—VHA Outpatient Ancillary Services; 64.047—VHA Primary Care; 64.048—VHA Mental Health clinics; 64.050—VHA Diagnostic Care.

### List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and Dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

### Signing Authority

The Secretary of Veterans Affairs, or designee, 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. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on July 9, 2019, for publication.

Dated: July 9, 2019.

### Consuela Benjamin,

*Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

For the reasons stated in the preamble, Department of Veterans Affairs amends 38 CFR part 17 as follows:

### PART 17—MEDICAL

■ 1. The authority citation for part 17 is amended by adding an authority for §§ 17.61 through 17.74 to read as follows:

**Authority:** 38 U.S.C. 501, and as noted in specific sections.

\* \* \* \* \*

Sections 17.61 through 17.74 are also issued under 38 U.S.C. 1730.

\* \* \* \* \*

### § 17.61 [Amended]

■ 2. Amend § 17.61 by:

■ a. Removing in paragraph (b) the words “daily living activities” and

adding in its place the words “activities of daily living and instrumental activities of daily living”; and

■ b. Removing the statutory authority citation at the end of the section.

■ 3. Revise § 17.62 to read as follows:

**§ 17.62 Definitions.**

For the purpose of §§ 17.61 through 17.72:

*Activities of daily living* means basic daily tasks an individual performs as part of self-care which may be used as a measurement of the functional status of a person including: Walking; bathing; shaving; brushing teeth; combing hair; dressing; eating; getting in or getting out of bed; and toileting.

*Approving official* means the Director or, if designated by the Director, the Associate Director or Chief of Staff of a Department of Veterans Affairs Medical Center or Outpatient Clinic which has jurisdiction to approve a community residential care facility.

*Community residential care* means the monitoring, supervision, and assistance, in accordance with a statement of needed care, of the activities of daily living activities and instrumental activities of daily living, of referred veterans in an approved home in the community by the facility’s provider.

*Hearing official* means the Director or, if designated by the Director, the Associate Director or Chief of Staff of a Department of Veterans Affairs Medical Center or Outpatient Clinic which has jurisdiction to approve a community residential care facility.

*Instrumental activities of daily living* are tasks that are not necessary for fundamental functioning, but allow an individual to live independently in a community. Instrumental activities of daily living include: Housekeeping and cleaning room; meal preparation; taking medications; laundry; assistance with transportation; shopping—for groceries, clothing or other items; ability to use the telephone; ability to manage finances; writing letters; and obtaining appointments.

*Oral hearing* means the in person testimony of representatives of a community residential care facility and of VA before the hearing official and the review of the written evidence of record by that official.

*Paper hearing* means a review of the written evidence of record by the hearing official.

■ 4. Amend § 17.63 by:

■ a. Adding paragraph (b);

■ b. Revising paragraph (k); and

■ c. Removing the statutory authority citation at the end of the section.

The addition and revision read as follows:

**§ 17.63 Approval of community residential care facilities.**

\* \* \* \* \*

(b) *Level of care.* The community residential care facility must provide the resident, at a minimum, a base level of care to include room and board; nutrition consisting of three meals per day and two snacks, or as required to meet special dietary needs; laundry services; transportation (either provided or arranged) to VA and healthcare appointments; and accompanying the resident to appointments if needed; 24-hour supervision, if indicated; and care, supervision, and assistance with activities of daily living and instrumental activities of daily living. In those cases where the resident requires more than a base level of care, the medically appropriate level of care must be provided.

\* \* \* \* \*

(k) *Cost of community residential*

*care.* (1) Payment for the charges of community residential care is not the responsibility of the United States Government or VA.

(2) The cost of community residential care should reflect the cost of providing the base level of care as defined in paragraph (b) of this section.

(3) The resident or an authorized personal representative and a representative of the community residential care facility must agree upon the charge and payment procedures for community residential care. Any agreement between the resident or an authorized personal representative and the community residential care facility must be approved by the approving official. The charge for care in a community residential care facility must be reviewed annually by the facility and VA, or as required due to changes in care needs.

(4) The charges for community residential care must be reasonable and comparable to the current average rate for residential care in the State or Region for the same level of care provided to the resident. Notwithstanding, any year to year increase in the charge for care in a community residential care facility for the same level of care may not exceed the annual percentage increase in the National Consumer Price Index (CPI) for that year. In establishing an individual residential rate, consideration should be given to the level of care required and the individual needs of the resident. The approving official may approve a rate:

(i) Lower than the current average rate for residential care in the State or Region for the same level of care if the community residential care facility and the resident or authorized personal representative agreed to such rate, provided such lower rate does not result in a lower level of care than the resident requires;

(ii) higher than the current average rate for residential care in the State or Region for the same level of care if the community residential care facility and the resident or authorized personal representative agreed to such rate, and the higher rate is related to the individual needs of the resident which exceed the base level of care as defined in paragraph (b) of this section. Examples of services which exceed the base level of care include, but are not limited to, handling disbursement of funds solely at the request of the resident; fulfilling special dietary requests by the resident or family member; accompanying the resident to an activity center; assisting in or providing scheduled socialization activities; supervision of an unsafe smoker; bowel and bladder care; intervention related to behavioral issues; and transportation other than for VA and healthcare appointments.

(5) The approving official may approve a deviation from the requirements of paragraph (k)(4) of this section if the resident chooses to pay more for care at a facility which exceeds the base level of care as defined in paragraph (b) of this section notwithstanding the resident’s needs.

\* \* \* \* \*

**§§ 17.64 through 17.74 [Amended]**

■ 5. Amend §§ 17.64 through 17.74 by removing the statutory authority citation at the end of each section.

[FR Doc. 2019-14918 Filed 7-12-19; 8:45 am]

BILLING CODE 8320-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R10-OAR-2017-0571; FRL-9996-57-Region 10]

**Approval and Promulgation of State Implementation Plans; Idaho; Regional Haze Progress Report**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to

the Idaho Regional Haze State Implementation Plan (SIP) submitted by the State on June 28, 2016. Idaho submitted its Regional Haze Progress Report (“progress report” or “report”) and a negative declaration stating that further revision of the existing regional haze SIP is not needed at this time. Idaho submitted both the progress report and the negative declaration in the form of implementation plan revisions as required by Federal regulations. The progress report addresses the Federal Regional Haze Rule requirements under the Clean Air Act to submit a report describing progress in achieving reasonable progress goals established for regional haze and a determination of the adequacy of the State’s existing plan addressing regional haze.

**DATES:** This action is effective on August 14, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2017–0571. 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 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:** John Chi (206) 553–1185, [chi.john@epa.gov](mailto:chi.john@epa.gov), EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, Washington 98101.

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, it is intended to refer to the EPA.

## I. Background Information

On April 5, 2019, the EPA proposed to approve Idaho’s Regional Haze Progress Report (84 FR 13582). An explanation of the Clean Air Act requirements, a detailed analysis of the submittal, and the EPA’s reasons for proposing approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for the proposal ended May 6, 2019. We received no comments on our proposed rulemaking. We note that, in the preamble of our proposed rulemaking, we made two typographical errors. In our summary of Idaho’s submittal, we labeled “Selway-

Bitterroot Wilderness” as “Hells Canyon Wilderness” by mistake in two places (84 FR 13582, at page 13582, column 3; and page 13583, column 1). These errors in our description of Idaho’s submittal are minor and do not impact the approvability of Idaho’s Regional Haze Progress Report. We also provided Idaho’s full submittal in the docket for the action. Therefore, we are finalizing our action as proposed.

## II. Final Action

The EPA is approving the Idaho Regional Haze Progress Report, submitted on June 28, 2016, as meeting the applicable requirements of the Clean Air Act and the Federal Regional Haze Rule, as set forth in 40 CFR 51.308(g). The EPA has determined that the existing regional haze SIP is adequate to meet the State’s visibility goals and requires no substantive revision at this time, as set forth in 40 CFR 51.308(h). We have also determined that Idaho fulfilled the requirements in 40 CFR 51.308(i) regarding State coordination with Federal Land Managers.

## III. Statutory and Executive Order Reviews

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

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and it will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 13, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time

within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Visibility, Volatile organic compounds.

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

Dated: June 27, 2019.

**Chris Hladick,**  
Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

#### Subpart N—Idaho

- 2. In § 52.670, the table in paragraph (e) is amended by adding an entry at the end of the table for “Regional Haze 5-Year Progress Report” to read as follows:

##### § 52.670 Identification of plan.

*	*	*	*	*
(e) * * *				

#### EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
* * *	* * *	* * *	* * *	* * *
Regional Haze 5-Year Progress Report .....	State-wide .....	6/28/2016	7/15/2019, [Insert <b>Federal Register</b> citation].	

[FR Doc. 2019–14988 Filed 7–12–19; 8:45 am]

**BILLING CODE 6560–50–P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Parts 52 and 81

[EPA–R05–OAR–2018–0035; FRL–9996–18–Region 5]

#### Revision of Sheboygan County, Wisconsin Nonattainment Designation for the 1997 and 2008 Ozone Standards and Clean Data Determination for the 2008 Ozone Standards

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a request from Wisconsin to revise the designation for the Sheboygan nonattainment area for the 1997 primary and secondary ozone National Ambient Air Quality Standards (NAAQS) and the 2008 primary and secondary ozone NAAQS, by splitting the existing area into two distinct nonattainment areas that together cover the identical geographic area of the existing nonattainment area. This revised designation is supported by air quality data, emissions and emissions-related data, meteorology, geography/topography, and jurisdictional boundaries. Both areas will retain their nonattainment designation and Moderate classification. In this action,

EPA is also making a clean data determination for one of the two separate areas for the 2008 ozone NAAQS.

**DATES:** This final rule is effective on July 15, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0035. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through [www.regulations.gov](http://www.regulations.gov) or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Eric Svingen, Environmental Engineer, at (312) 353–4489 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard,

Chicago, Illinois 60604, (312) 353–4489, [svingen.eric@epa.gov](mailto:svingen.eric@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background for this final rule?
- II. What comments did EPA receive?
- III. What actions is EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. What is the background for this final rule?

On July 18, 1997, EPA revised the former 1-hour ozone primary and secondary standards and replaced them with 8-hour standards at a level of 0.08 parts per million (ppm) (40 CFR 50.10). On March 27, 2008, EPA further revised the 8-hour ozone NAAQS by lowering the level of the primary and secondary standards from 0.08 ppm to 0.075 ppm (40 CFR 50.15).

On April 30, 2004 (69 FR 23858), and May 21, 2012 (77 FR 30088), EPA designated the entirety of Sheboygan County in Wisconsin as nonattainment for the 1997 ozone NAAQS and 2008 ozone NAAQS, respectively.

On March 1, 2011, EPA determined that the Sheboygan nonattainment area had attained the 1997 ozone NAAQS (76 FR 11080). Since that determination, the area has continued to attain the 1997 ozone NAAQS, and the area retains its Moderate classification. On December 19, 2016, EPA reclassified the Sheboygan nonattainment area for the 2008 ozone NAAQS as Moderate with an attainment date of July 20, 2018 (81



FR 91841). On November 14, 2018, EPA proposed to grant Wisconsin's request for a one-year attainment date extension, and establish a new Moderate attainment date of July 20, 2019 for the Sheboygan nonattainment area for the 2008 ozone NAAQS (83 FR 56781).

On June 27, 2013, the Wisconsin Department of Natural Resources (WDNR) submitted a request for EPA to reconsider the boundary of the Sheboygan nonattainment area for the 1997 ozone NAAQS and 2008 ozone NAAQS, and reduce the area to a smaller size.

On February 15, 2019, EPA proposed to take two related actions regarding the Sheboygan nonattainment area for the 1997 ozone NAAQS and 2008 ozone NAAQS (84 FR 4422).

First, under the authority of Clean Air Act (CAA) section 107(d)(3)(D), EPA proposed to split the original Sheboygan nonattainment area for the 1997 ozone NAAQS and 2008 ozone NAAQS into two separate nonattainment areas that together cover the identical geographic area of the original nonattainment area. EPA proposed that the air quality data, emissions and emissions-related data, meteorology, geography/topography, jurisdictional boundaries, and other air quality related considerations, as well as planning and control considerations, support the State's request to reconsider the Sheboygan nonattainment area boundary.

Second, pursuant to regulations at 40 CFR 51.1118, EPA proposed to make a clean data determination for one of the proposed separate areas for the 2008 ozone NAAQS. This determination was based upon three years of complete, quality-assured and certified data for the 2015–2017 monitoring period. The three-year ozone design value for 2015–2017 was 0.070 ppm, which meets the 2008 ozone NAAQS.

## II. What comments did EPA receive?

During the comment period, EPA received six comments, all of which were supportive. Therefore, EPA is finalizing this rule as proposed.

## III. What actions is EPA taking?

Under the authority of CAA section 107(d)(3)(D), EPA is splitting the current Sheboygan nonattainment area for the 1997 ozone NAAQS and the 2008 ozone NAAQS into two distinct nonattainment areas that together cover the identical geographic area of the original area. One of the separate areas, called the “Shoreline Sheboygan County, WI” nonattainment area, consists of the eastern portion of the original area, including the Sheboygan Kohler Andrae

monitor. The other separate area, called the “Inland Sheboygan County, WI” nonattainment area, consists of the western portion of the original area, including the Sheboygan Haven monitor. The areas are split along the following roadways, going from the northern county boundary to the southern county boundary: Highway 43, Wilson Lima Road, Minderhaud Road, County Road KK/Town Line Road, N 10th Street, County Road A S/Center Avenue, Gibbons Road, Hoftiezer Road, Highway 32, Palmer Road/Smies Road/Palmer Road, Amsterdam Road/County Road RR, Termaat Road. EPA's nonattainment boundary for the Shoreline Sheboygan area for the 1997 ozone NAAQS and 2008 ozone NAAQS is a portion of Sheboygan County inclusive and east of the split boundary. EPA's nonattainment boundary for the Inland Sheboygan County area for the 1997 ozone NAAQS and 2008 ozone NAAQS is a portion of Sheboygan County exclusive and west of the split boundary. Both areas continue to be designated nonattainment for the 1997 ozone NAAQS and 2008 ozone NAAQS and classified as Moderate.

Pursuant to regulations at 40 CFR 51.1118, EPA is making a clean data determination for the Inland Sheboygan County area for the 2008 ozone NAAQS. EPA's determination is based on data from the Sheboygan Haven monitor with site ID 55–117–0009, which is the only Federal Reference Method ozone monitor within the Inland Sheboygan County area. EPA proposed to make this clean data determination based on data for the 2015–2017 monitoring period; however, EPA is finalizing this action based on three years of complete, quality-assured and certified data for the more recent 2016–2018 monitoring period. The three-year ozone design value for 2016–2018 was 0.071 ppm, which meets the 2008 ozone NAAQS. Therefore, EPA is determining that the Inland Sheboygan County area is attaining the 2008 ozone NAAQS. For as long as the area continues to attain the 2008 ozone NAAQS, EPA is suspending the requirements for WDNR to submit attainment demonstrations, and associated reasonably available control measures, reasonable further progress plans, contingency measures, and any other planning requirements related to attainment of the 2008 ozone NAAQS for the Inland Sheboygan County area. This action does not constitute a redesignation of the area to attainment of the 2008 ozone NAAQS under section 107(d)(3)(E) of the CAA, nor does it constitute approval of a maintenance plan for the area as required under

section 175A of the CAA, nor does it find that the area has met all other requirements for redesignation. The Inland Sheboygan County area will remain designated nonattainment for the 2008 ozone NAAQS until such time as EPA determines that the area meets CAA requirements for redesignation to attainment and takes a separate action to redesignate the area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of this revised designation, which imposes no new regulatory requirements, and this clean data determination, which relieves the Inland Sheboygan County area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule “grants or recognizes an exemption or relieves a restriction,” and section 553(d)(3), which allows an effective date less than 30 days after publication “as otherwise provided by the agency for good cause found and published with the rule.” The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Further, this rule relieves the State of certain planning requirements for the Inland Sheboygan County area. For these reasons, these actions will become effective on the date of publication of these actions.

## IV. Statutory and Executive Order Reviews

This rulemaking action revises the boundary of an existing nonattainment area by splitting it into two separate nonattainment areas that together cover the identical geographic area of the original nonattainment area, and makes a determination of attainment of the 2008 ozone NAAQS based on air quality data for one of those areas. These actions do not impose additional requirements.



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

This action is not a “significant regulatory action” subject to review by the Office of Management and Budget.

*B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs*

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

*C. Paperwork Reduction Act (PRA)*

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

*D. Regulatory Flexibility Act (RFA)*

This action is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibilities Act (5 U.S.C. 601 *et seq.*)

*E. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

*F. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. It will not have a substantial direct effect on one or more Indian tribes, since areas of Indian country are not being designated as part of this action. Furthermore, these regulation revisions do not affect the relationship or distribution of power and responsibilities between the Federal government and Indian tribes. The CAA and the Tribal Air Rule establish the relationship of the Federal government and tribes in developing plans to attain the NAAQS, and these revisions to the regulations do nothing to modify that relationship. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

*I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use*

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

*J. National Technology Transfer and Advancement Act (NTTA)*

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low income populations and/or indigenous populations as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

*L. Congressional Review Act (CRA)*

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).

*M. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by September 13, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects**

*40 CFR Part 52*

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

*40 CFR Part 81*

Environmental protection, Air pollution control, National parks, Wilderness areas

Dated: June 24, 2019.

**Cheryl Newton,**

*Deputy Regional Administrator, Region 5.*

Title 40 CFR parts 52 and 81 are amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

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

■ 2. Section 52.2585 is amended by revising paragraph (y) and adding paragraph (ii) to read as follows:

**§ 52.2585 Control strategy: Ozone.**

\* \* \* \* \*

(y) *Determination of attainment.* EPA has determined, as of March 1, 2011 that the Milwaukee-Racine, WI and Sheboygan, WI areas have attained the 1997 8-hour ozone standard. These determinations suspend the requirements for these areas to submit attainment demonstrations and associated reasonably available control measures (RACM), reasonable further progress plans (RFP), contingency measures, and other State Implementation Plan (SIP) revisions related to attainment of the standard for as long as the areas continue to attain the 1997 8-hour ozone standard. These determinations also stay the requirement for EPA to promulgate attainment demonstration and RFP Federal Implementation Plans (FIPs) for these areas. On July 15, 2019, EPA revised the designation for the

Sheboygan, WI area for the 1997 8-hour ozone standard, by splitting the original area into two distinct nonattainment areas, called the Inland Sheboygan County, WI area and Shoreline Sheboygan County, WI area, that together cover the identical geographic area of the original nonattainment area. EPA's March 1, 2011 determination of attainment for the Sheboygan County, WI area applies to the Inland Sheboygan County, WI area and Shoreline Sheboygan County, WI area.

\* \* \* \* \*

(ii) *Determination of attainment.* EPA has determined, as of July 15, 2019, that the Inland Sheboygan County, WI area has attained the 2008 8-hour ozone standard. This determination suspends

the requirements for this area to submit an attainment demonstration and associated reasonably available control measures (RACM), a reasonable further progress plan (RFP), contingency measures, and other State Implementation Plan (SIP) revisions related to attainment of the standard for as long as the area continues to attain the 2008 8-hour ozone standard.

#### PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.350 is amended by:

■ a. Removing the entry for “Sheboygan, WI” in the table entitled “Wisconsin—1997 8-Hour Ozone NAAQS (Primary and Secondary)” and adding entries for “Inland Sheboygan County, WI” and “Shoreline Sheboygan County, WI” before the subheading “Rest of State”; and

■ b. Removing the entry for “Sheboygan County, WI: Sheboygan County” in the table entitled “Wisconsin—2008 8-Hour Ozone NAAQS (Primary and secondary)” and adding entries for “Inland Sheboygan County, WI” and “Shoreline Sheboygan County, WI” before the entry for “Adams County”. The additions read as follows:

**§ 81.350 Wisconsin.**

\* \* \* \* \*

#### WISCONSIN—1997 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation <sup>a</sup>		Category/classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* * *	*	*	*	*
Inland Sheboygan County, WI .....	7/15/2019	Nonattainment ..	.....	Subpart 2/Moderate.
Sheboygan County (part): Exclusive and west of the following roadways going from the northern county boundary to the southern county boundary: Highway 43, Wilson Lima Road, Minderhaud Road, County Road KK/Town Line Road, N 10th Street, County Road A S/Center Avenue, Gibbons Road, Hoftiezer Road, Highway 32, Palmer Road/Smies Road/Palmer Road, Amsterdam Road/County Road RR, Termaat Road.				
Shoreline Sheboygan County, WI .....	7/15/2019	Nonattainment ..	.....	Subpart 2/Moderate.
Sheboygan County (part): Inclusive and east of the following roadways going from the northern county boundary to the southern county boundary: Highway 43, Wilson Lima Road, Minderhaud Road, County Road KK/Town Line Road, N 10th Street, County Road A S/Center Avenue, Gibbons Road, Hoftiezer Road, Highway 32, Palmer Road/Smies Road/Palmer Road, Amsterdam Road/County Road RR, Termaat Road.				
* * *	*	*	*	*

<sup>a</sup> Includes Indian Country located in each county or area, except as otherwise specified.

<sup>1</sup> This date is June 15, 2004, unless otherwise noted.

#### WISCONSIN—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation <sup>a</sup>		Category/classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* * *	*	*	*	*
Inland Sheboygan County, WI <sup>2</sup> .....	7/15/2019	Nonattainment ..	12/19/2016	Moderate.
Sheboygan County (part): Exclusive and west of the following roadways going from the northern county boundary to the southern county boundary: Highway 43, Wilson Lima Road, Minderhaud Road, County Road KK/Town Line Road, N 10th Street, County Road A S/Center Avenue, Gibbons Road, Hoftiezer Road, Highway 32, Palmer Road/Smies Road/Palmer Road, Amsterdam Road/County Road RR, Termaat Road.				
Shoreline Sheboygan County, WI <sup>2</sup> .....	7/15/2019	Nonattainment ..	12/19/2016	Moderate.
Sheboygan County (part):				

## WISCONSIN—2008 8-HOUR OZONE NAAQS—Continued

[Primary and secondary]

Designated area	Designation <sup>a</sup>		Category/classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Inclusive and east of the following roadways going from the northern county boundary to the southern county boundary: Highway 43, Wilson Lima Road, Minderhaud Road, County Road KK/Town Line Road, N 10th Street, County Road A S/Center Avenue, Gibbons Road, Hoftiezer Road, Highway 32, Palmer Road/Smies Road/Palmer Road, Amsterdam Road/County Road RR, Termaat Road.				
*	*	*	*	*

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

\* \* \* \* \*

[FR Doc. 2019–14990 Filed 7–12–19; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[EPA–HQ–OPP–2018–0670; FRL–9994–53]

**Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer; Tolerance Exemption****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer; number average molecular weight greater than 1,000,000 daltons when used as an inert ingredient in a pesticide chemical formulation. Lewis & Harrison, LLC on behalf of BASF Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer on food or feed commodities.

**DATES:** This regulation is effective July 15, 2019. Objections and requests for hearings must be received on or before September 13, 2019, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2018–0670. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. 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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

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

**SUPPLEMENTARY INFORMATION:****I. General Information***A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).

- Food manufacturing (NAICS code 311).

- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

*C. Can I file an objection or hearing request?*

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0670 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 13, 2019. Addresses for mail and hand delivery of objections

and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA-HQ-OPP-2018-0670, by one of the following methods.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

## II. Background and Statutory Findings

In the *Federal Register* of April 19, 2019 (84 FR 16430) (FRL-9991-14), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (IN-11238) filed by Lewis & Harrison, LLC (122 C Street NW, Suite 505, Washington, DC 20001) on behalf of BASF Corporation (100 Park Avenue, Florham Park, NJ 07932). The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer, CAS Reg. No. 38193-60-1. That notice included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency received one comment from a private citizen who believes that an analytical method should be required for this exemption. The Agency requires an analytical method to be submitted whenever a numeric tolerance is proposed. EPA's regulations also say that when an exemption from the requirement of a tolerance is proposed, a residue analytical method is not required where dietary exposure estimates are not

needed because of the pesticide's low toxicity. See 40 CFR 158.1410(e), footnotes 8 and 25. In the case of acrylamide-sodium acrylamidomethylpropanesulfonate copolymer; 1-propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-, sodium salt, the EPA has determined that it meets the criteria of a low-risk polymer and as a low-risk polymer no toxicity is anticipated. Therefore, an analytical method is not required.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and use in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . ." and specifies factors EPA is to consider in establishing an exemption.

## III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the

available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF<sub>3</sub>- or longer chain length as listed in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria: Specified in 40 CFR 723.250(e):

The number average molecular weight of the polymer is greater than 10,000 and the oligomer content is less than 2% below molecular weight of 500 and less than 5% below molecular weight of 1,000. The lowest number average molecular weight for the subject polymer is approximately 1,000,000 and the oligomer content below a molecular

weight of 500 and 1,000 is 1.3% and 1.4%, respectively.

Thus, Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer.

#### IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer is greater than 1,000,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer; conforms to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

#### V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide’s residues and “other substances that have a common mechanism of toxicity.”

EPA has not found Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer to share a common mechanism of toxicity with any other substances, and Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer does not have a common mechanism of toxicity with other substances. For information regarding

EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <http://www.epa.gov/pesticides/cumulative>.

#### VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

#### VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer.

#### VIII. Other Considerations

##### A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

##### B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer.

#### IX. Conclusion

Accordingly, EPA finds that exempting residues of Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer, CAS Reg. No. 38193–60–1 from the requirement of a tolerance will be safe.

#### X. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these rules from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

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

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of

power and responsibilities among the various levels of government or between the Federal Government and Indian tribes, or otherwise have any unique impacts on local governments. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

Although this action does not require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and

enforcement of environmental laws, regulations, and policies. As such, to the extent that information is publicly available or was submitted in comments to EPA, the Agency considered whether groups or segments of the population, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

#### XI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

TABLE 1 TO § 180.960

Polymer					CAS No.
*	*	*	*	*	*
Acrylamide-Sodium	Acrylamidomethylpropanesulfonate	Copolymer,	minimum number	average molecular weight (amu),	
1,000,000 daltons.	.....	.....	.....	.....	38193–60–1
*	*	*	*	*	*

#### List of Subjects in 40 CFR Part 180

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

Dated: June 27, 2019.

**Donna Davis,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, add a heading and alphabetically the following polymers “Acrylamide-Sodium Acrylamidomethylpropanesulfonate Copolymer, minimum number average molecular weight (amu), 1,000,000 daltons” to the table to read as follows:

**§ 180.960 Polymers; exemptions from the requirement of a tolerance.**

[FR Doc. 2019–14522 Filed 7–12–19; 8:45 a.m.]

BILLING CODE 6560–50–P

#### DEPARTMENT OF DEFENSE

##### Department of the Army

##### 48 CFR Part 5108

[Docket No. USA–2019–DARS–0010]

RIN 0702–AB04

#### Repeal of Obsolete Acquisition Regulation: Required Sources of Supplies and Services

**AGENCY:** Department of the Army, DOD.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes an obsolete Army acquisition regulation which was codified to provide Army-specific procedures for industrial preparedness production planning. This

rule has been made obsolete by time and change in process.

**DATES:** This rule is effective on July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Courtis, 703–697–0888, Email: [john.t.courtis.civ@mail.mil](mailto:john.t.courtis.civ@mail.mil).

**SUPPLEMENTARY INFORMATION:** This final rule will remove 48 CFR part 5108, “Required Sources of Supplies and Services,” which was codified on September 20, 1989 (54 FR 38682), and never updated. The purpose of the rule was to provide Army-specific procedures, for a three-year test period, for industrial preparedness production planning. Over the years, the procedures for industrial preparedness planning in the DoD have evolved. For example, coverage of the DoD Industrial Preparedness Production Planning Program at Defense Federal Acquisition Regulation Supplement (DFARS) subpart 208.72 (Industrial Preparedness Production Planning) was removed on

July 11, 2006 (71 FR 39004) because there was no longer a DoD-wide Program. DFARS section 217.208–70, “Additional clauses,” (codified March 9, 1998 (63 FR 11529) and most recently updated December 4, 2018 (83 FR 62503)), prescribes the use of the clause at DFARS 252.217–7001 (Surge Option) when a surge option is needed in support of industrial capability production planning. The clause at DFARS 252.217–7001 (Surge Option) (codified July 31, 1991 (56 FR 36479) and most recently updated December 4, 2018 (83 FR 62503)) informs contractors that the Government has the option to increase the quantity, or accelerate the delivery, of supplies or services under the contract and provides the terms for the exercise of the option and subsequent delivery of the surge quantities. These updates to regulation and process changes made the rule at part 5108 obsolete.

The removal of this text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, “Enforcing the Regulatory Reform Agenda,” which established a Federal policy “to alleviate unnecessary regulatory burdens” on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations. The DoD Task Force reviewed the requirements of 48 CFR part 5108 and determined that the coverage was obsolete and recommended removal.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information. Additionally, the statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707 entitled “Publication of Proposed Regulations.” Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the Army is not issuing a new regulation; rather, this rule merely removes obsolete parts from chapter 51 of title 48 of the CFR.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review”; therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

#### List of Subjects in 48 CFR Part 5108

Government procurement.

#### PART 5108—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 48 CFR part 5108 is removed.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2019-14966 Filed 7-12-19; 8:45 am]

BILLING CODE 5001-03-P

## DEPARTMENT OF DEFENSE

### Department of the Army

#### 48 CFR Part 5119

[Docket No. USA-2019-DARS-0011]

RIN 0702-AB05

#### Repeal of Obsolete Acquisition Regulation: Small Business and Small Disadvantaged Business Concerns

**AGENCY:** Department of the Army, DOD.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes an obsolete Army acquisition regulation which was codified to implement a section of public law that is no longer in effect. This rule has been made obsolete by time and the existence of higher-level regulation.

**DATES:** This rule is effective on July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Courtis, 703-697-0888, Email: [john.t.courtis.civ@mail.mil](mailto:john.t.courtis.civ@mail.mil).

**SUPPLEMENTARY INFORMATION:** This final rule will remove 48 CFR part 5119, “Small Business and Small Disadvantaged Business Concerns,” which was codified on April 18, 1989 (54 FR 15410), and never updated. The purpose of the rule was to implement Public Law 100-656, section 722, “Expanding small business participation in dredging,” which directed the Secretary of the Army to conduct a program to expand the participation of small business concerns in contracting opportunities for dredging. The authority was effective through 30 September 1992.

Current Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS) provides for maximum practicable opportunity to small businesses at both the prime contract and subcontract levels. For example, FAR 19.502-1, which provides requirements for setting aside acquisitions for small businesses, was codified on December 18, 1998 (63 FR 70270) and most recently updated on July 2, 2015 (80 FR 38298). The clause at FAR 52.219-6, “Notice of Total Small Business Set-Aside,” (codified September 19, 1983 (48 FR 42478) and most recently updated November 2, 2011 (76 FR 68036)) and other FAR clauses for set-asides under specific small business categories (e.g., women-owned small businesses), along with the clause at FAR 52.219-9, “Small Business Subcontracting Plan,”

(codified September 19, 1983 (48 FR 42478) and most recently updated August 22, 2018 (83 FR 42571)) are used to ensure maximum small business participation at the prime and subcontractor levels. The expiration of the statutory authority and the existence of higher-level regulations concerning small business participation made the rule at part 5119 obsolete.

The removal of this text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, “Enforcing the Regulatory Reform Agenda,” which established a Federal policy “to alleviate unnecessary regulatory burdens” on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations. The DoD Task Force reviewed the requirements of 48 CFR part 5119 and determined that the coverage was obsolete and recommended removal.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information. Additionally, the statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707 entitled “Publication of Proposed Regulations.” Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the Army is not issuing a new regulation; rather, this rule merely removes obsolete parts from chapter 51 of title 48 of the CFR.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review”; therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

#### List of Subjects in 48 CFR Part 5119

Government procurement.

**PART 5119—[REMOVED]**

■ Accordingly, by the authority of 5 U.S.C. 301, 48 CFR part 5119 is removed.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2019-14972 Filed 7-12-19; 8:45 am]

**BILLING CODE 5001-03-P**

**DEPARTMENT OF DEFENSE****Department of the Army****48 CFR Part 5145**

[Docket No. USA-2019-DARS-0012]

**RIN 0702-AB06**

**Repeal of Obsolete Acquisition Regulation: Government Property**

**AGENCY:** Department of the Army, DOD.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes an obsolete Army acquisition regulation for government-furnished property. This rule has been made obsolete by updated higher-level regulation.

**DATES:** This rule is effective on July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Courtis, 703-697-0888, Email: [john.t.courtis.civ@mail.mil](mailto:john.t.courtis.civ@mail.mil).

**SUPPLEMENTARY INFORMATION:** This final rule will remove 48 CFR part 5145, “Government Property,” which was codified on September 27, 1989 (54 FR 39538), and never updated. The purpose of the rule was to describe the conditions under which the government may provide property (facilities or material) to contractors for use under contracts. The rule was intended to be in place for a two-year test period. On May 15, 2007 Federal Acquisition Regulation (FAR) part 45 was amended to simplify procedures related to the management and disposition of government property in the possession of contractors (72 FR 27364). This update was made with the intention of reducing existing clauses and procedures related to government property. The update included the clause at FAR 52.245-1, “Government Property,” (codified May 15, 2007 (72 FR 27390) and most recently updated January 13, 2017 (82 FR 4715)) which contains requirements for the use, management, and disposal of government property. Several other FAR and Defense FAR Supplement (DFARS) clauses provide comprehensive coverage of various aspects of government property management.

These regulations have made the rule at part 5145 obsolete.

The removal of this text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, “Enforcing the Regulatory Reform Agenda,” which established a Federal policy “to alleviate unnecessary regulatory burdens” on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations. The DoD Task Force reviewed the requirements of 48 CFR part 5145 and determined that the coverage was obsolete and recommended removal.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information. Additionally, the statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707 entitled “Publication of Proposed Regulations.” Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the Army is not issuing a new regulation; rather, this rule merely removes obsolete parts from chapter 51 of title 48 of the CFR.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review”; therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

**List of Subjects in 48 CFR Part 5145**

Government procurement.

**PART 5145—[REMOVED]**

■ Accordingly, by the authority of 5 U.S.C. 301, 48 CFR part 5145 is removed.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2019-14970 Filed 7-12-19; 8:45 am]

**BILLING CODE 5001-03-P**

**DEPARTMENT OF DEFENSE****Department of the Army****48 CFR Part 5152**

[Docket No. USA-2019-DARS-0013]

**RIN 0702-AB07**

**Repeal of Obsolete Acquisition Regulation: Solicitation Provisions and Contract Clauses**

**AGENCY:** Department of the Army, DOD.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes an obsolete Army acquisition regulation for contract clauses governing industrial preparedness production planning and government-furnished property.

**DATES:** This rule is effective on July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Courtis, 703-697-0888, Email: [john.t.courtis.civ@mail.mil](mailto:john.t.courtis.civ@mail.mil).

**SUPPLEMENTARY INFORMATION:** This final rule will remove 48 CFR part 5152, “Solicitation Provisions and Contract Clauses.” Three contract clauses are removed by this rule. The clause at 5152.208-9001, Industrial preparedness planning, was codified on September 20, 1989 (54 FR 38683) and never updated. The purpose of the clause was to clarify contractor responsibilities with respect to industrial preparedness planning, and was intended to be in place for a three-year test period. The clause is no longer needed because of a clause prescribed in a higher-level regulation. Specifically, the clause at DFARS 252.217-7001 (Surge Option) (codified July 31, 1991 (56 FR 36479)) and most recently updated December 4, 2018 (83 FR 62503)), prescribed for use when a surge option is needed in support of industrial capability production planning, informs contractors that the Government has the option to increase the quantity, or accelerate the delivery, of supplies or services under the contract and provides the terms for the exercise of the option and subsequent delivery of the surge quantities.

The clauses at 5152.245-9000, Government property for installation support services (fixed-price contracts); and the clause at 5152.245-9001, Government property for installation support services (cost-reimbursement contracts), were codified on September 27, 1989 (54 FR 39539) and never updated. The purpose of the clauses was to clarify contractor responsibilities regarding government property provided to the contractor pursuant to, respectively, fixed-price contracts and



cost-reimbursement contracts. The clauses were intended to be in place for a two-year test period. These clauses are no longer needed because of clauses established in higher-level regulations. Specifically, the clause at FAR 52.245-1, "Government Property," (codified May 15, 2007 (72 FR 27390) and most recently updated January 13, 2017 (82 FR 4715)) contains requirements for the use, management, and disposal of government property. Several other FAR and Defense FAR Supplement (DFARS) clauses provide comprehensive coverage of various aspects of government property management.

The removal of this text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, "Enforcing the Regulatory Reform Agenda," which established a Federal policy "to alleviate unnecessary regulatory burdens" on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform

Task Force to review and validate DoD regulations. The DoD Task Force reviewed the requirements of 48 CFR part 5152 and determined that the coverage was obsolete and recommended removal.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information. Additionally, the statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707 entitled "Publication of Proposed Regulations." Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant

cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the Army is not issuing a new regulation; rather, this rule merely removes obsolete parts from chapter 51 of title 48 of the CFR.

This rule is not significant under Executive Order (E.O.) 12866, "Regulatory Planning and Review"; therefore, the requirements of E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs" do not apply.

#### **List of Subjects in 48 CFR Part 5152**

Government procurement.

#### **PART 5152—[REMOVED]**

■ Accordingly, by the authority of 5 U.S.C. 301, 48 CFR part 5152 is removed.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2019-14969 Filed 7-12-19; 8:45 am]

**BILLING CODE 5001-03-P**

# Proposed Rules

Federal Register

Vol. 84, No. 135

Monday, July 15, 2019

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 52

[Docket No. PRM-50-118; NRC-2019-0071]

### Measurement Standards Used at U.S. Nuclear Power Plants; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; correction.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** (FR) on May 15, 2019, regarding the receipt of a petition for rulemaking from Michael Taylor, dated December 3, 2018, as amended on January 24, 2019. This action is necessary to correct a Docket ID and telephone number.

**DATES:** The correction is effective July 15, 2019.

**ADDRESSES:** Please refer to Docket ID NRC-2019-0071 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2019-0071. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-

415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Solomon Sahle, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3781; email: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov).

**SUPPLEMENTARY INFORMATION:** In the FR on May 15, 2019 (84 FR 21727), correct the Docket ID "Docket ID NRC-2019-0084" to "Docket ID NRC-2019-0071" and the telephone number from "301-415-3407" to "301-415-3781."

Dated at Rockville, Maryland, this 9th day of July 2019.

For the Nuclear Regulatory Commission.  
**Cindy K. Bladley,**  
*Federal Register Liaison Officer, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2019-14896 Filed 7-12-19; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. FAA-2019-0518; Product Identifier 2019-NM-062-AD]

RIN 2120-AA64

### Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787-8 and 787-9 airplanes. This proposed AD was prompted by a report that a passenger entry door assist handle became detached during use. This proposed AD would require a detailed inspection of all passenger and service entry door assist handles for correct installation and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by August 29, 2019.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR

11.43 and 11.45, by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0518.

### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0518; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3569; email: [brandon.lucero@faa.gov](mailto:brandon.lucero@faa.gov).

### SUPPLEMENTARY INFORMATION:

### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send

your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2019–0518; Product Identifier 2019–NM–062–AD” at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments, without change, to <http://www.regulations.gov>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the agency receives about this proposed AD.

### Discussion

The FAA received a report indicating that a passenger entry door assist handle became detached during use. An investigation found that incorrect installation of the door assist handle is possible due to the handle insert giving a false indication of correct installation. This condition, if not addressed, could result in an incorrectly installed door assist handle becoming detached and unavailable to use during door operation or airplane egress, which could cause injury to passengers, flightcrew, or maintenance personnel.

### Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Requirements Bulletin B787–81205–SB250176–00 RB, Issue 001, dated March 6, 2019. The service information describes procedures for a detailed inspection of all passenger and service entry door assist handles for correct installation and applicable on-condition actions. On-condition actions include re-installation of the door assist handles, a detailed inspection for correct installation, and replacement of the doorway support assembly if necessary.

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

### FAA’s Determination

The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

### Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Requirements Bulletin B787–81205–SB250176–00 RB, Issue 001, dated March 6, 2019, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2019–0518.

### Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are “required for compliance” (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the “Accomplishment Instructions.” The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.*, only the RC actions).

### Costs of Compliance

The FAA estimates that this proposed AD affects 579 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

#### ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (16 handles per airplane) .....	18 work-hours × \$85 per hour = \$1,530 .....	\$0	\$1,530	\$885,870

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

actions that would be required. The FAA has no way of determining the

number of aircraft that might need these on-condition actions:

#### ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 44 work-hours × \$85 per hour = up to \$3,740 .....	Up to \$14,916 ..	Up to \$18,656.

### Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of

that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance

and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

### Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

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

### The Proposed Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**The Boeing Company:** Docket No. FAA–2019–0518; Product Identifier 2019–NM–062–AD.

#### (a) Comments Due Date

The FAA must receive comments by August 29, 2019.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, as identified in Boeing Requirements Bulletin B787–81205–SB250176–00 RB, Issue 001, dated March 6, 2019.

#### (d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

#### (e) Unsafe Condition

This AD was prompted by a report that a passenger entry door assist handle became detached during use. The FAA is issuing this AD to address the incorrect installation of the door assist handle due to the handle insert giving a false indication of correct installation. This condition, if not addressed, could result in an incorrectly installed door assist handle becoming detached and unavailable to use during door operation or airplane egress, which could cause injury to passengers, flightcrew, or maintenance personnel.

#### (f) Compliance

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

#### (g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Requirements Bulletin B787–81205–SB250176–00 RB, Issue 001, dated March 6, 2019, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Requirements Bulletin B787–81205–SB250176–00 RB, Issue 001, dated March 6, 2019.

*Note 1 to paragraph (g):* Guidance for accomplishing the actions required by this AD can be found in Boeing Service Bulletin B787–81205–SB250176–00, Issue 001, March 6, 2019, which is referred to in Boeing Requirements Bulletin B787–81205–SB250176–00 RB, Issue 001, dated March 6, 2019.

#### (h) Exceptions to Service Information Specifications

For purposes of determining compliance with the requirements of this AD: Where Boeing Requirements Bulletin B787–81205–SB250176–00 RB, Issue 001, dated March 6, 2019, uses the phrase “the Issue 001 date of Requirements Bulletin B787–81205–SB250176–00 RB,” this AD requires using “the effective date of this AD.”

#### (i) Alternative Methods of Compliance (AMOCs)

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair,

modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

#### (j) Related Information

(1) For more information about this AD, contact Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: [brandon.lucero@faa.gov](mailto:brandon.lucero@faa.gov).

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on June 26, 2019.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2019–14901 Filed 7–12–19; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

#### Findings on the Active Candidate Status of the Proposed Designation of Wisconsin-Lake Michigan National Marine Sanctuary

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Findings on Active Candidate Status.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is publishing findings concerning the status of its proposal to designate the Wisconsin-Lake Michigan National Marine Sanctuary (WLMNMS) in order to fulfill the procedural requirements of the National Marine Sanctuaries Act (NMSA).

**DATES:** The designation deadline was July 9, 2019.

**ADDRESSES:** Russ Green, Regional Coordinator, Northeast and Great Lakes Region, University of Wisconsin-Sheboygan, One University Drive, Sheboygan, WI 53081.

**FOR FURTHER INFORMATION CONTACT:** Russ Green, Regional Coordinator, Northeast and Great Lakes Region at (920) 459-4425 or [russ.green@noaa.gov](mailto:russ.green@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq.*) authorizes NOAA (by delegation from the Secretary of Commerce) to designate and protect as national marine sanctuaries areas of the marine environment that are of special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities. Section 304 of the NMSA establishes the sanctuary designation procedures and timelines (16 U.S.C. 1434).

Section 304(b)(1) of the NMSA reads, “The Secretary shall issue a notice of designation with respect to a proposed national marine sanctuary site not later than 30 months after the date a notice declaring the site to be an active candidate for sanctuary designation is published in the **Federal Register** under regulations issued under this Act, or shall publish not later than such date in the **Federal Register** findings regarding why such notice has not been published.” Although the term is not defined in the Act or regulations, NOAA considers a site an active candidate on the day the notice of proposed rulemaking for the designation is published in the **Federal Register**.

In 2014, the former Governor of the State of Wisconsin and several lakeshore communities submitted to NOAA a successful nomination of the Wisconsin-Lake Michigan National Marine Sanctuary (WLMNMS). The 1,075 square mile area of waters and bottomlands located adjacent to Manitowoc, Sheboygan, and Ozaukee Counties would protect a collection of nationally significant maritime heritage resources. On February 5, 2015, NOAA added the site to the inventory of nominations that are eligible for sanctuary designation. The nomination package and related information may be found at <https://nominate.noaa.gov/nominations/>.

NOAA began the formal sanctuary designation process on October 7, 2015 with the publication in the **Federal Register** of a notice of intent to prepare a draft environmental impact statement (DEIS) and initiate the public process under the National Environmental Policy Act and the NMSA (80 FR

60631). On January 9, 2017, WLMNMS became an active candidate when notice of the proposed rule and the draft designation documents were published in the **Federal Register** (82 FR 2254). Therefore, the deadline for either designating the sanctuary or providing a public update as to its status is July 9, 2019. Accordingly, NOAA has determined that the sanctuary is still an active candidate for sanctuary designation.

Dated: July 10, 2019.

**John Armor**,  
Director, Office of National Marine Sanctuaries.

[FR Doc. 2019-14922 Filed 7-12-19; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2019-0571]

RIN 1625-AA00

#### Safety Zone for Fireworks Displays; Patapsco River, Inner Harbor, Baltimore, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary safety zone for certain waters of the Patapsco River. This action is necessary to provide for the safety of life on these navigable waters of the Inner Harbor at Baltimore, MD, on September 21, 2019 and on November 10, 2019 (with alternate date of November 11, 2019) during fireworks displays. This proposed rulemaking would prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before August 14, 2019.

**ADDRESSES:** You may submit comments identified by docket number USCG-2019-0571 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410-576-2674, email [Ronald.L.Houck@uscg.mil](mailto:Ronald.L.Houck@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port Maryland-National Capital Region  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background, Purpose, and Legal Basis

Serpico Pyrotechnics, LLC of Toms River, NJ notified the Coast Guard that it will be conducting a private fireworks display from 9:50 p.m. to 10 p.m. on September 21, 2019, to commemorate a wedding. The fireworks are to be launched from a barge located in the Inner Harbor approximately 125 yards southeast of Pier 1 in Baltimore, MD. Hazards from the firework display includes accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The COTP Maryland-National Capital Region has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone in the Inner Harbor near the fireworks barge.

The Baltimore Office of Promotion and The Arts of Baltimore, MD notified the Coast Guard that it will be conducting a fireworks display from 11:30 p.m. to midnight on November 10, 2019, to end their ten-day Light and Literature Unite festival. The public fireworks are to be conducted by Fireworks by Grucci, Inc., and launched from five floating platforms located in the Inner Harbor between Pier 3 and Pier 5 in Baltimore, MD. In the event of inclement weather, the fireworks display will be scheduled for November 11, 2019. Hazards from the firework display includes accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The COTP Maryland-National Capital Region has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone in the Inner Harbor near the five fireworks floating platforms.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters in the safety zone

before, during, and after the scheduled events. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

### III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 8:30 p.m. to 10:30 p.m. on September 21, 2019 and from 11 p.m. on November 10, 2019 to 1 a.m. on November 11, 2019 (or alternatively, in case of rain, from 11 p.m. on November 11, 2019 to 1 a.m. on November 12, 2019). The safety zone would cover all navigable waters of the Patapsco River, Inner Harbor, from shoreline to shoreline, within an area bounded on the east by longitude 076°36'12" W, and bounded on the west by the Inner Harbor west bulkhead, located at Baltimore, MD. The duration and enforcement of the safety zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:50 p.m. and 11:30 p.m., respectively, fireworks displays. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

### IV. Regulatory Analyses

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

#### A. Regulatory Planning and Review

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

This regulatory action determination is based on size, duration, time-of-day and time-of-year of the safety zone. Although this safety zone would restrict the entire width of the waterway, it would impact a small designated area of the Inner Harbor for a total of four hours

during the evening when vessel traffic is normally low. The Coast Guard will issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone.

#### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of

power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting a total of four hours that would prohibit entry within a small designated area of the Inner Harbor at Baltimore, MD. Normally such actions are categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that

may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

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

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <https://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0571 to read as follows:

##### § 165.T05–0571 Safety Zone for Fireworks Displays; Patapsco River, Inner Harbor, Baltimore, MD.

(a) *Location.* The following area is a safety zone: All navigable waters of the Patapsco River, Inner Harbor, from shoreline to shoreline, within an area bounded on the east by longitude 076°36'12" W, and bounded on the west by the Inner Harbor west bulkhead, located at Baltimore, MD. All coordinates refer to datum NAD 1983.

(b) *Definitions.* As used in this section:

(1) *Captain of the Port (COTP)* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcing the safety zone described in paragraph (a) of this section.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative. All vessels underway within this safety zone at the time it is activated are to depart the zone.

(2) To seek permission to enter, contact the COTP or the COTP's designated representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement.* This safety zone will be enforced during the periods described in paragraph (f) of this section. A “FIREWORKS—DANGER—

STAY AWAY” sign will be posted on the port and starboard sides of the barge on-scene near the location described in paragraph (a) of this section.

(f) *Enforcement periods.* This section will be enforced:

(1) From 8:30 p.m. to 10:30 p.m. on September 21, 2019.

(2) From 11 p.m. on November 10, 2019 to 1 a.m. on November 11, 2019. If necessary due to inclement weather on November 10, 2019, this section will be enforced from 11 p.m. on November 11, 2019 to 1 a.m. on November 12, 2019.

Dated: July 10, 2019.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2019–14981 Filed 7–12–19; 8:45 am]

BILLING CODE 9110–04–P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 49

[EPA–HQ–OAR–2014–0606; FRL–9996–50–OAR]

RIN 2060–AU45

#### Amendments to Federal Implementation Plan for Managing Air Emissions From True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to amend the Federal Minor New Source Review (NSR) Program in Indian Country and the Federal Implementation Plan (FIP) for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector (National O&NG FIP). The amendment would potentially reduce, by up to 30 days, the time between a source owner/operator's submission of required Endangered Species Act (ESA)/National Historic Preservation Act (NHPA) screening documents and beginning construction. Specifically, the amendment would allow for concurrent, rather than sequential, submission of two sets of documents: Part 1 Registration Form (Part 1 Form) to register applicability under the National O&NG FIP, and documentation supporting completed screening procedures (screening procedures

documentation) for the evaluation of potential impacts of their proposed projects on threatened or endangered species and historic properties (protected resources). The proposal also seeks to further clarify the 30-day period before construction may begin, and the potential forms of written notification by the EPA Regional Office to source owner/operators. Finally, this proposal addresses minor edits to correct incorrect citations and cross references.

**DATES:** *Comments.* Comments must be received on or before September 13, 2019.

*Public Hearing:* If anyone contacts us requesting to speak at a public hearing by July 30, 2019, we will hold a public hearing. Additional information about the hearing will be published in a subsequent **Federal Register** notice.

**ADDRESSES:** *Comments.* Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2014-0606, at <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 (e.g., on the Web, Cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>. Certain other material, such as copyrighted material, will not be placed on the internet but may be viewed, with prior arrangement, at the EPA Docket Center. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, EPA William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public

Reading Room is (202) 566-1744 and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at: <http://www.epa.gov/epahome/dockets.htm>.

*Public Hearing:* For information on the public hearing, contact Ms. Pamela Long, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division (C504-01), Research Triangle Park, NC 27711; telephone number (919) 541-0641; email address: [long.pam@epa.gov](mailto:long.pam@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** For general questions about this document, please contact Mr. Ben Garwood, New Source Review Group, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504-03), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-1358; fax number (919) 541-4028; email address: [garwood.ben@epa.gov](mailto:garwood.ben@epa.gov).

To request a public hearing or information pertaining to a public hearing on this document, contact Ms. Pamela Long, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504-01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-0641; fax number (919) 541-4028; email address: [long.pam@epa.gov](mailto:long.pam@epa.gov).

For questions about the applicability of this action to a particular source, please contact the appropriate EPA region:

- EPA Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin)—Ms. Genevieve Damico, Air Permits Section, Environmental Protection Agency, Region 5, Chicago, Illinois 60604; telephone (312) 353-4761; fax (312) 385-5501; email address: [damico.genevieve@epa.gov](mailto:damico.genevieve@epa.gov).

- EPA Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)—Ms. Bonnie Braganza, Air Permits Section, Multimedia Permitting and Planning Division, Environmental Protection Agency Region 6, Dallas, Texas 75202; telephone number (214) 665-7340; fax number (214) 665-6762; email address: [braganza.bonnie@epa.gov](mailto:braganza.bonnie@epa.gov).

- EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming)—Ms. Claudia Smith, Air Program, Mail Code 8P-AR, Environmental Protection Agency Region 8, Denver, Colorado 80202; telephone number (303) 312-6520; fax number (303) 312-6520; email address: [smith.claudia@epa.gov](mailto:smith.claudia@epa.gov).

- EPA Region 9 (Arizona, California, Hawaii, Nevada, and Pacific Islands)—Ms. Lisa Beckham, Permits Office, Air Division, Air-3, Environmental Protection Agency Region 9, San Francisco, California 94105; telephone number (415) 972-3811; fax number (415) 947-3579; email address: [beckham.lisa@epa.gov](mailto:beckham.lisa@epa.gov).

- All other EPA regions—For further information about minor sources in Indian country for your EPA region, please use to the Tribal New Source Review Program at <https://www.epa.gov/tribal-air>. Scroll down to the heading, "Regulatory Resources," and click on "Tribal Minor New Source Review (NSR)" and click on "Tribal and Permitting Programs in EPA's Regional Offices" to access the links for tribal programs in each EPA Regional Office.

#### **SUPPLEMENTARY INFORMATION:**

*Organization of This Document.* The information presented in this preamble is organized as follows:

- I. General Information
  - A. What entities are potentially affected by this action?
  - B. What should I consider as I prepare my comments for the EPA?
  - C. How can I find information about a possible hearing?
  - D. Where can I get a copy of this document and other related information?
- II. Purpose
- III. Background
  - A. Federal Minor NSR Program in Indian Country
  - B. National Oil and Natural Gas FIP
  - C. Source Registration Under the Federal Minor NSR Program in Indian Country
  - D. Requirements Under the National O&NG FIP Relating to Threatened or Endangered Species and Historic Properties
- IV. Summary of Proposed Amendments—Revision to the Registration Process
- V. Environmental Justice Considerations
- VI. Statutory and Executive Order Reviews
  - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
  - B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs
  - C. Paperwork Reduction Act (PRA)
  - D. Regulatory Flexibility Act (RFA)
  - E. Unfunded Mandates Reform Act (UMRA)
  - F. Executive Order 13132: Federalism
  - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  - H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
  - I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
  - J. National Technology Transfer and Advancement Act (NTTAA)



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

## I. General Information

### A. What entities are potentially affected by this action?

Entities potentially affected by this proposal consist of owners or operators of facilities included in the following source categories that are located, or planning to locate, in an Indian

reservation or in another area of Indian country (as defined in 18 U.S.C. 1151) over which an Indian tribe, or the EPA, has demonstrated that the tribe has jurisdiction where there is no EPA-approved program in place and that are subject to the requirements of the Federal Minor NSR Program in Indian country.

TABLE 1—SOURCE CATEGORIES AFFECTED BY THIS ACTION

Industry category	NAICS code <sup>a</sup>	Examples of regulated entities/description of industry category
Oil and Natural Gas Production/Operations.	21111	Exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operation of separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and natural gas up to the point of shipment from the producing property. Production of crude petroleum, the mining and extraction of oil from oil shale and oil sands, the production of natural gas, sulfur recovery from natural gas, and the recovery of hydrocarbon liquids from oil and natural gas field gases.
Crude Petroleum and Natural Gas Extraction.	211111	Exploration, development and/or the production of petroleum or natural gas from wells in which the hydrocarbons will initially flow or can be produced using normal pumping techniques or production of crude petroleum from surface shales or tar sands or from reservoirs in which the hydrocarbons are semisolids.
Natural Gas Liquid Extraction .....	211112	Recovery of liquid hydrocarbons from oil and natural gas field gases; and sulfur recovery from natural gas.
Drilling Oil and Natural Gas Wells .....	213111	Drilling oil and natural gas wells for others on a contract or fee basis, including spudding in, drilling in, redrilling, and directional drilling.
Support Activities for Oil and Natural Gas Operations.	213112	Performing support activities on a contract or fee basis for oil and natural gas operations (except site preparation and related construction activities) such as exploration (except geophysical surveying and mapping); excavating slush pits and cellars, well surveying; running, cutting, and pulling casings, tubes, and rods; cementing wells, shooting wells; perforating well casings; acidizing and chemically treating wells; and cleaning out, bailing, and swabbing wells.
Engines (Spark Ignition and Compression Ignition) for Electric Power Generation.	22111	Provision of electric power to support oil and natural gas production where access to the electric grid is unavailable.

<sup>a</sup> North American Industry Classification System.

This list is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be potentially affected by this action. To determine whether your facility could be affected by this action, you should examine the applicability criteria in the Federal Minor NSR Program in Indian country and the National O&NG FIP (40 CFR 49.153 and 49.101, respectively). If you have any questions regarding the applicability of this action to a particular entity, contact the appropriate person listed in the **FOR FURTHER INFORMATION CONTACT** section.

### B. What should I consider as I prepare my comments for the EPA?

When submitting comments, remember to:

Identify the rulemaking docket by docket number and other identifying information (subject heading, **Federal Register** date and page number).

Follow directions. The proposed rule may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

Explain why you agree or disagree, suggest alternatives and substitute language for your requested changes.

Describe any assumptions and provide any technical information and/or data that you used to support your comment.

If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

Provide specific examples to illustrate your concerns wherever possible, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

**Submitting CBI.** Do not submit information containing CBI to the EPA through <https://www.regulations.gov> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage

media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI for inclusion in the public docket. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) Part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA-HQ-OAR-2014-0606.

*C. How can I find information about a possible hearing?*

To request a public hearing or information pertaining to a public hearing regarding this document, contact Mrs. Pam Long, OAQPS, U.S. EPA, at (919) 5410641 or [long.pam@epa.gov](mailto:long.pam@epa.gov) on or before July 30, 2019. Additional information about the hearing, if one is requested, will be published in a subsequent **Federal Register** document.

*D. Where can I get a copy of this document and other related information?*

In addition to being available in the docket, an electronic copy of this **Federal Register** document will be posted at <https://www.epa.gov/nsr> and on the tribal NSR page at <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>.

## II. Purpose

The EPA proposes to amend the National O&NG FIP<sup>1</sup> to allow owners or operators of true minor sources to concurrently submit to the EPA Regional Office their Part 1 Form together with screening procedures documentation for the evaluation of potential impacts of their proposed projects on protected resources. The EPA Regional Office will approve the screening procedures documentation with the Part 1 Form prior to construction or modification of the proposed new and/or modified minor NSR source. We are also proposing to clarify that written notification by the EPA Regional Office may include email in addition to the standard letter, and when construction may begin after a Part 1 Form is submitted. Therefore, the EPA anticipates this proposal to allow contemporaneous submission of the screening procedures documentation and the Part I Form, and if finalized, will streamline the authorization of construction of minor oil and natural gas sources under the FIP. The EPA is also proposing to make a minor clarification to the Federal Minor NSR program in Indian country, specifically 40 CFR 49.160(c)(1)(iv), to clarify that the Part 1 Registration Form need not be submitted exactly 30 days before beginning construction, but rather at least 30 days before beginning construction. The EPA does not anticipate the proposed rule changes will result in any increase in environmental impact(s) or cost increase(s) for reviewing authorities or the regulated community.

## III. Background

### A. Federal Minor NSR Program in Indian Country

In July 2011, the EPA exercised its authority under the CAA and the related regulations, including the authority under CAA section 301(d)(4), to promulgate the Federal Minor NSR Program in Indian country, a type of FIP, which was part of a larger rulemaking referred to as “Review of New Sources and Modifications in Indian Country.”<sup>2</sup> That action was initiated to address potential adverse impacts to air quality due to the lack of approved minor NSR permit programs to regulate construction of new and/or modified minor sources and minor modifications of major sources in much of Indian country. The EPA promulgated the Federal Minor NSR Program, in part, to ensure that air resources are protected by establishing a preconstruction permitting program to regulate emission increases resulting from construction and modification activities that were not already regulated by the major NSR permitting programs.

### B. National O&NG FIP

The EPA issued the final National O&NG FIP on June 3, 2016.<sup>3</sup> The National O&NG FIP was developed to protect air quality in Indian country due to the impact of new true minor sources and minor modifications at existing true minor sources in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector that are locating or expanding in an Indian reservation or in another area of Indian country over which a tribe, or the EPA, has demonstrated that the tribe has jurisdiction. Accordingly, the FIP adopted legally and practicably enforceable requirements to control and reduce air emissions from oil and natural gas production activities. The FIP applies to new and modified true minor sources in such areas of Indian country designated as attainment, unclassifiable or attainment/unclassifiable. (Note, on May 2, 2019, the EPA Administrator signed a final rule extending the geographic coverage of the National O&NG FIP to the Indian country portion of the Uinta Basin

Ozone Nonattainment Area (*i.e.*, the Uintah and Ouray Reservation).<sup>4</sup>)

The National O&NG FIP uses a streamlined “authorization to construct” approach for oil and natural gas sources to fulfill the EPA’s obligation under the Federal Minor NSR Program in Indian country to issue minor source NSR pre-construction permits. True minor sources in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector are required to comply with the FIP, unless they opt out of the FIP to obtain a site-specific permit or are otherwise required to do so.

### C. Source Registration Under the Federal Minor NSR Program in Indian Country

The source registration requirements for true minor sources in Indian country are set out at 40 CFR 49.151 and 49.160.<sup>5</sup> Sources complying with the National O&NG FIP must submit the Part 1 Form, containing specified information, at least 30 days prior to beginning construction. 40 CFR 49.160(c)(1)(iv). Such sources must also submit the Part 2 Registration Form within 60 days after the startup of production, and both parts of the Registration Form, in combination, satisfy the registration requirement. *Id.*

### D. Requirements Under the National O&NG FIP Relating to Threatened or Endangered Species and Historic Properties

In addition to the registration requirements, sources complying with the National O&NG FIP must fulfill requirements concerning potential impacts to protected resources. Under 40 CFR 49.104, these requirements generally may be satisfied in one of two ways, which, presently, may have different consequences relating to the submission of the Part 1 Form and beginning construction:

(1) Where an agency other than the EPA (*e.g.*, the Bureau of Land Management) has already evaluated the potential impacts of the specific oil and gas activity on protected resources, the source may submit appropriate documentation of the other federal agency’s protected resources review. In that case, the appropriate

<sup>2</sup> “Review of New Sources and Modifications in Indian Country,” U.S. Environmental Protection Agency, 76 FR 38748, July 1, 2011, <https://www.gpo.gov/fdsys/pkg/FR-2011-07-01/pdf/2011-14981.pdf>.

<sup>3</sup> See 81 FR 35943, 35946, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

<sup>4</sup> “Amendments to Federal Implementation Plan for Managing Air Emissions From True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector,” U.S. Environmental Protection Agency, 84 FR 21240, May 14, 2019, <https://www.govinfo.gov/content/pkg/FR-2019-05-14/pdf/2019-09829.pdf>.

<sup>5</sup> See also 40 CFR 49.151(c).

<sup>1</sup> 40 CFR 49.101–49.105.

documentation of protected resources review should be submitted with the Part 1 Form, and the source may begin construction no sooner than thirty days later.

(2) Where an assessment related to protected resources has not already been conducted by another agency, the owner or operator must follow a set of screening procedures to assess potential impacts on protected resources and receive approval of that assessment by the EPA Regional Office. In that instance, the EPA's confirmation that the source has satisfactorily completed the procedures must occur prior to the source's submittal of its Part 1 Form pursuant to 40 CFR 49.160(c)(1)(iv) and 40 CFR 49.104(a)(2). The EPA Regional Office has up to 30 days before it must either approve the screening procedures documentation or notify the owner/operator by letter that additional information is required. 40 CFR 49.104(a)(2)(i). As a practical matter, this means that, after submitting screening procedure documentation, the source must wait at least 30 days before being able to submit its Part 1 Form, and then wait an additional 30 days before it can begin construction.<sup>6</sup>

#### IV. Summary of Proposed Amendments—Revisions to the Registration Process

As noted in Section III.D. of this document, in certain cases, submission of documentation of completion of the screening procedures, and the EPA's confirmation of satisfactory completion of the procedures, must occur prior to the source's submittal of its Part 1 Form. And, upon submittal of the Part 1 Form, the source must wait an additional 30

days before beginning construction. We believe it is reasonable, instead, to allow the owner or operator to submit the Part 1 Form together with the screening procedures documentation, rather than after the EPA Regional Office approval of the screening procedures documentation, possibly expediting the preconstruction permitting process. This approach would still afford at least a 30-day notification period before construction begins (similar to the process for sources relying on documentation of another federal agency's completion of protected resources evaluation under 40 CFR 49.104(a)(1)). In addition, the EPA Regional Office still has the responsibility to determine the adequacy of the screening procedures documentation, and if not adequate, the source may not begin construction.

Accordingly, we propose to amend the National O&NG FIP to authorize sources to submit Part 1 Forms concurrent with screening procedures documentation. We also propose to clarify that sources may begin construction under this FIP if two conditions have been met: (1) At least 30 days have passed from the date the Part 1 Form was submitted, and (2) the EPA Regional Office has provided notification that the screening procedures have been satisfactorily completed. So, a hypothetical timeline under this proposal would be:

- On day 1, a source would submit its Part 1 Form and screening procedures documentation;
- On day 15, the EPA could notify the source that it has satisfactorily completed the screening procedures;
- On day 31, the source could begin construction.

In another hypothetical timeline illustration under this proposal:

- On day 1, a source would submit its Part 1 Form and screening procedures documentation;
- On day 29, the EPA could notify the source that additional documentation is required and specify that it must be submitted within 15 days.
- If the owner or operator timely submits sufficient documentation, the date that construction may begin must shift to the date when the EPA subsequently notifies the owner or operator that the screening procedures have been satisfactorily completed, which would extend more than 30 days after submitting the Part 1 Form.

We also propose to make three additional, minor changes to related regulatory text. First, the rule currently specifically provides that the EPA Regional Office will provide notice of satisfactory completion of the screening

procedures (or a determination that the documentation is not adequate) by letter to the owner or operator, as noted in 40 CFR 49.104(a)(2)(i). The EPA did not and does not intend that the notice be in the form of a letter sent via the United States Postal Service. The EPA proposes to clarify that the EPA Regional Office give written notification approving screening procedure documentation, which need not necessarily be in the form or manner of a traditional "letter," but could, for example, be in an electronic format and transmitted via email (e.g. a signed .pdf document).

Second, to address potential confusion, we also propose to amend 40 CFR 49.160(c)(1)(iv) to clarify that the Part I Form need not be submitted exactly 30 days before beginning construction, but must be submitted at least 30 days before beginning construction.

Lastly, we take this opportunity to propose to make a technical correction to 40 CFR 49.104(a) to resolve a typographical or scrivener's error and correct a reference to non-existent subsection (c)(1) or (2) of 40 CFR 49.

#### V. Environmental Justice Considerations

This action seeks to revise existing rules to further streamline the preconstruction process for true minor sources in the oil and natural gas sector in areas covered by the Federal Minor NSR Program in Indian country. It does not remove any of the prior rules' environmental or procedural protections. Therefore, the EPA believes that this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations.

#### VI. Statutory and Executive Order Reviews

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

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

*B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs*

This action is expected to be an Executive Order 13771 deregulatory action. This proposed rule is expected to provide burden reduction by reducing the waiting time before certain true minor new and modified oil and

<sup>6</sup> On August 2, 2016, after the EPA issued the National O&NG FIP, the American Petroleum Institute (API) petitioned the Administrator to revise the FIP. Letter from Howard J. Feldman, API, to Gina McCarthy, EPA Administrator, August 2, 2016. Docket ID EPA-HQ-OAR-2014-0606. On August 2, 2016, API also petitioned for judicial review of the National O&NG FIP, No. 16-1271 (D.C. Circuit). More recently, on September 24, 2018, API sent EPA another inquiry and request relating to the National O&NG FIP. Letter from Matt Todd, API to Peter Tsirigotis, Director, EPA Office of Air Quality Planning and Standards, September 24, 2018. Docket ID EPA-HQ-OAR-2014-0606. Among the concerns raised by API were concerns relating to possible construction delays associated with the process under the National O&NG FIP for submission of the Part 1 Form. On November 27, 2018, the EPA responded to some of the issues raised by API and indicated, in part, that it was open to consideration of possible changes to the process relating to submission of the Part 1 Form. Letter from Jenny Edmonds, Acting Director, Outreach and Information Division, the EPA Office of Air Quality Planning and Standards, to Matt Todd, American Petroleum Institute, November 27, 2018. Docket ID EPA-HQ-OAR-2014-0606. This proposal, in part, responds to API's concerns and seeks comment on possible limited changes to the existing Part 1 Form submission process.

natural gas sources can begin construction. This streamlined authorization reduces the resource burden on the permitting authority and regulated community associated with submitting and reviewing permit applications for these sources in attainment and unclassifiable areas.

#### *C. Paperwork Reduction Act (PRA)*

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the Federal Minor NSR Program in Indian country rule and has assigned OMB control number 2060–0003.<sup>7</sup> This action amends the National O&NG FIP which provides a mechanism for authorizing construction for true minor sources in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector locating or located in areas covered by the Federal Minor NSR Program in Indian country to satisfy the requirements of that rule other than by obtaining a site-specific minor source permit. Because it substitutes for a site-specific permit, which would contain information collection activities covered by the Information Collection Request for Federal Minor NSR Program in Indian country rule issued in July 2011, neither the proposed amendments nor the National O&NG FIP impose any new obligations or new enforceable duties on any state, local or tribal government or the private sector.

#### *D. Regulatory Flexibility Act (RFA)*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The EPA analyzed the impact on small entities of streamlined permitting under the National O&G FIP and the Federal Minor NSR Program in Indian country rule<sup>8</sup> and determined that it would not

have a significant economic impact on a substantial number of small entities. This action merely modifies the timing to allow a submission of required documentation at an earlier point in the regulatory process. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

#### *E. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandates, as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal government or the private sector. In material part, it simply modifies the permissible time-frame for submission of otherwise required forms to streamline the National O&NG FIP and Federal Minor NSR Program in Indian country.

#### *F. Executive Order 13132: Federalism*

This action does not have federalism implications. It would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011),<sup>9</sup> the EPA offered consultation on this proposed action. The EPA conducted outreach on issues related to the Federal Minor NSR Program in Indian country and the National O&NG FIP via ongoing monthly meetings with tribal environmental professionals.<sup>10</sup>

As this amendment, if finalized, is implemented, we will continue to provide regular outreach to tribes to ensure we address issues concerning the FIP if and when they arise. The EPA is available for consultation with any interested tribe.

#### *H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

#### *I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use*

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

#### *J. National Technology Transfer and Advancement Act (NTTAA)*

This action does not involve technical standards.

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

The EPA believes this action does not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. Through this amendment, we seek to further streamline the process for true minor sources in the oil and natural gas sector in areas covered by the Federal Minor NSR Program in Indian country. This action does not remove any of the prior rules' environmental or procedural protections.

#### **List of Subjects in 40 CFR Part 49**

Environmental protection, Administrative practices and procedures, Air pollution control, Indians, Indians-law, Indians-tribal government, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 3, 2019.

**Andrew R. Wheeler,**  
Administrator.

For the reasons set forth in the preamble, 40 CFR part 49 is proposed to be amended as follows:

#### **PART 49—INDIAN COUNTRY: AIR QUALITY PLANNING AND MANAGEMENT**

■ 1. The authority citation for part 49 continues to read as follows:

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

<sup>7</sup> Since the Federal Minor NSR Program in Indian country rule was promulgated, the Information Collection Request (ICR) has been renewed and approved by OMB twice. The most recent approval extended the ICR until October 31, 2020. The ICR covers the activities of the National O&NG FIP. For more information, go to: [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201702-2060-005](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201702-2060-005).

<sup>8</sup> "Review of New Sources and Modifications in Indian Country," U.S. Environmental Protection

Agency, 76 FR 38748, July 1, 2011, <https://www.federalregister.gov/articles/2011/07/01/2011-14981/review-of-new-sources-and-modifications-in-indian-country>.

<sup>9</sup> For more information, go to: <https://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes>.

<sup>10</sup> These monthly meetings are general in nature, dealing with many air-related topics, and are not specific to this proposed action.

### Subpart C—General Federal Implementation Plan Provisions

- 2. Amend § 49.104 by:
  - a. Revising paragraph (a) introductory text;
  - b. Revising paragraph (a)(2) introductory text;
  - c. Revising paragraph (a)(2)(i) introductory text;
  - d. Revising paragraph (a)(2)(i)(B); and
  - e. Revising paragraph (a)(2)(ii).

The revisions read as follows:

#### § 49.104 Requirements regarding threatened or endangered species and historic properties.

(a) *What are sources required to do to address threatened or endangered species and historic properties?* An owner/operator subject to the requirements contained in §§ 49.101 through 49.105 to satisfy its obligation under § 49.151(c)(1)(iii)(B) to obtain a minor NSR permit shall meet either paragraph (a)(1) or (2) of this section, as appropriate.

(1) \* \* \*

(2) *Screening procedures completed by the owner/operator.* The owner/operator shall submit to the EPA Regional Office (and to the relevant tribe for the area where the source is located/locating) documentation demonstrating that it has completed the required screening procedures specified for consideration of threatened or endangered species and historic properties and received written confirmation from the EPA stating that the owner/operator has satisfactorily completed these procedures prior to beginning construction of a new true minor source or minor modification of a true minor source. The completed screening procedures may be submitted together with the source's Part 1 Registration Form pursuant to § 49.160(c)(1)(iv). (The procedures are contained in the following document: "Procedures to Address Threatened and Endangered Species and Historic Properties for the Federal Implementation Plan for Managing Air Emissions from True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector," <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>). Review of your submittal will be conducted by the EPA Regional Office in accordance with the procedure in paragraphs (a)(2)(i) and (ii) of this section:

(i) Within 30 days of receipt of your documentation, by written notification to you, the EPA Regional Office must provide one of the following determinations:

(A) \* \* \*

(B) The documentation is not adequate, and additional information is needed. If the initial submittal is deficient, the EPA Regional Office will note any such deficiencies and may offer further direction on completing the screening procedures. Once you have addressed the noted deficiencies, you must resubmit your revised screening procedure documentation for review. An additional 15-day review notification period will be used for the EPA Regional Office to determine whether the listed species and/or historic property screening procedures have been satisfied. If the EPA Regional Office makes such a determination, they will send you written notification stating that conclusion.

(ii) You must obtain written notification from the EPA Regional Office indicating that the source has adequately completed the screening procedures. The EPA Regional Office may send written notification by mail, email, or any other written means of notification. You may not begin construction under this FIP until the following two conditions are met: (1) At least 30 days has passed from the date the Part 1 Registration Form was submitted, and (2) the EPA Regional Office has provided this notification.

\* \* \* \* \*

- 3. Amend § 49.160 by revising paragraph (c)(1)(iv) to read as follows:

#### § 49.160 Federal Minor New Source Review in Indian Country.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(iv) Minor sources complying with §§ 49.101 through 49.105 for the oil and natural gas production and natural gas processing segments of the oil and natural gas sector, as defined in § 49.102, must submit the Part 1 Registration Form, at least 30 days prior to beginning construction, that contains the information in paragraph (c)(2) of this section. The Part 2 Registration Form, including emissions information, must be submitted within 60 days after the startup of production as defined in § 49.152(d). The source must determine the potential for emissions within 30 days after startup of production. The combination of the Part 1 and Part 2 Registration Forms submittals satisfies the requirements in paragraph (c)(2) of this section. The forms are submitted to the EPA instead of the application form required in paragraph (c)(1)(iii) of this section. The forms are available at: <https://www.epa.gov/tribal-air/tribal->

*minor-new-source-review* or from the EPA Regional Offices.

\* \* \* \* \*

[FR Doc. 2019–14885 Filed 7–12–19; 8:45 am]

BILLING CODE 6560–50–P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL–9996–41–Region 6]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

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

**ACTION:** Proposed rule; reopening of the comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is reopening the comment period for a proposed rule published on July 31, 2018. In the July 31, 2018 notice of proposed rulemaking, EPA proposed to delete portions of the South Valley Superfund Site from the National Priorities List. EPA is reopening the comment period subsequent to a meeting requested by commenters to discuss the partial deletion activities. All comments submitted from the July 31, 2018, initiation of the original comment period will be accepted.

**DATES:** The comment period for the proposed rule published on July 31, 2018 (83 FR 36838) is reopened. Comments must be received by August 14, 2019. All comments received will be entered into the public record and considered by EPA before taking final action on the proposed rule.

**ADDRESSES:** Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1983–0002, by one of the following methods:

- <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 <http://www2.epa.gov/dockets/commenting-epa-dockets>.

- *Email:* [hebert.michael@epa.gov](mailto:hebert.michael@epa.gov).
- *Mail:* Michael A. Hebert, Remedial Project Manager, EPA Region 6, Mail Code—6SEDRL, 1201 Elm Street, Suite 500, Dallas, Texas 75270–2102.
- *Hand delivery:*
  - Michael A. Hebert, Remedial Project Manager, EPA Region 6, Mail Code—6SEDRL, 5th Floor Reception Area, 1201 Elm Street, Suite 500, Dallas, Texas 75270–2102.

- Such deliveries are only accepted during the Docket's normal hours of operation (Monday through Friday, 7 a.m. to 4 p.m.) except for Federal holidays and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID no. EPA–HQ–SFUND–1983–0002. The <http://www.regulations.gov> website is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at: Zimmerman Library, Government

Information Department University of New Mexico, Albuquerque NM 87131, 505.277.9100:

Monday–Thursday—7 a.m.–2 a.m.

Friday—7 a.m.–9 p.m.

Saturday—10 a.m.–6 p.m.

Sunday—12 p.m.–2 a.m.

New Mexico Environment Department, Harold Runnels Building, 1190 St. Francis Drive, Santa Fe, NM 87505, 505.827.2855: Monday–Friday 8 a.m.–5 p.m.

In addition, documents concerning the site can be found at <https://www.epa.gov/superfund/south-valley>.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Hebert, Remedial Project Manager, U.S. Environmental Protection Agency, Region 6, Mail Code—6SEDRL, 1201 Elm Street, Suite 500, Dallas, Texas 75270–2102, (214) 665–8315, email: [hebert.michael@epa.gov](mailto:hebert.michael@epa.gov).

**SUPPLEMENTARY INFORMATION:** The proposed rule published on July 31, 2018 at 83 FR 36838 provides information about NPL Deletion Criteria, NPL Deletion Procedures, and the Basis for the South Valley site partial deletion.

Dated: June 26, 2019.

**David Gray,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 2019–14880 Filed 7–12–19; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 447

[CMS–2406–P2]

RIN 0938–AT41

#### Medicaid Program; Methods for Assuring Access to Covered Medicaid Services—Rescission

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would remove the regulatory text that sets forth the current required process for states to document whether Medicaid payments in fee-for-service systems are sufficient to enlist enough providers to assure beneficiary access to covered care and services consistent with the Medicaid statute. States have raised concerns over the administrative burden associated with the current regulatory requirements. While we believe the process described in the current

regulatory text is a valuable tool for states to use to demonstrate the sufficiency of provider payment rates, we believe mandating states to collect the specific information as described excessively constrains state freedom to administer the program in the manner that is best for the state and Medicaid beneficiaries in the state.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on September 13, 2019.

**ADDRESSES:** In commenting, please refer to file code CMS–2406–P2. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2406–P2, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2406–P2, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Jeremy Silanskis, (410) 786–1592.

**SUPPLEMENTARY INFORMATION:** *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments.

### I. Background

Section 1902(a)(30)(A) of the Social Security Act (the Act) requires states to

assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. In the November 2, 2015 **Federal Register** (80 FR 67576), we published the “Medicaid Program; Methods for Assuring Access to Covered Medicaid Services” final rule with comment period (“2015 final rule with comment period”) that outlined a data-driven process for states to document their compliance with section 1902(a)(30)(A) of the Act. The 2015 final rule with comment period included a new § 447.203(b)(1) through (8), revisions to § 447.204, and a new § 447.205(d)(2)(iv). These regulations established that states must develop and submit to CMS an access monitoring review plan (AMRP), that is updated at least every 3 years, for the following services: (1) Primary care (including those provided by a physician, federally qualified health center, clinic or dental care); (2) physician specialist services (for example, cardiology, urology, radiology); (3) behavioral health services (including mental health and substance use disorder); (4) pre- and post-natal obstetric services, (including labor and delivery); (5) home health services; (6) any additional types of services for which a review is required under § 447.203(b)(6) because of a proposed payment rate reduction or restructuring; (7) additional types of services for which the state or CMS has received a significantly higher than usual volume of beneficiary, provider or other stakeholder access complaints for a geographic area; and (8) additional types of services selected by the state.

Furthermore, under § 447.204(a) through (c), when proposing to reduce or restructure Medicaid payment rates, states must consider the data collected through the AMRP and undertake a public process that solicits input on the potential impact of proposed reduction or restructuring of Medicaid payment rates on beneficiary access to care. States must submit related analysis to CMS along with any proposed rate reduction or restructuring state plan amendment (SPA), and we may disapprove such proposed SPA that does not include documentation supporting compliance with the required AMRP review and public process. Under § 447.204(d), we may take a compliance action against a state to remedy an access issue. The initial AMRP submissions were due to us on October 1, 2016, as provided in the final

rule, “Medicaid Program; Deadline for Access Monitoring Review Plan Submissions,” published in the April 12, 2016 **Federal Register** (81 FR 21479). We received AMRP submissions from all states, and the submissions are available on the Medicaid.gov website at <https://www.medicaid.gov/medicaid/access-to-care/review-plans/index.html>.

Finally, under § 447.205(d)(2)(iv), states may provide the required public notice of any significant proposed change in its methods and standards for setting payment rates for services on a state public website that meets the standards specified in that paragraph.

A number of states expressed concern regarding the administrative burden associated with the regulatory requirements, particularly those states with very high beneficiary enrollment in managed care and a correspondingly limited number of beneficiaries receiving care through a fee-for-service delivery system. States have mentioned that they must utilize a significant amount of staff resources to develop the AMRPs and conduct the required analysis when, because of the relatively small population in fee-for-service, it will result in program data that is not reflective of the state’s overall care delivery system and therefore is not well suited to evaluating access for the entire population of Medicaid beneficiaries in the state. For instance, states have discussed that remaining fee-for-service populations are often dually eligible for Medicare and Medicaid with Medicaid only being the secondary payer for most services provided to these individuals. Similarly, remaining fee-for-service populations may reside in long-term care facilities and because Medicaid is often the primary payer of long-term care services, and as such, typically sets the market for these services, the types of data comparisons required by the AMRPs are of limited utility. Other populations remaining in fee-for-service may have reduced packages of services based on specific needs, and these populations are often so small or require such specialized care that their needs may not be meaningfully compared to the general population. Additionally, some states have noted that their managed care contracts require participating providers to also participate in their fee-for-service program. Even states with limited managed care enrollment have raised concerns about what they consider to be burdensome standards and unsustainable processes and, through the National Association of Medicaid Directors, have requested to work with CMS to develop meaningful standards

and a process that effectively implements section 1902(a)(30)(A) of the Act.

In attempt to address some of the states’ concerns regarding undue administrative burden, in the March 23, 2018 **Federal Register** (83 FR 12696), we published a proposed rule that would have exempted states with at least 85 percent of their Medicaid population enrolled in comprehensive, risk-based managed care from the regulatory requirements in §§ 447.203(b)(1) through (6) and 447.204(a) through (c). In addition, the proposed rule would have exempted from the regulatory requirements in §§ 447.203(b)(6) and 447.204(a) through (c) state proposals to reduce rates or restructure payments where the overall reduction is 4 percent or less of overall spending within the affected state plan service category for a single state fiscal year (SFY) and 6 percent or less over 2 consecutive SFYs. In the responses that we received during the public comment period, an overwhelming number of commenters raised concerns that the exemption thresholds were arbitrarily set without data to support them. While we maintain that the thresholds are supportable, we have decided not to finalize the proposed exemptions, and instead to set out a new approach to understanding access and ensuring statutory compliance while eliminating unnecessary burden on states.

We have relied on states to analyze access to care data and develop procedures to monitor data through updates to the AMRPs. While the AMRPs can serve as an overall structure for states to monitor access data, including after rate reductions or restructurings, similar information can be presented by states through the SPA submission process to demonstrate compliance with the statute without the need to develop and maintain AMRPs as currently required under the regulations. Additionally, apart from the SPA submission process, states continue to be obligated to ensure their rates are sufficient to maintain compliance with section 1902(a)(30)(A) of the Act. If the regulatory amendments in this proposed rule are finalized, we would expect to issue subregulatory guidance concurrently with the publication of the final rule through a letter to State Medicaid Directors to provide information on data and analysis that states will submit with SPAs to support compliance with section 1902(a)(30)(A) of the Act. We anticipate that this guidance would provide states flexibility to select the types of data they would use to demonstrate the sufficiency of payment rates. Such data



might include: Rate comparisons; ratios of participating providers to total providers in the geographic area; ratios of participating providers to beneficiaries in the geographic area; available transportation in the geographic area; direct comparisons of access for Medicaid beneficiaries to that of the general population in the geographic area; and provider, beneficiary, and other stakeholder complaints and recommendations for resolution of such complaints. We expect that the guidance would remind states of their ongoing obligation to ensure sufficient payment rates and that they must demonstrate with the information they provide through SPAs that the proposed rates or rate structure would satisfy the requirements of the statute, including section 1902(a)(30)(A) of the Act.

In addition, in partnership with states, we are renewing our efforts and commitment to develop a data-driven strategy to understand access to care in the Medicaid program across fee-for-service and managed care delivery systems, as well as in home and community-based services waiver programs. This new strategy will focus on developing a more uniform methodology for analyzing Medicaid access data for all states and will be led by us working in partnership with states and other stakeholders. We will use this analysis to inform our approval decisions and to set out new policies, as necessary, to improve beneficiary access to care and services in the Medicaid program. In conjunction with the 2015 final rule with comment period, we also published a Request for Information (RFI) in the **Federal Register** (80 FR 67377) in which we sought public input to inform the potential development of standards with regard to Medicaid beneficiaries' access to covered services under the Medicaid program. The majority of responses to the RFI were supportive of the concept of more standardized access measures across states and delivery systems, at that time however, we did not believe we had the necessary data at the federal level to move forward with developing such measures. Since 2015, we have improved data available at the federal level through the Transformed Medicaid Statistical Information System (T-MSIS), which is a significant expansion of the previously available information

from the Medicaid Statistical Information System (MSIS) and have a better understanding of how such data may be used to monitor access in Medicaid. Additionally, we have been working extensively with states, through a vendor, to identify best practices and develop standardized templates that can be used to analyze access. We hope to build upon these efforts as part of the new strategy.

## II. Provisions of the Proposed Regulations

We are proposing to remove § 447.203(b), but leave in place the requirement in § 447.203(a) for states to maintain documentation of payment rates and make that available to us upon request. In addition, we propose to remove § 447.204(b) through (c) to remove the regulatory requirements for the process states must follow prior to the submission of a SPA that proposes to reduce or restructure Medicaid service payment rates. We are also proposing to remove § 447.204(d), which specifies actions we could take to remedy an access issue, as this provision was intended to address issues that arose based on the state's access monitoring review procedures that we are now proposing to no longer require. We would continue to have authority to take compliance action or other remedial action if we determine that a state is not in compliance with section 1902(a)(30)(A) of the Act. The proposal would leave in place the opening sentence of the current requirement in § 447.204(a), which is a restatement of the statutory language of section 1902(a)(30)(A) of the Act.

Although this proposed rule would remove the regulatory process requirements for states to develop and update an AMRP and to submit certain access analysis when proposing to reduce or restructure provider payment rates, states still would be obligated by the statute to ensure Medicaid payment rates are sufficient to enlist enough providers to assure that beneficiary access to covered care and services are available under the plan at least to the extent such care and services are available to the general population in the same geographic area, particularly when reducing or restructuring Medicaid payment rates through SPAs. States would still be required to submit information and analysis to demonstrate compliance with section 1902(a)(30)(A)

of the Act when submitting payment SPAs, and as discussed above, we would expect to issue subregulatory guidance to inform states on the types of information and data that we would consider to be acceptable.

## III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the PRA requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

In this proposed rule, we are soliciting public comment on each of these issues for the following sections of this rule that would rescind certain "collection of information" requirements as defined under 5 CFR 1320.3 of the PRA's implementing regulations.

### A. Wage Estimates

To derive average costs, we used data from the U.S. Bureau of Labor Statistics' May 2017 National Occupational Employment and Wage Estimates for all salary estimates ([http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm)). Note, this is updated wage information from the currently approved information collection request (CMS-10391; OMB 0938-1134), which used 2015 National Occupational Employment and Wage Estimates. In this regard, Table 1 presents the mean hourly wage, the cost of fringe benefits and overhead (calculated at 100 percent of salary), and the adjusted hourly wage. This updated adjusted hourly wage information is used for all of the estimated burden calculations in this proposed rule.



**TABLE 1: National Occupational Employment and Wage Estimates**

Occupation Title	Occupation Code	Mean Hourly Wage (\$/hr)	Fringe Benefits and Overhead (\$/hr)	Adjusted Hourly Wage (\$/hr)
Business Operations Specialist	13-1000	35.14	35.14	70.28
Computer and Information Analyst	15-1120	45.10	45.10	90.20
General and Operations Manager	11-1021	59.35	59.35	118.70
Management Analyst	13-1111	44.92	44.92	89.84
Social Science Research Assistant	19-4061	23.57	23.57	47.14

We adjusted our employee hourly wage estimates by a factor of 100 percent. This was necessarily a rough adjustment, both because fringe benefits and overhead costs vary significantly from employer to employer, and because methods of estimating these costs vary widely from study to study. We believe that doubling the hourly wage to estimate total cost was a reasonably accurate estimation method.

#### *B. Proposed Information Collection Requirements (ICRs)*

This rule does not propose any new collection of information requirements. Instead, in the interest of consistency with Executive Order 13771 (January 30, 2017), entitled, “Reducing Regulation and Controlling Regulatory Costs,” this rule proposes to rescind the collection of information requirements and burden that are set out under the 2015 final rule with comment period (80 FR 67576). The requirements and burden (with modification, as explained below) were approved by OMB on April 29, 2016, under control number 0938–1134 (CMS–10391). As noted previously, while we believe the process described in the current regulatory text can be a valuable tool for states to use to demonstrate the sufficiency of provider payment rates, because we have no basis for determining how many states would continue to follow the current AMRP process in whole or in part, we are assuming that all states would opt to provide alternate evidence of compliance with section 1902(a)(30)(A) of the Act and are therefore removing the burden of the current AMRP requirements in its entirety. States were already required to submit information on compliance with section 1902(a)(30)(A) of the Act prior to the 2015 final rule with comment period. As the requirements and burden estimate under control number 0938–1134 (CMS–10391) only accounted for new burden associated with 2015 final rule with comment period, we are not accounting for burden associated overall

compliance with section 1902(a)(30)(A) of the Act and information states may submit to demonstrate statutory compliance as part of the SPA submission process if the proposal to rescind the 2015 requirements is finalized. Information and documentation states submit in support of SPAs are covered within the procedural requirements defined in 42 CFR part 430.

#### *1. ICRs Regarding Access Monitoring Review Plans (§ 447.203(b))*

Current provisions at § 447.203(b) require that states develop and make publicly available an access monitoring review plan that considers: Beneficiary needs, availability of care and providers, and changes to beneficiary utilization of covered services.

Section 447.203(b)(1) and (2) describes the minimum factors that states must consider when developing an access monitoring review plan, while § 447.203(b)(3) requires that states include aggregate percentage comparisons of Medicaid payment rates to other public (including, as practical, Medicaid managed care rates) or private health coverage rates within their state’s geographic areas.

Section 447.203(b)(4) describes the minimum content that must be included in the monitoring plan, including: The measures the state uses to analyze access to care issues, how the measures relate to the overarching framework, access issues that are discovered as a result of the review, and the state Medicaid agency’s recommendations on the sufficiency of access to care based on the review.

Section 447.203(b)(5) describes the timeframe for states to develop the access monitoring review plan and complete the data review for the following categories of services: Primary care, physician specialist services, behavioral health, pre- and post-natal obstetric services including labor and delivery, home health, any services for which the state has submitted a state

plan amendment to reduce or restructure provider payments which changes could result in diminished access, and additional services as determined necessary by the state or CMS. While the initial access monitoring review plans have been completed, the plan must be updated at least every 3 years, but no later than October 1 of the update year.

In our currently approved information collection request (CMS–10391; OMB 0938–1134), we estimated that the requirements to develop and make the access monitoring review plans publicly available under § 447.203(b) and (b)(1) through (b)(5) for the specific categories of Medicaid services will affect each of the 50 state Medicaid programs and the District of Columbia (51 total respondents). Using the previously derived estimates of burden hours and updated adjusted hourly wage information, we now estimate that it will take: 80 hr at \$47.14/hr for a research assistant staff to gather data, 80 hr at \$90.20/hr for an information analyst staff to analyze the data, 100 hr at \$89.84/hr for management analyst staff to update the content of the access review monitoring plan, 40 hr at \$70.28/hr for business operations specialist staff to publish the access monitoring review plan, and 10 hr at \$118.70/hr for managerial staff to review and approve the access monitoring review plan. A demonstrated below in Tables 2A and 2B, we estimate a burden reduction or savings of 15,810 hr (total) at a cost of \$1,222,439 (total) or \$23,969 (per state).

Please note that the 2015 final rule with comment period set out a burden of 5,270 hr which divided the total number of respondents (51 states) across 3 years (17 states per year) to equal 17 states × 310 hr per response. In this rule we propose to adjust the number of respondents from 17 to 51 to capture the total number of respondents across the 3 year period, resulting in a difference of –10,540 hr (5,270 hr – 15,810 hr).

**BILLING CODE 4120-01-P**

**TABLE 2A: Access Monitoring Review Plan: Reduced One-time Burden (Per State)**

Requirement	Occupation Title	Burden Hours	Adjusted Hourly Wage (\$/hr)	Cost Per Monitoring Plan (\$/State)
Gathering Data	Social Science Research Assistant	-80	47.14	-3,771.20
Analyzing Data	Computer and Information Analyst	-80	90.20	-7,216.00
Developing Content of Access Review Monitoring Plan	Management Analyst	-100	89.84	-8,984.00
Publishing Access Review Monitoring Plan	Business Operations Specialist	-40	70.28	-2,811.20
Reviewing and Approving Access Review Monitoring Plan	General and Operations Manager	-10	118.70	-1,187.00
<b>TOTAL</b>		-310	Varies	-23,969.40

**TABLE 2B: Access Monitoring Review Plan: Reduced One-Time Burden (Total)**

Anticipated Number of State Reviews	Total Hours	Cost of Review per State (\$)	Total Cost Estimate (\$)
51	-15,810 [-310 hr x 51 reviews]	-23,969	-1,222,439

Based on this rule's proposal to rescind the requirement for states to update the access monitoring review plan at least every 3 years, we are also removing the on-going or annual burden

associated with the access monitoring review plan. Consistent with our currently approved estimates, we believe that the average ongoing burden is likely to be the same as the average

initial burden since states will need to re-run the data, determine whether to add or drop measures, consider public feedback, and write-up new conclusions based on the information they review.

**TABLE 3: Access Monitoring Review Plan: Reduced On-Going Burden (Total)**

Anticipated Number of State Reviews	Total Hours	Cost of Review per State (\$)	Total Cost Estimate (\$)
51	-15,810 [-310 hr x 51 reviews]	-23,969	-1,222,439

## 2. ICRs Regarding Ongoing Monitoring (§ 447.203(b)(6)(ii))

Section 447.203(b)(6)(ii) requires that states have procedures within the access monitoring review plan to monitor continued access after implementation of a SPA that reduces or restructures payment rates. The monitoring procedures must be in place for a period of at least three years following the effective date of the SPA. The ongoing burden associated with the requirements under § 447.203(b)(6)(ii) is the time and effort it would take each

of the state Medicaid programs to monitor continued access following the implementation of a SPA that reduces or restructures payment rates.

In our currently approved information collection request (CMS-10391; OMB 0938-1134), we estimated that in each SPA submission cycle, states would submit 22 SPAs to implement rate changes or restructure provider payments based on the number of submissions received in FY 2010.

Using the previously approved estimates of burden hours and updated

adjusted hourly wage information, we now estimate that it will take, on average: 40 hr at \$89.84/hr for management analyst staff to develop the monitoring procedures, 24 hr at \$89.84/hr for management analyst staff to periodically review the monitoring results, and 3 hr at \$118.70/hr for management staff to review and approve the monitoring procedures. As demonstrated below in Tables 4A and 4B, we estimate a burden reduction or savings of 1,474 hr (total) at a cost of \$134,329 (total) or \$6,106 (per state).

**TABLE 4A: Access Monitoring Procedures Following Rate Reduction SPA: Reduced Burden Per State (annual)**

Requirement	Occupation Title	Burden Hours	Adjusted Hourly Wage (\$/hr)	Cost Per Data Review (\$/State)
Develop Monitoring Procedures	Management Analyst	-40	89.84	-3,593.60
Periodically Review Monitoring Results	Management Analyst	-24	89.84	-2,156.16
Approve Monitoring Procedures	General and Operations Manager	-3	118.70	-356.10
<b>TOTAL</b>		-67	varies	-6,105.86

**TABLE 4B: Access Monitoring Procedures Following Rate Reduction SPA: Reduced Total Burden (annual)**

Anticipated Number of State Reviews	Total Hours	Cost of Review per State (\$)	Total Cost Estimate (\$)
22	-1,474 [-67 hr x 22 responses]	-6,106	-134,329

### 3. ICRs Regarding Ongoing Input (§ 447.203(b)(7))

The current provision at § 447.203(b)(7) requires that states have a mechanism for obtaining ongoing beneficiary, provider, and stakeholder input on access to care issues such as: Hotlines, surveys, ombudsman, or other equivalent mechanisms. States must promptly respond to public input with an appropriate investigation, analysis, and response. They also must maintain records of beneficiary input and the nature of the state response.

In our currently approved information collection request (CMS-10391; OMB

0938-1134), we estimated that the requirement to develop mechanisms for ongoing feedback would affect each of the 50 state Medicaid programs and the District of Columbia (51 total respondents).

Using the previously approved estimates of burden hours and updated adjusted hourly wage information, we now also estimate that it would take an average of: 100 hr at \$89.84/hr for management analyst staff to develop the feedback effort and 5 hr at \$118.70 for managerial staff to review and approve the feedback effort. As demonstrated below in Tables 5A and 5B, we estimate

a burden reduction or savings of 5,355 hr (total) at a cost of \$488,453 (total) or \$9,578 (per state).

Please note that the 2015 final rule with comment period had set out a burden of 1,785 hr which divided the total number of respondents (51 states) across 3 years (17 states per year) to equal 17 states × 105 hr per response. In this rule, we propose to adjust the number of respondents from 17 to 51 to capture the total number of respondents across the 3-year period, resulting in a difference of -3,570 hr (1,785 hr - 5,355 hr).

**TABLE 5A: Beneficiary Feedback Mechanism: Reduced One-Time Burden Per State**

Requirement	Occupation Title	Burden Hours	Adjusted Hourly Wage (\$/hr)	Cost Per Data Review (\$/State)
Develop Feedback Effort	Management Analyst	-100	89.84	-8,984.00
Approve Feedback Effort	General and Operations Manager	-5	118.70	-593.50
<b>TOTAL</b>		-105	varies	-9,577.50

**TABLE 5B: Beneficiary Feedback Mechanism: Reduced One-Time Total Burden**

Anticipated Number of State Reviews	Total Hours	Cost of Review per State (\$)	Total Cost Estimate (\$)
51	-5,355 [-105 hr x 51 responses]	-9,578	-488,453

The ongoing burden associated with the requirements under § 447.203(b)(7) is the time and effort it would take each of the 50 state Medicaid programs and the District of Columbia (51 total respondents) to monitor beneficiary feedback mechanisms. The overall effort

associated with monitoring the feedback is primarily incurred by the analysts who will gather, review and make recommendations for and conduct follow-up on the feedback. We estimate that it will take an average of: 75 hr at \$89.84/hr for management analyst staff

to monitor feedback results and 5 hr at \$118.70/hr for managerial staff to review and approve the feedback effort. As demonstrated below in Tables 6A and 6B, we estimate a burden reduction or savings of 4,080 hr (total) at a cost of \$373,907 (total) or \$7,332 (per state).

**TABLE 6A: Beneficiary Feedback Mechanism: Reduced On-going Burden Per State**

Requirement	Occupation Title	Burden Hours	Adjusted Hourly Wage (\$/hr)	Cost Per Data Review (\$/State)
Develop Feedback Effort	Management Analyst	-75	89.84	-6,738.00
Approve Feedback Effort	General and Operations Manager	-5	118.70	-593.50
<b>TOTAL</b>		-80	varies	-7,331.50

**TABLE 6B: Beneficiary Feedback Mechanism: Reduced On-going Total Burden**

Anticipated Number of State Reviews	Total Hours	Cost of Review per State (\$)	Total Cost Estimate (\$)
51	-4,080 [-80 hr x 51 responses]	-7,332	-373,907

#### 4. ICRs Regarding Corrective Action Plan (§ 447.203(b)(8))

Current § 447.203(b)(8) requires that states submit to CMS a corrective action plan should access issues be discovered through the access monitoring processes.

In our currently approved information collection request (CMS-10391; OMB 0938-1134), we estimated that a maximum of 10 states may identify access issues per year. The one-time

burden is the time and effort it would take 10 state Medicaid programs to develop and implement corrective action plans.

Using the previously approved estimates of burden hours and updated adjusted hourly wage information, we estimate that it would take an average of: 20 hr at \$89.84/hr for management analyst staff to identify issues requiring corrective action, 40 hr at \$89.84/hr for management analyst staff to develop the corrective action plans, and 3 hr at

\$118.70/hr for managerial staff to review and approve the corrective action plans. As demonstrated below in Tables 7A and 7B, we estimate a burden reduction or savings of 630 hr (total) at a cost of \$57,465 (total) or \$5,747 (per state).

Please note that the 2015 final rule with comment period had set out a burden of 208 hr which was corrected in the Supporting Statement (approved by OMB on February 2, 2016) to reflect 630 hr, resulting in a difference of plus 422 hr.

**TABLE 7A: Corrective Action Plan: Reduced Burden Per State**

Requirement	Occupation Title	Burden Hours	Adjusted Hourly Wage (\$/hr)	Cost Per Data Review (\$/State)
Identifying Issues for Action	Management Analyst	-20	89.84	-1,796.80
Developing the Corrective Action	Management Analyst	-40	89.84	-3,593.60
Approve Corrective Action Plan	General and Operations Manager	-3	118.70	-356.10
<b>TOTAL</b>		-63	varies	-5,746.50

**TABLE 7B: Corrective Action Plan: Reduced Total Burden**

Anticipated Number of State Reviews	Total Hours	Cost of Review per State (\$)	Total Cost Estimate (\$)
10	-630 [-63 hr x 10 responses]	-5,747	-57,465

#### 5. ICRs Regarding Public Process To Engage Stakeholders (§ 447.204(a)(1) and (2))

Current § 447.204(a)(1) and (2) require that states consider (when proposing to reduce or restructure Medicaid payment rates) the data collected through current § 447.203 and undertake a public process that solicits input on the potential impact of the proposed reduction or restructuring of Medicaid service payment rates on beneficiary access to care.

In our currently approved information collection request (CMS-10391; OMB 0938-1134), we estimated that approximately 22 states would develop and implement rate changes that would require a public process. Using the previously approved estimates of burden hours and updated adjusted hourly wage information, we also estimate that it would take an average of: 20 hr at \$89.84/hr for management analyst staff to develop the public process and 3 hr at \$118.70/hr for

managerial staff to review and approve the public process. As demonstrated below in Tables 8A and 8B, we estimate a burden reduction or savings of 506 hr (total) at a cost of \$47,364 (total) or \$2,153 (per state).

Please note that the 2015 final rule with comment period had set out a burden of 168 hr which was corrected in the Supporting Statement (approved by OMB on February 2, 2016) to reflect 506 hr, resulting in a difference of plus 338 hr.

**TABLE 8A: Public Process: Reduced One-time Burden Per State**

Requirement	Occupation Title	Burden Hours	Adjusted Hourly Wage (\$/hr)	Cost Per Data Review (\$/State)
Develop the Public Process	Management Analyst	-20	89.84	-1,796.80
Approve the Public Process	General and Operations Manager	-3	118.70	-356.10
<b>TOTAL</b>		-23	varies	-2,152.90

The ongoing burden associated with the current requirements under § 447.204 is the time and effort it would take 22 state Medicaid programs to oversee a public process. We estimate

that it would take an average of: 40 hr at \$89.84/hr for management analyst staff to oversee the public process and 3 hr at \$118.70/hr for managerial staff to review and approve the public process.

As demonstrated below in Tables 9A and 9B, we estimate a burden reduction or savings of 946 hr (total) at a cost of \$86,893 (total) or \$3,950 (per state).

**TABLE 9A: Public Process: Reduced On-going Burden Per State**

Requirement	Occupation Title	Burden Hours	Adjusted Hourly Wage (\$/hr)	Cost Per Data Review (\$/State)
Oversee the Public Process	Management Analyst	-40	89.84	-3,593.60
Approve the Public Process	General and Operations Manager	-3	118.70	-356.10
<b>TOTAL</b>		<b>-43</b>	<b>varies</b>	<b>-3,949.70</b>

**TABLE 9B: Public Process: Reduced On-going Total Burden**

Anticipated Number of State Reviews	Total Hours	Cost of Review per State (\$)	Total Cost Estimate (\$)
22	-946 [-43 hr x 22 responses]	-3,950	-86,893

*C. Summary of Proposed Collection of Information Requirements and Burden*

**TABLE 10A: Summary of Proposed One-time Collection of Information Requirements and Burden Reduction**

Regulation Section(s)	Number of Respondents	Number of Responses	Burden per Response (hours)	Total Annual Burden (hours)	Hourly Labor Cost of Reporting (\$/hr)	Total Labor Cost of Reporting (\$)	Total Capital/Maintenance Costs (\$)	Total Cost (\$)
§447.203(b)(1) - (5)	51	51	80	4,080	47.14	192,331.20	0	192,331
			80	4,080	90.20	368,016.00	0	368,016
			100	5,100	89.84	458,184.00	0	458,184
			40	2,040	70.28	143,371.20	0	143,371
			10	510	118.70	60,537.00	0	60,537
<i>subtotal</i>	<i>51</i>	<i>51</i>	<i>310</i>	<i>15,810</i>	<i>Varies</i>	<i>1,222,439.40</i>	<i>0</i>	<i>1,222,439</i>
§447.203(b)(7)	51	51	100	5,100	89.84	458,184.00	0	458,184
			5	255	118.70	30,268.50	0	30,267
<i>subtotal</i>	<i>51</i>	<i>51</i>	<i>105</i>	<i>5,355</i>	<i>Varies</i>	<i>488,452.50</i>	<i>0</i>	<i>488,453</i>
§447.203(b)(8)	10	10	60	600	89.84	53,904.00	0	53,904
			3	30	118.70	3,561.00	0	3,561
<i>subtotal</i>	<i>10</i>	<i>10</i>	<i>63</i>	<i>630</i>	<i>Varies</i>	<i>57,465.00</i>	<i>0</i>	<i>57,465</i>
§447.204(a)(1) and (2)	22	22	20	440	89.84	39,529.60	0	39,530
		3	3	66	118.70	7,834.20	0	7,834
<i>subtotal</i>	<i>22</i>	<i>22</i>	<i>23</i>	<i>506</i>	<i>Varies</i>	<i>47,363.80</i>	<i>0</i>	<i>47,364</i>
<b>TOTAL*</b>	<b>51</b>	<b>134</b>	<b>501</b>	<b>22,301</b>	<b>Varies</b>	<b>1,815,720.70</b>	<b>0</b>	<b>1,815,721</b>

\*The 2015 final rule with comment period had set out a burden of 8,905 hr (80 FR 67608). As previously explained, we propose to change the number of respondents from 17 to 51 under §447.203(b)(1) through (5) and (7), resulting in a difference of 14,110 hr (10,540 hr + 3,570 hr) and a subtotal of 23,015 hr (8,905 hr + 14,110 hr). Under §§ 447.203(b)(8) and 447.204(a)(1) and (2) the burden was corrected in the Supporting Statement (approved by OMB on February 2, 2016) by 422 and 338 hr, respectively. Additionally, the rule had inadvertently included 1,474 hours of on-going burden related to § 447.203(b)(6)(ii). The error was identified and corrected in the approved Supporting Statement which set out an on-going burden of 8,191 hours (8,905 hr – 1,474 hr + 422 hr + 338 hr). The end result is a burden of 22,301 hr (8,191 hr + 14,110 hr).

**TABLE 10B: Summary of Proposed On-going Collection of Information Requirements and Burden Reduction**

Regulation Section(s)	Number of Respondents	Number of Responses	Burden per Response (hours)	Total Annual Burden (hours)	Hourly Labor Cost of Reporting (\$/hr)	Total Labor Cost of Reporting (\$)	Total Capital/Maintenance Costs (\$)	Total Cost (\$)
447.203(b)(1) - (5)	51	51	80	4,080	47.14	192,331.20	0	192,331
			80	4,080	90.20	368,016.00	0	368,016
			100	5,100	89.84	458,184.00	0	458,184
			40	2,040	70.28	143,371.20	0	134,371.20
			10	510	118.70	60,537.00	0	60,537
<i>subtotal</i>	<i>51</i>	<i>51</i>	<i>310</i>	<i>15,810</i>	<i>Varies</i>	<i>1,222,439.40</i>	<i>0</i>	<i>1,222,439</i>
447.203(b)(6)(ii)	22	22	64	1,408	89.84	126,494.72	0	126,495
			3	66	118.70	7,834.20	0	7,834
<i>subtotal</i>	<i>22</i>	<i>22</i>	<i>67</i>	<i>1,474</i>	<i>Varies</i>	<i>134,328.92</i>	<i>0</i>	<i>134,329</i>
447.203(b)(7)	51	51	75	3,825	89.84	343,638.00	0	343,638
			5	255	118.70	30,268.50	0	30,269
<i>subtotal</i>	<i>51</i>	<i>51</i>	<i>80</i>	<i>4,080</i>	<i>Varies</i>	<i>373,906.50</i>	<i>0</i>	<i>373,907</i>
447.204(a)(1) and (2)	22	22	40	880	89.84	79,059.20	0	79,059
			3	66	118.70	7,834.20	0	7,834
<i>subtotal</i>	<i>22</i>	<i>22</i>	<i>43</i>	<i>946</i>	<i>Varies</i>	<i>86,893.40</i>	<i>0</i>	<i>86,893</i>
<b>TOTAL*</b>	<b>51</b>	<b>146</b>	<b>500</b>	<b>22,310</b>	<b>Varies</b>	<b>1,817,568.22</b>	<b>0</b>	<b>1,817,568</b>

\*The 2015 final rule with comment period had set out a subtotal of 20,836 hr which had inadvertently excluded 1,474 hr of on-going burden related to § 447.203(b)(6)(ii) requirements. The error was identified and corrected in the Supporting Statement (approved by OMB on February 2, 2016) which set out an on-going burden of 22,310 hr (20,836 hr + 1,474 hr).

**TABLE 10C: Summary of Proposed Collection of Information Requirements and Total Burden Reduction**

Regulation Section(s)	Number of Respondents	Number of Responses	Burden per Response (hours)	Total Annual Burden (hours)	Hourly Labor Cost of Reporting (\$/hr)	Total Labor Cost of Reporting (\$)	Total Capital/Maintenance Costs (\$)	Total Cost (\$)
Subtotal: One-time Requirements	51	134	501	22,301	Varies	1,815,720.70	0	1,815,721
Subtotal: On-going Requirements	51	146	500	22,310	Varies	1,817,568.22	0	1,817,568
<b>TOTAL</b>	<b>51</b>	<b>280</b>	<b>1,001</b>	<b>44,611</b>	<b>Varies</b>	<b>3,633,288.92</b>	<b>0</b>	<b>3,633,289</b>

**BILLING CODE 4120-01-C****D. Submission of PRA-Related Comments**

We have submitted a copy of this proposed rule to OMB for its review of the rule information collection and recordkeeping requirements. The requirements are not effective, if finalized, until they have been approved by OMB.

We invite public comments on these information collection requirements, and particularly on submission frequency and burden hours per response. If you wish to comment, please identify the rule (CMS-2406-P2), the CMS ID number (CMS-10391), and the OMB control number (0938-1134).

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 <https://www.cms.gov/Regulations-and->

*Guidance/Legislation/Paperwork Reduction Act of 1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB control number, and CMS document identifier (CMS-10391), to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).

3. Call the Reports Clearance Office at (410) 786-1326.

See this rule's **DATES** and **ADDRESSES** sections for the comment due date and for additional instructions.

**IV. Response to Comments**

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

**V. Regulatory Impact Statement****A. Statement of Need**

We are concerned about the unnecessary administrative burden experienced by state Medicaid agencies in meeting the requirements of § 447.203(b)(1) through (8) and § 447.204(b) through (d), when we believe that similar information could be presented by states when necessary to demonstrate compliance with the statute without the need to develop and maintain AMRPs as currently required under the regulations. This proposed rule impacts states' documentation of compliance with section 1902(a)(30)(A) of the Act and would provide burden relief to all states. Although this proposed rule would remove the regulatory process requirements for states to develop and update an AMRP and to submit an access analysis when proposing to reduce or restructure provider payment rates in circumstances that could result in

diminished access, states are still obligated by the statute to ensure Medicaid payment rates are sufficient to enlist enough providers to assure that beneficiary access to covered care and services are available under the plan at least to the extent such care and services are available to the general population in the same geographic area, particularly when reducing or restructuring Medicaid payment rates through SPAs. This proposed rule would not remove, or otherwise limit, the states' obligation to comply with the statute, but would allow states greater flexibility in the way in which they demonstrate such compliance.

### *B. Overall Impact*

We have examined the impacts of this proposed rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (Pub. L. 96–354, enacted on September 19, 1980) (RFA), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, enacted on March 22, 1995) (UMRA), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)) and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

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). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action that is likely to result in a rule: (1) Having an annual effect on the economy of \$100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as “economically significant”); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President’s priorities, or

the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any 1 year). This proposed rule is not economically significant with an overall estimated reduced reporting burden of \$3,633,289.

### *C. Anticipated Effects*

#### *1. Effects on State Medicaid Programs*

We anticipate effects on state Medicaid programs as they would no longer be required to maintain and update the access monitoring review plans required under the current regulations. Importantly, the provisions of this proposed rule remove the regulatory procedural requirements for demonstrating access to care. However, states would not be exempt from the statutory requirements under section 1902(a)(30)(A) of the Act and would continue to be required to ensure access is consistent with the Act generally, and especially when seeking to reduce or restructure Medicaid payment rates.

#### *2. Effects on Small Business and Providers*

We do not anticipate effects on small businesses and providers because states are still required to comply with section 1902(a)(30)(A) of the Act and will need to demonstrate such compliance when they submit a SPA to reduce or restructure payment rates. We do not anticipate our SPA approval decisions will be impacted by removing the process requirements included in these regulations, as states will still need to demonstrate compliance with the Act.

#### *3. Effects on the Medicaid Program*

The estimated fiscal impact on the Medicaid program from the implementation of the proposed rule is estimated to be a net savings to Medicaid state agencies. This will have an effect on state administrative expenditures, which have been quantified in the collection of information requirements described previously in this proposed rule. While we acknowledge there will still be some level of state administrative burden associated with documenting compliance with the statute, we believe it is likely to be significantly less than the burden associated with carrying out the procedural requirements included in the current regulations, and are seeking comment specifically on this issue. We do not anticipate implementing this proposed rule would have an impact on a state’s Medicaid rates.

The RFA requires agencies to analyze options for regulatory relief of small

entities, if a rule has a significant impact on a substantial number of small entities. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the SBA definition of a small business (having revenues of less than \$7.5 million to \$38.5 million in any one year). Individuals and states are not included in the definition of a small entity. As previously stated, we do not anticipate any effect on small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. This rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2018, that threshold is approximately \$150 million. This rule does not contain mandates that will impose spending costs on state, local, or tribal governments in the aggregate, or by the private sector, in excess of the threshold.

Executive Order 13132 establishes certain requirements that an agency must meet when it issues a proposed rule that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. This rule does not have a substantial direct cost impact on state or local governments.

### *D. Alternatives Considered*

We considered, and previously proposed, setting a threshold for exemption from certain regulatory requirements for states with at least an 85 percent enrollment rate in comprehensive risk-based managed care. We also considered setting a threshold for proposed payment rate reductions that would be considered “nominal” and not subject to these regulatory requirements. After further consideration of these alternatives, we determined that neither alternative provided sufficient administrative

burden relief for states and that implementing the thresholds could be administratively challenging for both states and CMS, particularly in marginal cases where the state's managed care enrollment percentage or the percentage rate change approached the applicable threshold. Therefore, we believe that removing the regulatory requirements is the best course of action as we move forward in the development and implementation of a comprehensive approach to monitoring access across Medicaid delivery systems.

#### *E. Reducing Regulation and Controlling Regulatory Costs*

Executive Order 13771, titled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017. This proposed rule is expected to be an E.O. 13771 deregulatory action. We estimate that this rule generates \$3.63 million in annualized cost savings, discounted at 7 percent relative to year 2016, over a perpetual time horizon. Details on the estimated cost savings of this rule can be found in the preceding analyses.

#### *G. Conclusion*

In accordance with the provisions of Executive Order 12866, this proposed rule was reviewed by the Office of Management and Budget.

#### **List of Subjects in 42 CFR Part 447**

Accounting, Administrative practice and procedure, Drugs, Grant programs—health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

#### **PART 447—PAYMENTS FOR SERVICES**

- 1. The authority citation for part 447 is revised to read as follows:

**Authority:** 42 U.S.C. 1302.

#### **§ 447.203 [Amended]**

- 2. Section 447.203 is amended by removing and reserving paragraph (b).

- 3. Section 447.204 is revised to read as follows:

#### **§ 447.204 Medicaid provider participation and public process to inform access to care.**

The agency's payments must be consistent with efficiency, economy, and quality of care and sufficient to enlist enough providers so that services under the plan are available to beneficiaries at least to the extent that those services are available to the general population in the geographic area.

Dated: January 28, 2019.

**Seema Verma,**

*Administrator, Centers for Medicare & Medicaid Services.*

Dated: February 13, 2019.

**Alex M. Azar II,**

*Secretary, Department of Health and Human Services.*

**Editorial Note:** This document was received by the Office of the Federal Register on July 10, 2019.

[FR Doc. 2019-14943 Filed 7-11-19; 11:15 am]

**BILLING CODE 4120-01-P**



# Notices

Federal Register

Vol. 84, No. 135

Monday, July 15, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

July 10, 2019.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC, New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by August 14, 2019. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### National Agricultural Statistics Service

*Title:* Vegetable Surveys.

*OMB Control Number:* 0535–0037.

*Summary of Collection:* The primary function of the National Agricultural Statistics (NASS) is to prepare and issue current official state and national estimates of crop and livestock production, prices and disposition. The Vegetable Surveys Program obtains basic agricultural statistics for fresh market and processing vegetables in major producing States. The vegetable program has two types of utilization: Some crops are processing only, some are fresh market only, and others are dual crops (both processing and fresh market). Vegetable processors are surveyed in August for acreage contracted and estimated yield. In late November, processors are asked for final acreage harvested, production, and value. The fresh market vegetable program consists of specialized growers who are surveyed at the conclusion of the growing season for estimates of crop production. Producers of onions, strawberries, and asparagus are surveyed in August to obtain forecasted acreage and production. NASS will collect information using surveys.

*Need and Use of the Information:* NASS will collect information to estimate acreage intended to plant, acreage planted, acreage harvested, yield/production, price, and utilization for the various crops. The estimates provide vital statistics for growers, processors, and marketers to use in making production and marketing decisions.

*Description of Respondents:* Farms; Business or other for-profit.

*Number of Respondents:* 13,550.

*Frequency of Responses:* Reporting: Annually; Other (seasonally).

*Total Burden Hours:* 4,655.

**Kimble Brown,**

*Departmental Information Collection  
Clearance Officer.*

[FR Doc. 2019–14923 Filed 7–12–19; 8:45 am]

**BILLING CODE 3410–20–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

July 10, 2019.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. 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; 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 August 14, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto: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.

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persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### Rural Utilities Service

*Title:* Seismic Safety of New Building Construction, 7 CFR 1792, Subpart C.

*OMB Control Number:* 0572-0099.

*Summary of Collection:* Seismic hazards present a serious threat to people and their surroundings. These hazards exist in most of the United States, not just on the West Coast. Unlike hurricanes, times and location of earthquakes cannot be predicted; most earthquakes strike without warning and, if of substantial strength, strike with great destructive forces. To reduce risks to life and property from earthquakes, Congress enacted the Earthquake Hazards Reduction Act of 1977 (Pub. L. 95-124, 42 U.S.C. 7701 *et seq.*) and directed the establishment and maintenance of an effective earthquake reduction program. As a result, the National Earthquake Hazards Reduction Program (NEHRP) was established. The objectives of the NEHRP include the development of technologically and economically feasible design and construction methods to make both new and existing structures earthquake resistant, and the development and promotion of model building codes. 7 CFR part 1792, subpart C, identifies acceptable seismic standards which must be employed in new building construction funded by loans, grants, or guarantees made by the Rural Utility Service (RUS) or the Rural Telephone Bank (RTB) or through lien accommodations or subordinations approved by RUS or RTB.

*Need and Use of the Information:* Borrowers and grant recipients must provide to RUS a written acknowledgment from a registered architect or engineer responsible for the designs of each applicable building stating that the seismic provisions to 7 CFR part 1792, subpart C will be used in the design of the building. RUS will use this information to: (1) Clarify and inform the applicable borrowers and grant recipients about seismic safety requirements; (2) improve the effectiveness of all RUS programs; and (3) reduce the risk to life and property through the use of approved building codes aimed at providing seismic safety.

*Description of Respondents:* Not-for-profit institutions; Business or other for-profit.

*Number of Respondents:* 10.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 8.

**Kimble Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2019-14997 Filed 7-12-19; 8:45 am]

**BILLING CODE 3410-15-P**

#### DEPARTMENT OF AGRICULTURE

##### Submission for OMB Review; Comment Request

July 10, 2019.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 14, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto: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.

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#### Agricultural Research Service

*Title:* Peer Review Related Forms for the Office of Scientific Quality Review.

*OMB Control Number:* 0518-0028.

*Summary of Collection:* The Office of Scientific Quality Review (OSQR) oversees peer review of Agricultural Research Service (ARS) research plans in response to Congressional mandate in the Agricultural Research Extension, and Education Reform Act of 1998 (Pub. L. 105-185, Section 103d). The ARS peer-review panels are comprised of scientists who review current scientific research projects and who have expert knowledge in the fields being reviewed. The OSQR oversees the process of panel member selection, their personal documentation and certification for review, and the recording, and transmittal of panel reviews.

*Need and Use of the Information:* ARS will collect the information using the following forms:

ARS-199A, Ad Hoc Peer Review of ARES Research Project  
ARS-200PA, Confidentiality Agreement  
ARS-202P, Chair & Panelist Information Form  
ARS-209P, OSQR Expense Report  
ARS-223P Panel Recommendation on ARS Research Project Plan  
ARS-225P, Panelist Peer Review of ARS Research Project  
ARS-231 Reviewer Comment Form

The information collected is used to manage the travel and stipend payments to panel reviewers and provide well-organized feedback to ARS's researchers about their projects. If information were not collected, ARS would not meet the administrative or legislative requirements of the Peer Review Process as mandated by Public Law 105-185; Section 103(d).

*Description of Respondents:* Individuals or households.

*Number of Respondents:* 230.

*Frequency of Responses:* Reporting: Quarterly; Weekly; Annually.

*Total Burden Hours:* 2,460.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2019-14919 Filed 7-12-19; 8:45 am]

**BILLING CODE 3410-03-P**

#### DEPARTMENT OF AGRICULTURE

##### Submission for OMB Review; Comment Request

July 10, 2019.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the

Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC, New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by August 14, 2019. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### National Agricultural Statistics Service

*Title:* Hawaii Agricultural Theft Survey.

*OMB Control Number:* 0535–0264.

*Summary of Collection:* The primary objectives of the National Agricultural Statistics Service (NASS) are to prepare and issue official State and national estimates of crop and livestock production, disposition and prices, economic statistics, and environmental statistics related to agriculture and to conduct the Census of Agriculture and its follow-on surveys. NASS will conduct a survey of agricultural operations in Hawaii. Each selected

farmer or rancher will be asked to provide data on (1) Number and value of theft, vandalism, and trespassing incidents in 2019, (2) How many incidents were reported and acted on, and (3) How much was spent to reduce future incidents along with effectiveness. General authority for these data collection activities is granted under U.S.C. Title 7, Section 2204.

*Need and Use of the Information:* Interest in this topic has been expressed by producers along with a possible program to reduce agricultural theft/vandalism/trespassing. Hawaii farmers and ranchers will benefit from this survey by having statistically defensible estimates of theft/vandalism/trespassing from 2019 at the local level. The Hawaii Department of Agriculture (HDOA) has entered into a cooperative agreement with NASS to conduct an Agricultural Theft Survey. The purpose of this survey is to ascertain the extent of loss from theft or vandalism in calendar year 2019.

*Description of Respondents:* Farmers.

*Number of Respondents:* 1,500.

*Frequency of Responses:* Reporting: Once a year.

*Total Burden Hours:* 420.

**Kimble Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2019–14920 Filed 7–12–19; 8:45 am]

**BILLING CODE 3410–20–P**

## DEPARTMENT OF AGRICULTURE

### Economic Research Service

#### Notice of Intent To Request New Information Collection

**AGENCY:** Economic Research Service, USDA.

**ACTION:** Notice of information collection; request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the U.S. Department of Agriculture's (USDA) intention to request approval for a Field Test for a new information collection for a Second National Household Food Acquisition and Purchase Survey (FoodAPS–2) also called the National Food Study among American households.

**DATES:** Written comments must be received by September 13, 2019 to be assured of consideration.

**ADDRESSES:** You may send comments by any of the following methods:

- *Email:* [LINDA.KANTOR@USDA.GOV](mailto:LINDA.KANTOR@USDA.GOV).

- *Mail:* Linda Kantor, Food Economics Division, Economic Research

Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Mailstop 1800, Washington, DC 20250.

- *Hand Delivery/Courier:* Linda Kantor, Economic Research Service, 355 E Street SW, Washington DC 20024–3221.

All comments received will be available for public inspection during regular business hours at the offices of USDA's Economic Research Service, 355 E Street SW, Washington, DC 20024–3221. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Please note that comments submitted after the comment period will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to this information collection, contact Linda Kantor, 202–694–5392, [LINDA.KANTOR@USDA.Gov](mailto:LINDA.KANTOR@USDA.Gov).

**SUPPLEMENTARY INFORMATION:** The Department of Agriculture's Economic Research Service, in accordance with the Paperwork Reduction Act of 1995, provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Economic Research Service (ERS) assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the ERS's information collection requirements and provide the required data in the desired format. ERS is soliciting comments on the proposed information collection requirement (ICR) that is described below. Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* The Second National Household Food Acquisition

and Purchase Survey (FoodAPS–2) Field Test.

*OMB Control Number:* To be assigned by OMB.

*Expiration Date:* Three years from the date of approval.

*Type of Request:* New information collection.

*Abstract:* The Field Test for FoodAPS–2, also known as the National Food Study to respondents in the field, will be conducted over a four-month period from January 2021 to April 2021. The Field Test will collect data from up to 4,000 households, including households participating in the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Each participating household will be asked to log the foods they get over a 7-day period.

FoodAPS–2 data are necessary to understand Americans' food and nutrition choices, the drivers of these choices, and how the government can improve administration of public programs at reasonable cost to better the health and well-being of the American population. The data will reveal precise and detailed information on: (1) Food purchased for preparation at home and away from home; (2) food people get for free; (3) food that each member of the household gets; (4) the nutrient content of food items people get; (5) the cost of these foods and how people pay for them (e.g., cash, credit or debit, program benefits, coupons and discounts); (6) market, demographic, policy and program characteristics of local areas where people get their food; (7) household characteristics, including income, participation in Federal food assistance programs, food security, and health status; and (8) the complex interrelationship between food, nutrition, economics, program participation, food environments, and health.

The U.S. Department of Agriculture (USDA) collected similar data in 2012–2013 with the first National Household Food Acquisition and Purchase Survey (FoodAPS–1, OMB Control Number 0536–0068). (See the results at <https://www.ers.usda.gov/foodaps>). The

expected time between FoodAPS–1 and FoodAPS–2 will be about 11 years, during which time the structure of the U.S. food economy will have changed dramatically. American households get their food from a large variety of places, including: Grocery stores, big box stores, farmers' markets, food pantries, dine-in restaurants, fast food restaurants, schools, online retailers, and other food outlets. Food acquisition behaviors have changed in response to changing markets, household structure, labor force participation, and other factors. There is special interest in food demand among low-income households. At some point during each year, about 1 in 4 Americans participate in at least one of USDA's 15 domestic food and nutrition assistance programs. To evaluate the efficiency of the programs, USDA needs to better understand the food acquisition behavior of program participants compared to low-income, program-eligible, non-participating households. Neighborhoods that lack access to healthy and affordable food have been of particular concern for USDA. To this end, USDA needs current, accurate data on household food acquisitions, food insecurity, food prices, and the availability of healthful and less-healthy foods.

The main objective of the Field Test is to test the final design and procedures for the Full Survey data collection. Specifically, the Field Test will evaluate the following: A mail screener to reduce in-person screening; enhancements to the data collection instruments that assess drivers of food acquisition behavior; a new native smartphone application (to reduce respondent burden); an alternative web-based Food Log using a barcode scanner, for households who are unable to use the smartphone app; a telephone mode option for households who are unable to use either the smartphone app or the web-based method; and targeted telephone follow-up calls to encourage Food Log reporting throughout the 7-day period.

All recruited households will receive \$40 upon completion of the Initial Interview and Food Log training. Similarly, all households will accumulate a \$5 per day credit for each eligible household member who reports

both their food purchases and the food they get for free (including affirmation of no food acquisitions). \$2 will be provided to each household member who completes the Income Worksheet (available online) and another \$2 per person for completing the Profile Questionnaire (available online and via the app). An additional \$16 incentive will be provided to the primary respondent after completion of a Debriefing Interview at the end of the reporting period.

In addition, two incentive experiments are embedded in the Field Test. The first incentive experiment varies the amount of a prepaid incentive included in the mail screener (\$2 vs. none). The second experiment varies the amount of a promised incentive upon completing the in-person screener (\$5 vs. none). The final incentive scheme for the Full Survey will be determined by the results of Field Test.

Responses will be combined for statistical purposes and reported only in aggregate or statistical form. Because this is a field test for the full-scale FoodAPS–2 data collection, there are no plans to make the collected data available to the public. The data will be analyzed and used to finalize design and data collection protocol for the Full Survey.

*Authority:* Legislative authority for the planned data collection is Section 17 (a) (1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026). This section authorizes the Secretary to undertake research that will help improve the administration and effectiveness of programs providing nutrition benefits.

*Confidentiality:* All respondent information collected during the Field Test will be protected under the statute of the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA), (Title V of Pub. L. 107–347).

*Type of Respondents:* Individuals and households.

*Estimate of Burden:* The estimated total number of respondents for this study is 4,000 contacted households and 4,650 responding individuals. The estimated total annual burden on respondents is 3,299 hours.

#### REPORTING BURDEN

Instrument	Sample size	Freq	Responses				Non-response/not eligible				Total burden hours *
			Count	Freq × count	Min./resp.	Burden hours *	Count	Freq × count	Min./resp.	Burden hours *	
Household-Level Data Collection: First Mailing for Mail Screener .....	4,000	1	600	600	6	60	3,400	3,400	2	113	173

## REPORTING BURDEN—Continued

Instrument	Sample size	Freq	Responses				Non-response/not eligible				Total burden hours *
			Count	Freq × count	Min./resp.	Burden hours *	Count	Freq × count	Min./resp.	Burden hours *	
Second Mailing for Mail Screener .....	3,400	1	420	420	6	42	2,980	2,980	2	99	141
Third Mailing for Mail Screener .....	2,980	1	180	180	6	18	2,800	2,800	2	93	111
Advance letters for In-person .....	2,379	1	2,022	2,022	2	67	357	357	2	12	79
Household Screener .....	2,022	1	732	732	9	110	1,290	1,290	2	43	153
Consent Form .....	732	1	659	659	5	55	73	73	2	2	57
Initial Household Interview .....	659	1	467	467	30	234	192	192	3	10	244
Debriefing Interviews .....	732	1	586	586	6	59	146	146	2	5	64
Total Responding Burden—HH .....						645				377	1022
Individual-Level Data Collection Age 11–15:											
Training .....	103	1	98	98	45	74	5	5	3	0	74
Assent Form .....	103	1	98	98	1	1	5	5	1	0	1
Food Log .....	98	7	83	581	7	68	15	105	3	5	73
Meals and Snacks Form .....	98	7	83	581	2	19	15	105	1	2	21
Profile Questionnaire .....	98	1	83	83	3	4	15	15	1	0	4
Total Responding Burden—Ind .....						166				7	173
Age 16+:											
Training .....	1,014	1	963	963	45	722	51	51	3	3	725
Consent Form .....	1,014	1	963	963	1	16	51	51	1	1	17
Income Worksheet .....	963	1	819	819	15	205	144	144	3	7	212
Food Log ** .....	1,201	7	819	5,733	7	669	382	2,674	3	134	803
Meals and Snacks Form ** .....	1,201	7	1,021	7,147	2	238	180	1,260	1	21	259
Profile Questionnaire ** ..	1,201	1	1,021	1,021	5	85	180	180	1	3	88
Total Responding Burden—Ind .....						1,935				169	2,104
Total Responding Burden .....						2,746				553	3,299

\* Estimates of burden hours have been rounded.

\*\* Includes estimates by proxy adults reporting for children aged 0–10.

Dated: June 24, 2019.

**Ephraim Leibtag,***Acting Administrator, Economic Research Service.*

[FR Doc. 2019–14937 Filed 7–12–19; 8:45 am]

BILLING CODE 3410–18–P

## DEPARTMENT OF AGRICULTURE

## Forest Service

**Boundary Establishment for Whychus Creek National Wild and Scenic River, Deschutes National Forest, Deschutes County, Oregon****AGENCY:** Forest Service, USDA.**ACTION:** Notice of availability.

**SUMMARY:** In accordance with Section 3(b) of the Wild and Scenic Rivers Act, the USDA, Forest Service, Washington Office, is transmitting the final boundary of the Whychus Creek National Wild and Scenic River to Congress.

**FOR FURTHER INFORMATION CONTACT:** Information may be obtained by

contacting Deschutes National Forest Supervisor's Office, 63095 Deschutes Market Road, Bend, OR 97701; (541) 383–5300.

**SUPPLEMENTARY INFORMATION:** The Whychus Creek Wild and Scenic River boundary is available for review at the following offices: USDA Forest Service, Yates Building, 14th and Independence Avenue SW, Washington, DC 20024; Pacific Northwest Region, 1220 SW 3rd Avenue, Portland, Oregon 97204; and, Deschutes National Forest Supervisor's Office, 63095 Deschutes Market Road, Bend, OR 97701.

The Omnibus Oregon Wild and Scenic Rivers Act of 1988 (Pub. L. 100–557) of October 28, 1988, designated Squaw Creek, Oregon, as a National Wild and Scenic River, to be administered by the Secretary of Agriculture. The John D. Dingell, Jr. Conservation, Management, and Recreation Act (Pub. L. 116–9) of March 12, 2019 amended the designation, including changing the name to Whychus Creek in the Wild and Scenic Rivers Act.

As specified by law, the boundary will not be effective until ninety days after Congress receives the transmittal.

Dated: June 7, 2019.

**Frank R. Beum,***Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2019–14993 Filed 7–12–19; 8:45 am]

BILLING CODE 3411–15–P

## COMMISSION ON CIVIL RIGHTS

**Notice of Public Meetings of the Minnesota Advisory Committee****AGENCY:** U.S. Commission on Civil Rights.**ACTION:** Announcement of meetings.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Minnesota Advisory Committee (Committee) to the Commission will hold a series of meetings to discuss next steps in the

Committee's current study of racial trauma as it relates to civil rights in the State.

**DATES:** Meetings will be held:

- 12 p.m. CDT Wednesday August 14, 2019.
- 12 p.m. CDT Monday September 16, 2019.

*Public Call Information:* Dial: 877–260–1479; Conference ID: 3379359.

**FOR MORE INFORMATION CONTACT:**

Carolyn Allen at [callen@usccr.gov](mailto:callen@usccr.gov) or (312) 353–8311.

**SUPPLEMENTARY INFORMATION:** These meetings are available to the public through the above toll-free call-in number. Any interested member of the public may call this number and listen to the meetings. Callers can expect to incur charges for calls they initiate over wireless lines, according to their wireless plans. 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 respective meeting. Written comments may be mailed to the U.S. Commission on Civil Rights, Regional Programs Unit, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may be faxed to the Commission at (312) 353–8324, or emailed Carolyn Allen at [callen@usccr.gov](mailto:callen@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meetings will be available for public viewing prior to and after the meeting on the Federal Advisory Committee database ([facadatabase.gov](http://facadatabase.gov)), under the Minnesota Advisory Committee link. Records generated from this meeting 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, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above phone number, email, or street address.

**Agenda**

- I. Welcome
- II. Approval of Minutes
- III. Discussion: Racial Trauma and Civil Rights
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: July 10, 2019.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*  
[FR Doc. 2019–14961 Filed 7–12–19; 8:45 am]

**BILLING CODE 6335–01–P**

**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

**[B–13–2019]**

**Foreign-Trade Zone (FTZ) 70—Detroit, Michigan; Authorization of Production Activity; Detroit Bikes LLC (Electric and Non-Electric Cycles), Detroit, Michigan**

On March 11, 2019, Greater Detroit Foreign-Trade Zone, Inc., grantee of FTZ 70, submitted a notification of proposed production activity to the FTZ Board on behalf of Detroit Bikes LLC, within FTZ 70, in Detroit, Michigan.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (84 FR 10032, March 19, 2019). On July 9, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: July 9, 2019.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2019–14958 Filed 7–12–19; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

**[B–14–2019]**

**Foreign-Trade Zone (FTZ) 124—Gramercy, Louisiana; Authorization of Production Activity; Offshore Energy Services, Inc. (Casing Pipe With Connectors), Broussard, Louisiana**

On March 12, 2019, Port of South Louisiana, grantee of FTZ 124,

submitted a notification of proposed production activity to the FTZ Board on behalf of Offshore Energy Services, Inc., within FTZ 124, in Broussard, Louisiana.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (84 FR 10031, March 19, 2019). On July 10, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: July 10, 2019.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2019–14962 Filed 7–12–19; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

**[B–15–2019]**

**Foreign-Trade Zone (FTZ) 163—Ponce, Puerto Rico; Authorization of Production Activity; Puerto Rico Steel Products Corporation (Construction and Fencing Products); Coto Laurel, Puerto Rico**

On March 12, 2019, Puerto Rico Steel Products Corporation submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 163, in Coto Laurel, Puerto Rico.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (84 FR 11048, March 25, 2019). On July 10, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: July 10, 2019.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2019–14960 Filed 7–12–19; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-423-814, A-580-899, A-791-824]

**Acetone From Belgium, the Republic of Korea, and the Republic of South Africa: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**DATES:** Applicable July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Alex Cipolla at (202) 482-4956 (Belgium); Sean Carey at (202) 482-3964 (Republic of Korea (Korea)); Charlotte Baskin-Gerwitz at (202) 482-4880 (Republic of South Africa (South Africa)), AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****Background**

On March 11, 2019, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of acetone from Belgium, Korea, and South Africa.<sup>1</sup> Currently, the preliminary determinations are due no later than July 29, 2019.

**Postponement of Preliminary Determinations**

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a 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<sup>2</sup> 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 for postponement 25 days or more before the scheduled date of the

preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On July 1, 2019, the petitioner submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.<sup>3</sup> The petitioner stated that it requests postponement because the initial questionnaire responses “are substantially deficient, and it may not be possible for Commerce to obtain corrected responses within the current schedule.”<sup>4</sup>

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 determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations in these investigations no later than September 17, 2019. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

**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: July 9, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2019-14953 Filed 7-12-19; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****Initiation of Antidumping and Countervailing Duty Administrative Reviews**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) has received requests to

conduct administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates. In accordance with Commerce’s regulations, we are initiating those administrative reviews.

**DATES:** Applicable July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

**SUPPLEMENTARY INFORMATION:****Background**

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

**Notice of No Sales**

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at <http://access.trade.gov> in accordance with 19 CFR 351.303.<sup>1</sup> Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce’s service list.

**Respondent Selection**

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal**

<sup>1</sup> See *Acetone from Belgium, the Republic of Korea, the Kingdom of Saudi Arabia, Singapore, the Republic of South Africa, and Spain: Initiation of Less-Than-Fair-Value Investigations*, 84 FR 9755 (March 18, 2019) (*Initiation Notice*).

<sup>2</sup> The petitioner is the Coalition for Acetone Fair Trade.

<sup>3</sup> See Petitioner’s Letter, “Acetone from Belgium/ Petitioner’s Request for Postponement of the Preliminary Determination,” dated July 1, 2019; Petitioner’s Letter, “Acetone from Korea/ Petitioner’s Request for Postponement of the Preliminary Determination,” dated July 1, 2019; and Petitioner’s Letter, “Acetone from South Africa/ Petitioner’s Request for Postponement of the Preliminary Determination,” dated July 1, 2019.

<sup>4</sup> *Id.*

<sup>1</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

**Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be “collapsed” (e.g., treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (e.g., investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

#### **Deadline for Withdrawal of Request for Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

#### **Deadline for Particular Market Situation Allegation**

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.<sup>2</sup> Section 773(e) of the Act states that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

#### **Separate Rates**

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce’s policy to assign all exporters of merchandise subject to an

administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce’s website at <http://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the “Instructions for Filing the Certification” in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding<sup>3</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently

<sup>3</sup> Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new shipper review, etc.) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

<sup>2</sup> See Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).



made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,<sup>4</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on Commerce's website at <http://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions

contained in the application. Separate Rate Status Applications are due to Commerce no later than 30 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents,

these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

#### Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than May 31, 2020.

	Period to be reviewed
<b>Antidumping Duty Proceedings</b>	
Austria: Carbon and Alloy Steel Cut-To-Length Plate, A-433-812 ..... voestalpine Böhler Bleche GmbH & Co KG voestalpine Böhler Edelstahl GmbH & Co KG	5/1/18-4/30/19
Belgium: Certain Carbon and Alloy Steel Cut-To-Length, A-423-812 ..... NLMK Clabecq S.A. NLMK Sales Europe S.A. NLMK Plate Sales S.A. NLMK Manage Steel Center S.A. NLMK La Louviere S.A. Stahlo Stahl Service GmbH & Co. KG Tranter Service Centers Industeel Belgium S.A.	5/1/18-4/30/19
Canada: Citric Acid and Citrate Salt, A-122-853 ..... Jungbunzlauer Canada Inc.	5/1/18-4/30/19
Canada: Polyethylene Terephthalate Resin, A-122-855 ..... Compagnie Selenis Canada	5/1/18-4/30/19
India: Certain Welded Carbon Steel Standard Pipes and Tubes, A-533-502 ..... Apl Apollo Tubes Ltd. Asian Contec Ltd. Bhandari Foils & Tubes Ltd. Bhushan Steel Ltd. Blue Moon Logistics Pvt. Ltd. CH Robinson Worldwide Ess-Kay Engineers, Manushi Enterprise & Nishi Boring Corporation Fiber Tech Composite Pvt. Ltd. Garg Tube Export LLP GCL Private Limited Goodluck India Ltd. GVN Fuels Ltd. Hydromatik Jindal Quality Tubular Ltd. KLT Automatic & Tubular Products Ltd. Lloyds Line Pipes Ltd. MARINetrans India Private Ltd. Patton International Ltd. Raajratna Ventures Ltd. Ratnamani Metals & Tubes Ltd. SAR Transport Systems Pvt. Ltd. Surya Global Steel Tubes Ltd. Surya Roshni Ltd. Vallourec Heat Exchanger Tubes Ltd. Welspun India Ltd. Zenith Birla (India) Ltd. Zenith Birla Steels Private Ltd. Zenith Dyeintermediates Ltd	5/1/18-4/30/19
Italy: Carbon and Alloy Steel Cut-To-Length Plate, A-475-834 ..... Lyman Steel Company NLMK Verona SpA O.M.E.P SpA ofar SpA officine Tecnosider s.r.l. Sesa SpA	5/1/18-4/30/19

<sup>4</sup> Only changes to the official company name, rather than trade names, need to be addressed via

a Separate Rate Application. Information regarding

new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Tim-Cop Doo Temerin	
Japan: Carbon and Alloy Steel Cut-To-Length Plate, A-588-875 .....	5/1/18-4/30/19
Hitachi Metals, Ltd.	
Japan: Diffusion-Annealed Nickel-Plated Flat Rolled Steel Products, A-588-869 .....	5/1/18-4/30/19
Toyo Kohan Co., Ltd.	
Oman: Polyethylene Terephthalate Resin, A-523-810 .....	5/1/18-4/30/19
OCTAL SAOC-FZC	
Republic of Korea: Carbon and Alloy Steel Cut-To-Length Plate, A-580-887 .....	5/1/18-4/30/19
Buma Ce Co., Ltd.	
Dong Yang Steel Pipe Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
Expeditors Korea Ltd	
Haem Co., Ltd.	
Hyundai Glovis Co., Ltd.	
Hyundai Steel Company	
J.I. Sea & Air Express Co., Ltd.	
Maxpeed Co., Ltd.	
POSCO/POSCO Daewoo Corporation/POSCO Processing & Service Co., Ltd. <sup>5</sup>	
Ramses Logistics Co., Ltd.	
Sumitomo Corp. Korea Ltd.	
Republic of Korea: Carbon and Alloy Steel Wire Rod, A-580-891 .....	10/31/17-4/30/19
POSCO	
Republic of Korea: Ferrovanadium, A-580-886 .....	5/1/18-4/30/19
Korvan Ind. Co., Ltd	
Fortune Metallurgical Group Co., Ltd.	
Woojin Ind. Co., Ltd	
Republic of Korea: Polyester Staple Fiber, A-580-839 .....	5/1/18-4/30/19
Huvis Corporation	
Toray Chemical Korea, Inc.	
Taiwan: Carbon and Alloy Steel Cut-To-Length Plate, A-583-858 .....	5/1/18-4/30/19
Broad Hand Enterprise Co., Ltd	
C.H. Robinson Freight Services	
China Steel Corporation	
Chun Chi Grating Co., Ltd.	
Eci Taiwan Co., Ltd.	
Locksure Inc	
Nan Hoang Traffic Instrument Co	
New Marine Consolidator Co., Ltd.	
North America Mining Group Co., Ltd.	
Oriental Power Logistics Co., Ltd.	
Product Depot International Corp.	
Scanwell Logistics (Taiwan)	
Shang Chen Steel Co., Ltd.	
Shin Yang Steel Co., Ltd	
Shye Yao Steel Co., Ltd	
Speedmark Consolidation	
Sumeeko Industries Co., Ltd.	
Triple Merits Ltd.	
Ukl Enterprise Co., Ltd.	
Taiwan: Certain Circular Welded Carbon Steel Pipes and Tubes, A-583-008 .....	5/1/18-4/30/19
Chite Enterprises Co., Ltd.	
Chung Hung Steel Corp.	
Far East Machinery Group	
Far East Machinery Co., Ltd.	
Fine Blanking & Tool Co., Ltd.	
Froch Enterprises	
Kao Hsing Chang Iron & Steel Corp.	
Hou Lih Co., Ltd.	
Locksure Inc.	
Lang Hwang Corp.	
Pacific Star Express	
Pat & Jeff Enterprise Co., Ltd.	
Pin Tai Metal Inc.	
New Chance Products Co., Ltd.	
Shanghai TR Steel Building Products Co., LTD.	
Shang Jouh Industrial Co., Ltd.	
Shengyu Steel Co., Ltd.	
Shin Yang Steel Co., Ltd.	
Shuan Hwa Industrial Co., Ltd	
Ta Chen Stainless Pipe Co., Ltd.	
Tension Steel Industries Co., Ltd.	
Titan Fastech Ltd.	
YC Inox Co., Ltd.	
Yeong Shien Industrial Co., Ltd.	

	Period to be reviewed
Yieh Hsing Enterprise Co., Ltd.	
Yousing Precision Industry Co., Ltd.	
Yujin Steel Industry Co., Ltd.	
Taiwan: Stilbenic Optical Brightening Agents, A-583-848 .....	5/1/18-4/30/19
Teh Fong Min International Co., Ltd.	
The People's Republic of China: 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP), A-570-045 .....	5/1/18-4/30/19
Henan Qingshuiyuan Technology Co., Ltd.	
Nantong Uniphos Chemicals Co., Ltd.	
Nanjing University of Chemical Technology Changzhou Wujin Water Quality Stabilizer Factory	
The People's Republic of China: Aluminum Extrusions, A-570-967 .....	5/1/18-4/30/19
Activa International Inc.	
Activa Leisure Inc.	
Aero Import and Export Co.	
Agilent Technologies Co. Ltd (China)	
Allied Maker Limited	
Alnan Aluminum Co., Ltd.	
Alnan Aluminum Ltd.	
Aluminicaste Fundicion de Mexico	
AMC Limited	
AMC Ltd.	
Anji Chang Hong Chain Manufacturing	
Anshan Zhongjda Industry Co., Ltd	
Aoda Aluminium (Hong Kong) Co., Limited	
AsiaAlum Group	
Atlas Integrated Manufacturing Ltd.	
Bath Fitter	
Behr-Hella Thermocontrol (Shanghai) Co. Ltd.	
Belton (Asia) Development Limited	
Belton (Asia) Development Ltd.	
Birchwoods (Lin' an) Leisure Products Co., Ltd.	
Bolnar Hong Kong Ltd.	
Bracalente Metal Products (Suzhou) Co., Ltd.	
Brilliance General Equipment Co., Ltd.	
Chang shu Chang sheng Aluminum Products Co., Ltd.	
Chang shu Changshen Aluminum Products Co., Ltd.	
Changzhou Changzhen Evaporator Co., Ltd.	
Changzhou Changzheng Evaporator Co., Ltd.	
Changzhou Tenglong Auto Accessories Manufacturing Co. Ltd	
Changzhou Tenglong Auto Parts Co Ltd	
Changzhou Tenglong Auto Parts Co., Ltd.	
China Square	
China Square Industrial Ltd	
China Square Industrial Co.	
China Zhongwang Holdings, Ltd.	
Chiping One Stop Industrial & Trade Co., Ltd.	
Classic & Contemporary Inc.	
Clear Sky Inc.	
Colclisa S.A. de C.V.	
Cosco (J.M.) Aluminum Co., Ltd.	
Cosco (JM) Aluminum Development Co. Ltd.	
CRRC Changzhou Auto Parts Co., Ltd.	
Dalian Huachange Aquatic Products	
Dalian Liwang Trade Co., Ltd.	
Danfoss Micro Channel Heat Exchanger (Jia Xing) Co., Ltd.	
Daya Hardware Co Ltd	
Dongguan Aoda Aluminum Co., Ltd.	
Dongguan Dazhan Metal Co., Ltd.	
Dongguan Golden Tiger Hardware Industrial Co., Ltd.	
Dongguang Aoda Aluminum Co., Ltd.	
Dragonluxe Limited	
Dynabright International Group (HK) Ltd.	
Dynamic Technologies China	
ETLA Technology (Wuxi) Co. Ltd	
Ever Extend Ent. Ltd.	
Fenghua Metal Product Factory	
First Union Property Limited	
FookShing Metal & Plastic Co. Ltd.	
Foreign Trade Co. of Suzhou New & High-Tech Industrial Development Zone	
Foshan City Nanhai Hongjia Aluminum Alloy Co., Ltd.	
Foshan Golden Source Aluminum Products Co., Ltd.	
Foshan Guangcheng Aluminium Co., Ltd	
Foshan Jinlan Aluminum Co. Ltd.	
Foshan JinLan Aluminum Co., Ltd.	
Foshan JMA Aluminum Company Limited	

	Period to be reviewed
<p> Foshan Nanhai Niu Yuan Hardware Product Co., Ltd.  Foshan Shanshui Fenglu Aluminum Co., Ltd.  Foshan Shunde Aoneng Electrical Appliances Co., Ltd.  Foshan Yong Li Jian Aluminum Co., Ltd.  Fujian Sanchuan Aluminum Co., Ltd.  Fukang Aluminum &amp; Plastic Import and Export Co., Ltd.  Fuzhou Sunmodo New Energy Equipment  Gaotang Xinhai Economy &amp; Trade Co., Ltd.  Genimex Shanghai, Ltd.  Global Hi Tek Precision Co. Ltd  Global PMX Dongguan Co., Ltd.  Global Point Technology (Far East) Limited  Gold Mountain International Development, Ltd.  Golden Dragon Precise Copper Tube Group, Inc.  Gran Cabrio Capital Pte. Ltd.  Gree Electric Appliances  Green Line Hose &amp; Fittings  GT88 Capital Pte. Ltd.  Guang Ya Aluminium Industries (HK) Ltd.  Guang Ya Aluminium Industries Co. Ltd.  Guang Ya Aluminum Industries Company Ltd  Guangcheng Aluminum Co., Ltd  Guangdong Hao Mei Aluminum Co., Ltd.  Guangdong Jianmei Aluminum Profile Company Limited  Guangdong JMA Aluminum Profile Factory (Group) Co., Ltd.  Guangdong Midea  Guangdong Midea Microwave and Electrical Appliances  Guangdong Nanhai Foodstuffs Imp. &amp; Exp. Co., Ltd.  Guangdong Weiye Aluminum Factory Co., Ltd.  Guangdong Whirlpool Electrical Appliances Co., Ltd.  Guangdong Xin Wei Aluminum Products Co., Ltd.  Guangdong Xingfa Aluminum Co., Ltd.  Guangdong Yonglijian Aluminum Co., Ltd.  Guangdong Zhongya Aluminum Company Ltd.  Guangzhou Jangho Curtain Wall System Engineering Co., Ltd.  Guangzhou Mingcan Die-Casting Hardware Products Co., Ltd.  Hangzhou Xingyi Metal Products Co., Ltd.  Hanwood Enterprises Limited  Hanyung Alcoba Co., Ltd.  Hanyung Alcobis Co., Ltd.  Hanyung Metal (Suzhou) Co., Ltd.  Hao Mei Aluminum Co., Ltd.  Hao Mei Aluminum International Co., Ltd.  Hebei Xusen Wire Mesh Products Co., Ltd.  Henan New Kelong Electrical Appliances Co., Ltd.  Henan Zhongduo Aluminum Magnesium New Material Co, Ltd.  Hitachi High-Technologies (Shanghai) Co., Ltd.  Hong Kong Gree Electric Appliances Sales Limited  Hong Kong Modern Non-Ferrous Metal  Honsense Development Company  Hui Mei Gao Aluminum Foshan Co., Ltd.  Huixin Aluminum  IDEX Dinglee Technology (Tianjin) Co., Ltd.  IDEX Health  IDEX Technology Suzhou Co., Ltd.  Innovative Aluminum (Hong Kong) Limited  iSource Asia  Jackson Travel Products Co., Ltd.  Jangho Curtain Wall Hong Kong Ltd.  Jiangmen Jianghai District Foreign Economic Enterprise Corp. Ltd.  Jiangmen Jianghai Foreign Ent. Gen.  Jiangmen Qunxing Hardware Diecasting Co., Ltd.  Jiangsu Changfa Refrigeration Co.  Jiangyin Suncitygaylin  Jiangyin Trust International Inc.  Jiangyin Xinhong Doors and Windows Co., Ltd.  Jiaxing Jackson Travel Products Co., Ltd.  Jiaxing Taixin Metal Products Co., Ltd.  Jiuyan Co., Ltd.  JMA (HK) Company Limited  Johnson Precision Engineering (Suzhou) Co., Ltd.  Justthere Co., Ltd.  Kam Kiu Aluminum Products Sdn Bhd  Kanel Precision Aluminum Product Co., Ltd </p>	

	Period to be reviewed
<p> Kartlon Aluminum Company Ltd  Kong Ah International Company Limited  Kromet International  Kromet International Inc.  Kromet Intl Inc  Kunshan Giant Light Metal Technology Co., Ltd.  Liaoning Zhong Da Industrial Aluminum Co., Ltd.  Liaoning Zhongwang Group Co., Ltd.  Liaoyang Zhongwang Aluminum Profile Co. Ltd.  Longkou Donghai Trade Co., Ltd.  MAAXBathInc.  MAHLE Holding (China) Co., Ltd  Metal Tech Co Ltd  Metaltek Group Co., Ltd.  Metaltek Metal Industry Co., Ltd.  Midea Air Conditioning Equipment Co., Ltd.  Midea Electric Trading Co., Pte Ltd  Midea International Trading Co., Ltd.  Midea International Training Co., Ltd.  Miland Luck Limited  Nanhai Textiles Import &amp; Export Co., Ltd.  New Asia Aluminum &amp; Stainless Steel Product Co., Ltd.  New Zhongya Aluminum Factory  Nidec Sankyo (Zhejiang) Corporation  Nidec Sankyo Singapore Pte. Ltd.  Nidec Sankyo Zhejiang Corporation  Ningbo Coaster International Co., Ltd.  Ningbo Hi Tech Reliable Manufacturing Company  Ningbo Innopower Tengda Machinery  Ningbo Ivy Daily Commodity Co., Ltd.  Ningbo Yili Import and Export Co., Ltd.  North China Aluminum Co., Ltd.  North Fenghua Aluminum Ltd.  Northern States Metals  PanAsia Aluminum (China) Limited  PENCOM Dongguan China  Pengcheng Aluminum Enterprise Inc.  Permasteelisa Hong Kong Limited  Permasteelisa South China Factory  Pingguo Aluminum Company Limited  Pingguo Asia Aluminum Co., Ltd.  Popular Plastics Company Limited  Precision Metal Works Ltd.  Press Metal International Ltd.  Qingdao Sea Nova Building  Samuel, Son &amp; Co., Ltd.  Sanchuan Aluminum Co., Ltd.  Sanhua (Hangzhou) Micro Channel Heat Exchanger Co., Ltd  Shandong Fukang Aluminum &amp; Plastic Co. LTD  Shandong Huajian Aluminum Group  Shangdong Huasheng Pesticide Machinery Co.  Shangdong Nanshan Aluminum Co., Ltd.  Shanghai Automobile Air Conditioner Accessories Ltd.  Shanghai Automobile AirConditioner Accessories Co Ltd  Shanghai Canghai Aluminum Tube Packaging Co., Ltd  Shanghai Dofiberone Composites Co. Ltd.  Shanghai Dongsheng Metal  Shanghai Shen Hang Imp &amp; Exp Co., Ltd.  Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.  Shanghai Top-Ranking Aluminum Products Co., LTD  Shanghai Top-Ranking New Materials Co., Ltd.  Shenyang Yuanda Aluminum Industry Engineering Co. Ltd.  Shenzhen Hudson Technology Development Co.  Shenzhen Jiuyuan Co., Ltd.  Sihui Shi Guo Yao Aluminum Co., Ltd.  Sincere Profit Limited  Skyline Exhibit Systems (Shanghai) Co. Ltd.  Southwest Aluminum (Group) Co., Ltd.  Springs Window Fashions De Victoria  Summit Heat Sinks Metal Co, Ltd  Summit Plastics Nanjing Co. Ltd  Suzhou JRP Import &amp; Export Co., Ltd.  Suzhou New Hongji Precision Part Co.  Tai-Ao Aluminum (Taishan) Co. Ltd. </p>	

	Period to be reviewed
Taishan City Kam Kiu Aluminium Extrusion Co., Ltd. Taitoh Machinery Shanghai Co Ltd Taizhou Lifeng Manufacturing Co., Ltd. Taizhou United Imp. & Exp. Co., Ltd. tenKsolar (Shanghai) Co., Ltd. Tianjin Ganglv Nonferrous Metal Materials Co., Ltd. Tianjin Jirunao Import & Export Corp., Ltd. Tianjin Ruxin Electric Heat Transmission Technology Co., Ltd. Tianjin Xiandai Plastic & Aluminum Products Co., Ltd. Tiazhou Lifeng Manufacturing Corporation Top-Wok Metal Co., Ltd. Traffic Brick Network, LLC Union Aluminum (SIP) Co. Union Industry (Asia) Co., Ltd. USA Worldwide Door Components (Pinghu) Co., Ltd. Wenzhou Shengbo Decoration & Hardware Wenzhou Yongtai Electric Co., Ltd. Whirlpool (Guangdong) Whirlpool Canada L.P. Whirlpool Microwave Products Development Ltd. Wonjin Autoparts Worldwide Door Components, Inc. WTI Building Products, Ltd. Wuxi Lutong Fiberglass Doors Co., Ltd, Xin Wei Aluminum Co. Xin Wei Aluminum Company Limited Xinchang Y ongqiang Air Conditioning Accessories Co., Ltd. Xinya Aluminum & Stainless Steel Product Co., Ltd. Yuyao Fanshun Import & Export Co., Ltd. Yuyao Haoshen Import & Export Zhaohing China Square Industry Limited Zhaoqing Asia Aluminum Factory Company Ltd. Zhaoqing China Square Industrial Ltd. Zhaoqing China Square Industry Limited Zhaoqing New Zhongya Aluminum Co., Ltd. Zhejiang Anji Xinxiang Aluminum Co., Ltd. Zhejiang Lilies Industrial and Commercial Co Zhejiang Yili Automobile Air Condition Co., Ltd Zhejiang Yongkang Listar Aluminum Industry Co., Ltd. Zhejiang Zhengte Group Co., Ltd. Zhenjiang Xinlong Group Co., Ltd. Zhongshan Daya Hardware Co., Ltd. Zhongshan Gold Mountain Aluminum Factory Ltd. Zhongya Shaped Aluminum (HK) Holding Limited Zhuhai Runxingtai Electrical Equipment Co., Ltd.	
The People's Republic of China: Certain Amorphous Silica Fabric, <sup>6</sup> A-570-038 ..... Beijing Landingji Engineering Tech Co., Ltd. Haining Jieta Fiberglass Fabric Co., Ltd. Nanjing Tianyuan Fiberglass Material Co., Ltd. Wallean Industries Co., Ltd. Zibo Yao Xing Fire-Resistant and Heat Preservation Material Co., Ltd.	3/1/18-2/28/19
The People's Republic of China: Oil Country Tubular Goods, A-570-943 ..... American Tubular Products, LLC Anhui Baitai Steel Industry Co., Ltd. Anhui Tianda Oil Pipe Co., Ltd. Anhui Yingsheng Steel Pipe Manufacturing Co., Ltd. Baofeng Steel Group Co., Ltd. Baoshan Iron & Steel Co., Inc. Baosteel Group Corporation Baotou Gangxing Industrial Group (HU) Beijing Hengyin Machinery Manufacturing Co., Ltd. Benxi Northern Steel Pipes Co., Ltd. Bestar Steel Co., Ltd. Chang Zhou Yu Chen International Trade Co., Ltd. Changshu Walsin Specialty Steel Co., Ltd. Changxing Tianying Import and Export Co., Ltd. Changzhou Changbao Precision & Special Steel Tubes Co., Ltd. Delmar International (HK) Ltd. Dexin Steel Tube (China) Co., Ltd. Dongying Kechuang Petroleum Equipment Co., Ltd E-Heng Import And Export Co., Ltd. Ez Steel Industrial Co., Ltd. Fangzheng Valve Group Shanghai Farav Petroleum Steel Pipe Co., Ltd.	5/1/18-4/30/19

	Period to be reviewed
<p> Foshan Broad Ocean Intl. Co., Ltd.  Freet Petroleum Equipment Co., Ltd.  Gaoyou Huaxing Petroleum Pipe  Henan Dongfanglong Machine Manufacturing  Henan Steel Guang International Trade Co., Ltd.  Hengyang Hong Yuan Pipe Industry  Hengyang Hongda Special Steel Tube Co., Ltd.  Hengyang Steel Tube Group International Trading Inc.  Hong Yue Stainless Steel Ltd.  Hubei Xinyegang Steel Co., Ltd.  Huludao City Steel Pipe Industrial Co., Ltd.  Jiangsu Changbao Precision Steel Tube Co., Ltd.  Jiangsu Changbao Steel Tube Co., Ltd.  Jiangsu Changbao Steel Tubulars Corp.  Jiangsu Changbao Taobang Petroleum Pipe Co., Ltd.  Jiangsu Chengde Steel Pipe Share Co., Ltd.  Jiangsu FH Tube Industry Co., Ltd.  Jiangsu Hongyi Steel Pipe Co., Ltd.  Jiangsu Jindi Special Steel Co., Ltd.  Jiangsu Jinguang Special Steel Pipe Co., Ltd.  Jiangsu Wujin Stainless Steel Pipe  Jiangsu Xiongyue Petroleum Machinery Equipment Manufacture Co., Ltd.  Jiangsu Xiongyue Petroleum Mechanical Equipment Manufacturing Co., Ltd.  Jianhu Jielin Petrochemical Machinery Co., Ltd.  Jiaxing MT Stainless Steel Co., Ltd.  Jiaxing Usui Tsurumi Precision Tube Industry Co., Ltd.  Jun Yi Coated Pipe Co., Ltd.  JW Steel Limited  Lord Steel International Co., Ltd.  Mulmic Precision Manufacturing Co., Ltd.  Ningbo Master Weld-Cut Industry Co., Ltd.  Ompres Group Co., Ltd.  Ronsberg Steel Group Ltd.  Shaanxi Newland Industrial Corp.  Shandong Dongbao Steel Pipe Co., Ltd.  Shandong Jianning Metals Co., Ltd.  Shandong Molong Petroleum Machinery Co., Ltd.  Shandong Yonglijingong Petroleum Equipment Co., Ltd.  Shanghai AOZE Petroleum Equipment Co., Ltd.  Shanghai Baoyi Steel Pipe Limited  Shanghai Crystal Palace Pipe Co., Ltd.  Shanghai Handun Trading Co., Ltd.  Shanghai Huagang Stainless Steel Co., Ltd.  Shanghai Jinchang International Trade Co., Ltd.  Shanghai Juxing Industrial Co., Ltd.  Shanghai Maxmount Special Steel Co., Ltd.  Shanghai Sishun Machinery Co., Ltd.  Shanghai Tsingshan Mineral Co., Ltd.  Shanghai Wogi Industrial Co., Ltd.  Shanghai Xuntian International Trade Co., Ltd.  Shanghai Yijing Import Export Co., Ltd.  Shanghai Yuecai Steel Pipe Co., Ltd.  Shangshang Desheng Group Co., Ltd.  Shengli Oilfield Highland Petroleum Equipment Co., Ltd.  Shengli Oilfield Shengji Petroleum Equipment Co., Ltd.  Shenzhen Chiwan Sembawang Engineering Co., Ltd.  Shijiazhuang Dodgesun I/E Corp., Ltd.  Shinda (Tangshan) Creative Oil &amp; Gas Equipment Co., Ltd.  Sichuan Y&amp;J Industries Co., Ltd.  Suzhou Douson Drilling &amp; Production Equipment Co., Ltd.  Suzhou Foster International Co., Ltd.  Taixing Qitai Mechanical Foundry Co., Ltd.  Taiyuan Huaye Equipment Research Institute Co., Ltd.  Taizhou Chengde Steel Tube Co., Ltd.  Tianguan Yuantong Pipe Product Co., Ltd.  Tianjin Jinggong Special Petroleum Pipe Fittings Co., Ltd.  Tianjin Laibide Trade Co., Ltd.  Tianjin Pipe (Group) Co., Ltd.  Tianjin Pipe International Economic and Trading Corporation  Tianjin Pipe Iron Manufacturing Co., Ltd.  Tianjin Shenzhoutong Steel Pipe Co., Ltd.  TPCO Charging Development Co., Ltd.  Tusco International Inc.  Vinto Industrial Co., Ltd. </p>	

	Period to be reviewed
Wellhead Solutions Co., Ltd. Wenzhou Sunrise Import Export Co., Ltd. Wonderful Metals Limited Worldcross Industries Co., Ltd. Wuxi Eastsun Trade Co., Ltd. Wuxi Free Petroleum Tubulars Manufacture Co., Ltd. Wuxi OFD Oil-Field Supply Co., Ltd. Wuxi Seamless Oil Pipe Co., Ltd. Xigang Seamless Steel Tube Co., Ltd. Xuzhou E&P Petroleum Equipment Co., Ltd. Xuzhou Oilfield Equipment Co., Ltd. Xuzhou Taifeng Oilwell Products Co., Ltd. Yangzhou Chengde Steel Pipe Co., Ltd. Yangzhou Lontrin Steel Tube Co., Ltd. Yingkou Meihong Pipe Fittings Co., Ltd. Zhangjiagang City ShengDingYuan Pipe-Making Co., Ltd. Zhangjiagang Hua Dong Boiler Co., Ltd. Zhangjiagang Huacheng Import and Export Co., Ltd. Zhangjiagang Maitan Metal Products Co., Ltd. Zhangjiagang Titan Impt & Expt Co., Ltd. Zhejiang Bnjis Stainless Steel Co., Ltd. Zhejiang E-TUNE Special Steel Tube Co., Ltd. Zhejiang Gaosheng Pipe Industry Co., Ltd. Zhejiang Gross Seamless Steel Tube Co., Ltd. Zhejiang Jianli Enterprise Co., Ltd. Zhejiang Jianli Industry Group Co., Ltd. Zhejiang Jianli Steel Steel Tube Co., Ltd. Zhejiang Jiuli Hi-Tech Metals Co., Ltd. Zhejiang Minghe Steel Pipe Co., Ltd. Zhejiang Tsingshan Steel Pipe Co., Ltd. Zhejiang Zhongli Stainless Steel Pipe Co., Ltd. ZhongXing Energy Enquiptment Co., Ltd. Zhuji Jiansheng Machinery Co., Ltd. Zibo Freet Thermal Tech Co., Ltd.	
The People's Republic of China: Pure Magnesium, A-570-832 .....	5/1/18-4/30/19
Tianjin Magnesium International Co., Ltd. Tianjin Magnesium Metal Co., Ltd.	
Turkey: Carbon and Alloy Steel Wire Rod, A-489-831 .....	10/31/17-4/30/19
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.	
Turkey: Circular Welded Carbon Steel Pipes and Tubes, A-489-501 .....	5/1/18-4/30/19
Borusan Birlesik Boru Fabrikalari San ve Tic. Borusan Gemlik Boru Tesisleri A.S. Borusan Holding Borusan Ihracat Ithalat ve Dagitim A.S. Borusan Istikbal Ticaret Borusan Ithicat ve Dagitim A.S. Borusan Mannesmann Boru Sanayi ve Ticaret A.S. Borusan Mannesmann Yatirim Holding Borusman Istikbal Ticaret T.A. S. Cayirova Boru Sanayi ve Ticaret A.S. Cinar Boru Profil San. Ve Tic. A.S. Erbosan Erciyas Boru Sanayi ve Ticaret A.S. Kale Baglann Teknolojileri San. Ve Tic. A.S. Kale Baglanti Teknolojileri San. ve Tic. A.S. Noksel Celik Boru Sanayi A.S. Toscelik Metal Ticaret A.S. Toscelik Profil ve Sac Endustrisi A. S. Tosyali Dis Ticaret A.S. Tubeco Pipe and Steel Corporation Yucel Boru ve Profil Endustrisi A.S. Yucelboru Ihracat Ithalat ve Pazarlama A.S.	
Turkey: Light-Walled Rectangular Pipe and Tube, A-489-815 .....	5/1/18-4/30/19
Agir Haddecilik A.S. Cayirova Boru Sanayi ve Ticaret A.S. Cinar Boru Profil Sanayi ve Ticaret A.S. MTS Lojistik ve Tasimacilik Hizmetleri Ticaret A.S. Noksel Celik Boru Sanayi A.S. Ozdemir Boru Profil Sanayi ve Ticaret Ltd Sti Toscelik Metal Ticaret A.S. Toscelik Profil ve Sac Endustrisi A.S. Tosyali Dis Ticaret A.S. Yucel Boru ve Profil Endustrisi A.S. Yucelboru Ihracat Ithalat ve Pazarlama A.S.	
United Arab Emirates: Steel Nails, A-520-804 .....	5/1/18-4/30/19
Middle East Manufacturing Steel LLC	



	Period to be reviewed
Venezuela: Silicomanganese, A-307-820 ..... Homos Electricos de Venezuela FerroAtlantica de Venezuela FerroAtlantica S.A.	5/1/18-4/30/19
<b>Countervailing Duty Proceedings</b>	
Republic of Korea: Carbon and Alloy Steel Cut-To-Length Plate, C-580-888 ..... BDP International Blue Track Equipment Boxco Bukook Steel Co., Ltd. Buma CE Co., Ltd. China Chengdu International Techno-Economic Cooperation Co., Ltd. Daehan I.M. Co., Ltd. Daelim Industrial Co., Ltd. Daesam Industrial Co., Ltd. Daesin Lighting Co., Ltd. Daewoo International Corp. Dong Yang Steel Pipe Dongbu Steel Co., Ltd. Dongkuk Industries Co., Ltd. Dongkuk Steel Mill Co., Ltd. EAE Automotive Equipment EEW KHPC Co., Ltd. Eplus Expo Inc. GS Global Corp. Haem Co., Ltd. Han Young Industries Hyosung Corp. Hyundai Steel Co. Jinmyung Frictech Co., Ltd. Kindus Inc. Korean Iron and Steel Co., Ltd. Kyoungil Precision Co., Ltd. POSCO Samsun C&T Corp. Shipping Imperial Co., Ltd. Sinchang Eng Co., Ltd. SK Networks Co., Ltd. SNP Ltd. Steel N People Ltd. Summit Industry Sungjin Co., Ltd. Young Sun Steel	1/1/18-12/31/18
The People's Republic of China: 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP), C-570-046 ..... Henan Qingshuiyuan Technology Co., Ltd Shandong Taihe Chemicals Co., Ltd. and Shandong Taihe Water Treatment Technologies Co., Ltd.	1/1/18-12/31/18
The People's Republic of China: Aluminum Extrusions, C-570-968 ..... Aero Import and Export Co. Activa International Inc. Activa Leisure Inc. Agilent Technologies Co. Ltd (China) Allied Maker Limited Alnan Aluminum Co., Ltd. Alnan Aluminum Ltd. Aluminicaste Fundicion de Mexico AMC Ltd. AMC Limited Anji Chang Hong Chain Manufacturing Anshan Zhongjda Industry Co., Ltd Aoda Aluminium (Hong Kong) Co., Limited Atlas Integrated Manufacturing Ltd. Bath Fitter Behr-Hella Thermocontrol (Shanghai) Co. Ltd. Belton (Asia) Development Ltd. Belton (Asia) Development Limited Birchwoods (Lin'an) Leisure Products Co., Ltd. Bolnar Hong Kong Ltd. Bracalente Metal Products (Suzhou) Co., Ltd. Brilliance General Equipment Co., Ltd. AsiaAlum Group Chang shu Changshen Aluminum Products Co., Ltd. Changzhou Changzhen Evaporator Co., Ltd. Changzhou Tenglong Auto Parts Co., Ltd.	1/1/18-12/31/18

	Period to be reviewed
<p> Changzhou Tenglong Auto Accessories Manufacturing Co. Ltd  Changzhou Tenglong Auto Parts Co Ltd.  China Square  China Square Industrial Co.  China Square Industrial Ltd  China Zhongwang Holdings, Ltd.  Chiping One Stop Industrial &amp; Trade Co., Ltd.  Classic &amp; Contemporary Inc.  Clear Sky Inc.  Coclisa S.A. de C.V.  Cosco (J.M.) Aluminum Co., Ltd.  Cosco (JM) Aluminum Development Co. Ltd  CRRC Changzhou Auto Parts Co., Ltd.  Dalian Huacheng Aquatic Products  Dalian Liwang Trade Co., Ltd.  Danfoss Micro Channel Heat Exchanger (Jia Xing) Co., Ltd.  Daya Hardware Co Ltd  Dongguan Aoda Aluminum Co., Ltd.  Dongguan Dazhan Metal Co., Ltd.  Dongguan Golden Tiger Hardware Industrial Co., Ltd.  Dongguang Aoda Aluminum Co., Ltd.  Dragonluxe Limited  Dynabright International Group (HK) Ltd.  Dynamic Technologies China  ETLA Technology (Wuxi) Co. Ltd  Ever Extend Ent. Ltd.  Fenghua Metal Product Factory  First Union Property Limited  FookShing Metal &amp; Plastic Co. Ltd.  Foreign Trade Co. of Suzhou New &amp; High-Tech Industrial Development Zone  Foshan City Nanhai Hongjia Aluminum Alloy Co., Ltd.  Foshan Golden Source Aluminum Products Co., Ltd.  Foshan Guangcheng Aluminium Co., Ltd  Foshan Jinlan Aluminum Co. Ltd.  Foshan JinLan Aluminum Co., Ltd.  Foshan JMA Aluminum Company Limited  Foshan Nanhai Niu Yuan Hardware Product Co., Ltd.  Foshan Shanshui Fenglu Aluminum Co., Ltd.  Foshan Shunde Aoneng Electrical Appliances Co., Ltd  Foshan Yong Li Jian Aluminum Co., Ltd.  Fujian Sanchuan Aluminum Co., Ltd.  Fukang Aluminum &amp; Plastic Import and Export Co., Ltd.  Fuzhou Sunmodo New Energy Equipment  Gaotang Xinhai Economy &amp; Trade Co., Ltd.  Genimex Shanghai, Ltd.  Global Hi- Tek Precision Co. Ltd  Global PMX Dongguan Co., Ltd.  Global Point Technology (Far East) Limited  Gold Mountain International Development, Ltd.  Golden Dragon Precise Copper Tube Group, Inc.  Gran Cabrio Capital Pte. Ltd.  Gree Electric Appliances  Green Line Hose &amp; Fittings  GT88 Capital Pte. Ltd.  Guang Ya Aluminium Industries (HK) Ltd.  Guang Ya Aluminium Industries Co. Ltd.  Guang Ya Aluminum Industries Company Ltd  Guangcheng Aluminum Co., Ltd  Guangdong Hao Mei Aluminum Co., Ltd.  Guangdong Jianmei Aluminum Profile Company Limited  Guangdong JMA Aluminum Profile Factory (Group) Co., Ltd.  Guangdong Midea  Guangdong Midea Microwave and Electrical Appliances  Guangdong Nanhai Foodstuffs Imp. &amp; Exp. Co., Ltd.  Guangdong Weiye Aluminum Factory Co., Ltd.  Guangdong Whirlpool Electrical Appliances Co., Ltd.  Guangdong Xingfa Aluminum Co., Ltd.  Guangdong Xin Wei Aluminum Products Co., Ltd.  Guangdong Yonglijian Aluminum Co., Ltd.  Guangdong Zhongya Aluminum Company Ltd.  Guangzhou Jangho Curtain Wall System Engineering Co., Ltd.  Guangzhou Mingcan Die-Casting Hardware Products Co., Ltd.  Hangzhou Xingyi Metal Products Co., Ltd.  Hanwood Enterprises Limited </p>	

	Period to be reviewed
<p> Hanyung Alcoba Co., Ltd.  Hanyung Alcobis Co., Ltd.  Hanyung Metal (Suzhou) Co., Ltd.  Hao Mei Aluminum Co., Ltd.  Hao Mei Aluminum International Co., Ltd.  Hebei Xusen Wire Mesh Products Co., Ltd.  Henan New Kelong Electrical Appliances Co., Ltd.  Henan Zhongduo Aluminum Magnesium New Material Co, Ltd.  Hitachi High-Technologies (Shanghai) Co., Ltd.  Hong Kong Gree Electric Appliances Sales Limited  Hong Kong Modern Non-Ferrous Metal  Honsense Development Company  Hui Mei Gao Aluminum Foshan Co., Ltd.  Huixin Aluminum  IDEX Dinglee Technology (Tianjin) Co., Ltd.  IDEX Health  IDEX Technology Suzhou Co., Ltd.  Innovative Aluminum (Hong Kong) Limited  iSource Asia  Jackson Travel Products Co., Ltd.  Jangho Curtain Wall Hong Kong Ltd.  Jiangmen Jianghai Foreign Ent. Gen.  Jiangmen Jianghai District Foreign Economic Enterprise Corp. Ltd.  Jiangmen Qunxing Hardware Diecasting Co., Ltd.  Jiangsu Changfa Refrigeration Co.  Jiangyin Suncitygaylin  Jiangyin Trust International Inc.  Jiangyin Xinhong Doors and Windows Co., Ltd.  Jiaxing Jackson Travel Products Co., Ltd.  Jiaxing Taixin Metal Products Co., Ltd.  Jiuyan Co., Ltd.  JMA (HK) Company Limited  Johnson Precision Engineering (Suzhou) Co., Ltd.  Justhere Co., Ltd.  Kam Kiu Aluminum Products Sdn Bhd  Kanal Precision Aluminum Product Co., Ltd.  Karlton Aluminum Company Ltd.  Kong Ah International Company Limited  Kromet International Inc.  Kromet Inti Inc  Kromet International  Kunshan Giant Light Metal Technology Co., Ltd.  Liaoning Zhong Da Industrial Aluminum Co., Ltd.  Liaoning Zhongwang Group Co., Ltd.  Liaoyang Zhongwang Aluminum Profile Co. Ltd.  Longkou Donghai Trade Co., Ltd.  MAAX Bath Inc.  MAHLE Holding (China) Co., Ltd  Metal Tech Co Ltd  Metaltek Group Co., Ltd.  Metaltek Metal Industry Co., Ltd.  Midea Air Conditioning Equipment Co., Ltd.  Midea Electric Trading Co., Pte Ltd  Midea International Training Co., Ltd.  Midea International Trading Co., Ltd.  Miland Luck Limited  Nanhai Textiles Import &amp; Export Co., Ltd.  New Asia Aluminum &amp; Stainless Steel Product Co., Ltd.  New Zhongya Aluminum Factory  Nidec Sankyo (Zhejiang) Corporation  Nidec Sankyo Zhejiang Corporation  Nidec Sankyo Singapore Pte. Ltd.  Ningbo Coaster International Co., Ltd.  Ningbo Hi Tech Reliable Manufacturing Company  Ningbo Innopower Tengda Machinery  Ningbo Ivy Daily Commodity Co., Ltd.  Ningbo Yili Import and Export Co., Ltd.  North China Aluminum Co., Ltd.  North Fenghua Aluminum Ltd.  Northern States Metals  PanAsia Aluminum (China) Limited  PENCOM Dongguan China  Pengcheng Aluminum Enterprise Inc.  Permasteelisa Hong Kong Limited </p>	

	Period to be reviewed
<p> Permasteelisa South China Factory  Pingguo Aluminum Company Limited  Pingguo Asia Aluminum Co., Ltd.  Popular Plastics Company Limited  Precision Metal Works Ltd.  Press Metal International Ltd.  Qingdao Sea Nova Building  Samuel, Son &amp; Co., Ltd.  Sanchuan Aluminum Co., Ltd.  Sanhua (Hangzhou) Micro Channel Heat Exchanger Co., Ltd  Shandong Fukang Aluminum &amp; Plastic Co. LTD  Shandong Huajian Aluminum Group  Shandong Huasheng Pesticide Machinery Co.  Shandong Nanshan Aluminum Co., Ltd.  Shanghai Automobile Air Conditioner Accessories Ltd.  Shanghai Automobile AirConditioner Accessories Co Ltd  Shanghai Canghai Aluminum Tube Packaging Co., Ltd  Shanghai Dofiberone Composites Co. Ltd.  Shanghai Dongsheng Metal  Shanghai Shen Hang Imp &amp; Exp Co., Ltd.  Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.  Shanghai Top-Ranking Aluminum Products Co., LTD  Shanghai Top-Ranking New Materials Co., Ltd.  Shenyang Yuanda Aluminum Industry Engineering Co. Ltd.  Shenzhen Hudson Technology Development Co.  Shenzhen Jiuyuan Co., Ltd.  Sihui Shi Guo Yao Aluminum Co., Ltd.  Sincere Profit Limited  Skyline Exhibit Systems (Shanghai) Co. Ltd.  Southwest Aluminum (Group) Co., Ltd.  Springs Window Fashions De Victoria  Summit Heat Sinks Metal Co, Ltd  Summit Plastics Nanjing Co. Ltd  Suzhou JRP Import &amp; Export Co., Ltd.  Suzhou New Hongji Precision Part Co.  Tai-Ao Aluminum (Taishan) Co. Ltd.  Taishan City Kam Kiu Aluminium Extrusion Co., Ltd.  Taitoh Machinery Shanghai Co Ltd  Taizhou United Imp. &amp; Exp. Co., Ltd.  tenKsolar (Shanghai) Co., Ltd.  Tiaijin Ganglv Nonferrous Metal Materials Co., Ltd.  Tianjin Jinmao Import &amp; Export Corp., Ltd.  Tianjin Ruxin Electric Heat Transmission Technology Co., Ltd.  Tianjin Xiandai Plastic &amp; Aluminum Products Co., Ltd.  Tiazhou Lifeng Manufacturing Corporation  Taizhou Lifeng Manufacturing Co., Ltd.  Top-Wok Metal Co., Ltd.  Traffic Brick Network, LLC  Union Aluminum (SIP) Co.  Union Industry (Asia) Co., Ltd.  USA Worldwide Door Components (Pinghu) Co., Ltd.  Wenzhou Shengbo Decoration &amp; Hardware  Wenzhou Yongtai Electric Co., Ltd.  Whirlpool (Guangdong)  Whirlpool Canada L.P.  Whirlpool Microwave Products Development Ltd.  Wonjin Autoparts  Worldwide Door Components, Inc.  WTI Building Products, Ltd.  Wuxi Lutong Fiberglass Doors Co., Ltd.  XinWei Aluminum Co.  Xin Wei Aluminum Company Limited  Xinchang Yongqiang Air Conditioning Accessories Co., Ltd.  Xinya Aluminum &amp; Stainless Steel Product Co., Ltd.  Yuyao Haoshen Import &amp; Export  Yuyao Fanshun Import &amp; Export Co., Ltd.  Zahong China Square Industry Limited  Zhaoqing China Square Industry Limited  Zhaoqing Asia Aluminum Factory Company Ltd.  Zhaoqing China Square Industrial Ltd.  Zhaoqing New Zhongya Aluminum Co., Ltd.  Zhejiang Anji Xinxiang Aluminum Co., Ltd.  Zhejiang Lilies Industrial and Commercial Co  Zhejiang Yili Automobile Air Condition Co., Ltd </p>	

	Period to be reviewed
Zhejiang Yongkang Listar Aluminum Industry Co., Ltd.	
Zhejiang Zhengte Group Co., Ltd.	
Zhenjiang Xinlong Group Co., Ltd.	
Zhongshan Daya Hardware Co., Ltd.	
Zhongshan Gold Mountain Aluminum Factory Ltd.	
Zhongya Shaped Aluminum (HK) Holding Limited	
Zhuhai Runxingtai Electrical Equipment Co., Ltd.	
The People's Republic of China: Aluminum Foil, <sup>7</sup> C-570-054 .....	8/14/17-12/31/18
The People's Republic of China: Certain Amorphous Silica Fabric, <sup>8</sup> C-570-039 .....	1/1/18-12/31/18
Beijing Landingji Engineering Tech Co., Ltd.	
Haining Jiete Fiberglass Fabric Co., Ltd.	
Nanjing Tianyuan Fiberglass Material Co., Ltd.	
Wallean Industries Co., Ltd.	
Zibo Yao Xing Fire-Resistant and Heat Preservation Material Co., Ltd.	
Turkey: Carbon and Alloy Steel Wire Rod, C-489-832 .....	9/5/17-12/31/18
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.	
<b>Suspension Agreements</b>	
None.	

## Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the

<sup>5</sup> In the less-than-fair-value investigation, Commerce treated these companies as a single entity. See, e.g., *Certain Carbon and Alloy Steel Cut-To-Length Plate from the Republic of Korea: Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances Determination*, 82 FR 16369 (April 4, 2017) (*Final Determination*). Absent information to the contrary, we intend to continue to treat these companies as a single entity for purposes of this administrative review.

<sup>6</sup> The companies listed below were misspelled in the initiation notice that published on May 29, 2019 (84 FR 24743). On June 3, 2019 Commerce received a request to correct the misspelled company names listed on the administrative review request letter. The correct spellings of the company names are listed in this notice.

<sup>7</sup> In the initiation notice that published on June 13, 2019 (84 FR 27587) Commerce inadvertently listed the wrong period of review for referenced case above. The correct POR is listed in this notice.

<sup>8</sup> The companies listed below were misspelled in the initiation notice that published on May 29, 2019 (84 FR 24743). On June 3, 2019 Commerce received a request to correct the misspelled company names listed on the administrative review request letter. The correct spellings of the company names are listed in this notice.

name(s) of the exporter or producer for which the inquiry is requested.

## Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures “gap” period, of the order, if such a gap period is applicable to the POR.

## Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (e.g., the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

## Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under

which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the final rule, available at <http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt>, prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.<sup>9</sup> Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.<sup>10</sup> Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

<sup>9</sup> See section 782(b) of the Act.

<sup>10</sup> See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at [http://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAO\\_07172013.pdf](http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAO_07172013.pdf).

## Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. See 19 CFR 351.302. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: June 9, 2019.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2019-14951 Filed 7-12-19; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration [A-570-836]

#### **Glycine From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2018-2019**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on glycine from the People's Republic of China (China) for the period March 1, 2018, through February 28, 2019, based on the timely withdrawal of the request for review.

**DATES:** Applicable July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Edythe Artman, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3931.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 5, 2019, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on glycine from China for the period of review covering March 1, 2018, through February 28, 2019.<sup>1</sup> On April 1, 2018, GEO Specialty Chemicals, Inc. (GEO), a domestic producer of glycine, filed a timely request for review, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).<sup>2</sup> Pursuant to this request, and in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of ten companies.<sup>3</sup> On June 10, 2019, GEO filed a timely withdrawal of request for the administrative review of all ten companies.<sup>4</sup>

##### **Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative

review, in whole or in part, if the party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. As noted above, GEO, the only party to file a request for review, withdrew this request by the 90-day deadline. Accordingly, we are rescinding the administrative review of the antidumping duty order on glycine from China covering March 1, 2018, through February 28, 2019, in its entirety.

##### **Assessment**

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of glycine from China. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

##### **Notification to Importers**

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

##### **Notification Regarding Administrative Protective Orders**

This notice also serves as a reminder to all 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. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 7877 (March 5, 2019).

<sup>2</sup> See Letter from GEO, "Glycine from the People's Republic of China: Request for Administrative Review," dated April 1, 2019.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 24743 (May 29, 2019).

<sup>4</sup> See Letter from GEO, "Glycine from the People's Republic of China: Withdrawal of Request for Administrative Review," dated June 10, 2019.

Dated: July 5, 2019.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2019-14952 Filed 7-12-19; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XH089

#### Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

**ACTION:** Notice of SEDAR 58 Assessment Milestone 2 Webinar for Atlantic Cobia.

**SUMMARY:** The SEDAR 58 assessment of the Atlantic stock of Cobia will consist of a series of workshops and webinars: Data Workshop; Assessment Webinars; and a Review Workshop. See

#### SUPPLEMENTARY INFORMATION.

**DATES:** The SEDAR 58 Assessment Milestone 2 Webinar has been scheduled for August 14, 2019, from 9 a.m. to 12 p.m.

#### ADDRESSES:

**Meeting address:** The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Kathleen Howington at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

**SEDAR address:** South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; [www.sedarweb.org](http://www.sedarweb.org).

**FOR FURTHER INFORMATION CONTACT:** Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571-4366; email: [Kathleen.Howington@safmc.net](mailto:Kathleen.Howington@safmc.net).

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-

step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Assessment Milestone 2 webinar are as follows:

- Continued work on model development

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: July 9, 2019.

**Tracey L. Thompson,**

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

[FR Doc. 2019-14900 Filed 7-12-19; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XH088

#### Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

**ACTION:** Notice of SEDAR 68 Stock ID scoping webinar for Gulf of Mexico and Atlantic scamp grouper.

**SUMMARY:** The SEDAR 68 assessment of Gulf of Mexico and Atlantic scamp will consist of a Data workshop, a series of assessment webinars, and a Review workshop.

**DATES:** The SEDAR 68 Stock ID Webinar I will be held from 10 a.m. to 12 p.m. Eastern on August 7, 2019.

**ADDRESSES:** The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

**SEDAR address:** 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: [Julie.neer@safmc.net](mailto:Julie.neer@safmc.net).

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and

recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Stock ID webinars are as follows:

1. Participants will use review genetic studies, growth patterns, existing stock definitions, prior SEDAR stock ID recommendations, and any other relevant information on scamp stock structure.

2. Participants will make recommendations on biological stock structure and define the unit stock or stocks to be addressed through this assessment.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: July 9, 2019.

**Tracey L. Thompson,**

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

[FR Doc. 2019-14895 Filed 7-12-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XH090**

### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Southern Resident Killer Whale (SRKW) Workgroup (Workgroup) will convene two meetings via webinar, which are open to the public.

**DATES:** The first meeting, to be held via webinar, will convene on Tuesday, August 6, 2019, from 10 a.m. to 2 p.m. Pacific Daylight Time (PDT), or until business for the day has been completed.

The second meeting, to be held via webinar, will convene Wednesday, September 4, 2019, from 10 a.m. to 2 p.m. PDT, or until business for the day has been completed.

**ADDRESSES:** These meetings will be held via webinar. A public listening station is available at the Pacific Council office (address below). To attend the webinar (1) join the webinar by visiting this link <https://www.gotomeeting.com/webinar> (click "Join a Webinar" in top right corner of page), (2) enter the Webinar ID: 687-012-435, and (3) enter your name and email address (required). After logging in to the webinar, please (1) dial this TOLL number 1-(631) 992-3221 (not a toll-free number), (2) enter the attendee phone audio access code 972-015-065, and (3) enter the provided audio PIN after joining the webinar. You must enter this PIN for audio access.

**Note:** We have disabled Mic/Speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and system requirements: PC-based attendees are required to use Windows® 10, 8, 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®,

Android™ phone or Android tablet (See <https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps>.) You may send an email to Mr. Kris Kleinschmidt at [Kris.Kleinschmidt@noaa.gov](mailto:Kris.Kleinschmidt@noaa.gov) or contact him at 503-820-2280, extension 419 for technical assistance.

**Council address:** Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

### FOR FURTHER INFORMATION CONTACT:

Robin Ehlke, Pacific Council; telephone: (503) 820-2410.

### SUPPLEMENTARY INFORMATION:

The purpose of the August 6 webinar is to discuss the development of the draft risk analysis, identify remaining data needs, and follow up on assignments and discussions from the Workgroup's previous meetings; the September 4 webinar will focus mainly on finalizing the draft risk analysis in preparation for the Pacific Council meeting in September in Boise, ID. At both of these meetings, the Workgroup may also discuss work plans, recommendations to the Council regarding future meeting planning, and progress made on assigned tasks related to the Workgroup's prime objective of reassessing the effects of Council-area ocean salmon fisheries on the Chinook salmon prey base of SRKW. This is a public meeting and not a public hearing. Public comments will be taken at the discretion of the Workgroup co-chairs as time allows. Agendas and meeting notices can be found on the Council's website at [pcouncil.org](http://pcouncil.org).

Although non-emergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, (503) 820-2411, at least 10 business days prior to the meeting date.



Dated: July 9, 2019.

**Tracey L. Thompson,**

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

[FR Doc. 2019-14899 Filed 7-12-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Ocean Exploration Advisory Board (OEAB); Meeting

**AGENCY:** Office of Ocean Exploration and Research (OER) National Oceanic and Atmospheric Administration (NOAA) Department of Commerce (DOC).

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda for a meeting of the Ocean Exploration Advisory Board (OEAB). OEAB members will discuss and provide advice on Federal ocean exploration programs, with a particular emphasis on National Oceanic and Atmospheric Administration (NOAA) Office of Ocean Exploration and Research (OER) activities as outlined in the section on Matters to Be Considered.

**DATES:** The announced meeting is scheduled for Wednesday, July 31, 2019 from 9 a.m. to 5 p.m. EDT and Thursday, August 1, 2019 from 9 to 5 p.m. EDT.

**ADDRESSES:** The meeting will be held at: Consortium for Ocean Leadership, 1201 New York Avenue NW, Suite 420, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Mr. David McKinnie, Designated Federal Officer, Ocean Exploration Advisory Board, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Seattle, WA 98115, (206) 526-6950.

**SUPPLEMENTARY INFORMATION:** NOAA established the OEAB under the Federal Advisory Committee Act (FACA) and legislation that gives the agency statutory authority to operate an ocean exploration program and to coordinate a national program of ocean exploration. The OEAB advises NOAA leadership on strategic planning, exploration priorities, competitive ocean exploration grant programs and other matters as the NOAA Administrator requests.

OEAB members represent government agencies, the private sector, academic institutions, and not-for-profit institutions involved in all facets of

ocean exploration—from advanced technology to citizen exploration.

In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of stakeholders and partnerships advancing national priorities for ocean exploration.

*Matters to be Considered:* The OEAB will discuss the following topics: (1) Reauthorization of ocean exploration legislation; (2) administration activities in support of ocean exploration, including the National Ocean Partnership Program, the Subcommittee on Ocean Science and Technology, executive order implementation, and Blue Economy actions; (3) the NOAA fleet plan, including Okeanos Explorer end-of-life planning and ocean exploration platform options; (4) OER updates, including the new Cooperative Institute for Ocean Exploration and the OER program review; (5) the OEAB five-year self-assessment; and (6) other matters as described in the agenda. The agenda and other meeting materials are available on the OEAB website at <http://oeab.noaa.gov>.

*Status:* The meeting will be open to the public with a 15-minute public comment period on Wednesday, July 31, 2019 from 11:45 a.m. to 12 p.m. EDT (please check the final agenda on the website to confirm the time). The public may listen to the meeting and provide comments during the public comment period via teleconference. Dial-in information may be found on the meeting agenda posted to the OEAB website.

The OEAB expects that public statements at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to three minutes. The Designated Federal Officer must receive written comments by July 24, 2019 to provide sufficient time for OEAB review. Written comments received after July 24, 2019 will be distributed to the OEAB but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

*Special Accommodations:* These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Designated Federal Officer by July 24, 2019.

Dated: June 28, 2019.

**David Holst,**

*Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.*

[FR Doc. 2019-14978 Filed 7-12-19; 8:45 am]

**BILLING CODE 3510-KA-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XH087**

#### South Atlantic Fishery Management Council; Public Meetings

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

**ACTION:** Notice of the South Atlantic Fishery Management Council's (Council) Dolphin Wahoo Advisory Panel (AP) Meeting.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a meeting of its Dolphin Wahoo AP on August 22, 2019.

**DATES:** The meeting will be held via webinar on August 22, 2019, from 8:30 a.m. until 12 p.m.

#### ADDRESSES:

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Registration is required. Webinar registration, an online public comment form, and briefing book materials will be available two weeks prior to the meeting at: <http://safmc.net/safmc-meetings/current-advisory-panel-meetings/>. Public comments must be received by 12 p.m. on August 21, 2019.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571-4366 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** The Dolphin Wahoo AP will meet via webinar. Agenda items for the AP meeting include: A review of recent and developing Council actions, revisions to the Dolphin Wahoo Fishery Management Plan goals and objectives, adding bullet and frigate mackerel to the Dolphin Wahoo Fishery Management Plan as ecosystem component species, and other business. The AP members will discuss these issues and provide

recommendations for Council consideration as appropriate.

### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 5 days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: July 9, 2019.

**Tracey L. Thompson,**

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

[FR Doc. 2019-14897 Filed 7-12-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XH091**

### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's (MAFMC) Tilefish Advisory Panel and Tilefish Committee will hold a public meeting.

**DATES:** The meeting will be held on Thursday, August 1, 2019, from 9 a.m. to 11 a.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The meeting will be held via webinar with a telephone-only connection option. Details on the proposed agenda, webinar listen-in access, and briefing materials will be posted at the MAFMC's website: [www.mafmc.org](http://www.mafmc.org).

**Council address:** Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331 or on their website at [www.mafmc.org](http://www.mafmc.org).

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** The Council has committed to funding the first year of a long-term golden tilefish fishery independent survey. The first survey will be conducted next year in waters off New York to the Virginia/North Carolina line.

The purpose of this meeting is for the Advisory Panel and Committee to discuss the overview of the survey and identify potential funding options for subsequent surveys.

### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the meeting date.

Dated: July 9, 2019.

**Tracey L. Thompson,**

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

[FR Doc. 2019-14898 Filed 7-12-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

**[ARH-190628B-PL]**

### Notice of Intent To Grant a Partially Exclusive Patent License

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant a partially exclusive (exclusive with respect to the field of travel and residential security/safety; aftermarket physical security and door hardware) patent license agreement to S9 Engineering Technology Corp., a corporation of the State of Ohio, having a place of business at 1260 Donson Drive, Apt. D, Kettering, OH 45429. **DATES:** Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

**ADDRESSES:** Submit written objections to the Air Force Materiel Command Law Office, AFMCLO/JAZ, ATTN: Chastity D.S. Whitaker, Ph.D., 2240 B Street, Room 260, Wright-Patterson AFB, OH 45433-7109; Facsimile: (937) 255-3733; or Email: [afmclo.jaz.tech@us.af.mil](mailto:afmclo.jaz.tech@us.af.mil). Include Docket No. ARH-190628B-PL in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Air Force Materiel Command Law Office, AFMCLO/JAZ, ATTN: Chastity D.S. Whitaker, Ph.D., 2240 B Street, Rm. 260, Wright-Patterson AFB, OH 45433-7109; Facsimile: (937) 255-3733; Email: [afmclo.jaz.tech@us.af.mil](mailto:afmclo.jaz.tech@us.af.mil).

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force intends to

grant the partially exclusive patent license agreement for the invention described in:

—U.S. Patent Application Serial No. 15/097,371, filed April 13, 2016.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

**Authority:** 35 U.S.C. 209; 37 CFR 404.

**Carlinda N. Lotson,**

*Acting Air Force Federal Register Liaison Officer.*

[FR Doc. 2019-14949 Filed 7-12-19; 8:45 am]

**BILLING CODE 5001-10-P**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Update to the October 24, 2016 Military Freight Traffic Unified Rules Publication (MFTURP) No. 1

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** The Military Surface Deployment and Distribution Command (SDDC) is providing notice that it is releasing an updated MFTURP No. 1.

**DATES:** The update took effect June 24, 2019.

**ADDRESSES:** Submit comments to SDDC, G3, Domestic Carrier Management Branch, 1 Soldier Way, Building 1900W, ATTN: SDDC-AMSSD-OPM-MC, Scott AFB 62225. Request for additional information may be sent by email to: [usarmy.scott.sddc.mbx.g3-domestic-mfturp@mail.mil](mailto:usarmy.scott.sddc.mbx.g3-domestic-mfturp@mail.mil).

**FOR FURTHER INFORMATION CONTACT:** G3, Domestic Carrier Management, 618-220-5554.

### SUPPLEMENTARY INFORMATION:

**Reference:** Military Freight Traffic Unified Rules Publications (MFTURP) No. 1. Background: The MFTURP No. 1 governs the purchase of surface freight transportation in the Continental United States (CONUS) by DoD using Federal Acquisition Regulation (FAR) exempt transportation service contracts.

**Miscellaneous:** This publication, as well as the other SDDC publications, can be accessed via the SDDC website

at: <https://www.sddc.army.mil/res/pages/pubs.aspx>.

Jeff Olenick,

Chief, Movement Support.

[FR Doc. 2019-14964 Filed 7-12-19; 8:45 am]

BILLING CODE 5001-03-P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

[Docket Number DARS-2019-0040; OMB Control Number 0704-0441]

#### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Quality Assurance

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD)

**ACTION:** Notice and request for comments regarding a proposed revision and extension of an approved information collection requirement.

**SUMMARY:** In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through September 30, 2019. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

**DATES:** DoD will consider all comments received by September 13, 2019.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0441, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include OMB Control Number 0704-0441 in the subject line of the message.

- *Fax:* 571-372-6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Kimberly Bass, OUSD(A&S)DPC(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Bass, telephone 571-372-6174.

#### SUPPLEMENTARY INFORMATION:

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 246, Quality Assurance, and related clauses at 252.246; OMB Control Number 0704-0441.

*Needs and Uses:* The information collections under OMB Control Number 0704-0441 pertain to all information that offerors or contractors must submit related to DFARS contract quality assurance programs. This renewal includes the incorporation of OMB Control Number 0704-0541.

a. 252.246-7003, Notification of Potential Safety Issues. Contracting officers require timely notification of potential safety defects so that (1) systems and equipment likely affected by the situation can be readily identified, and (2) appropriate engineering investigation and follow-on actions can be taken to establish and mitigate risk.

b. 252.246-7005, Notice of Warranty Tracking of Serialized Items. The information provided by offerors under this provision alerts contracting officers in those cases where the offeror is proposing to provide a warranty for an individual contract line item for which DoD has not specified a warranty in the solicitation. The warranty notice will permit the Government to recognize and utilize any warranty after contract award.

c. 252.246-7006, Warranty Tracking of Serialized Items. This clause implements section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 (Pub. L. 112-81 as amended by section 817 of the NDAA for FY 2015 (Pub. L. 113-291)). The information provided by contractors allows DoD to track warranties for item unique item identification (IUID) required items in the IUID registry to obtain maximum utility of warranties provided on contracted items. The identification and enforcement of warranties is essential to the effectiveness and efficiency of DoD's material readiness. Providing visibility and accountability of warranty data

associated with acquired goods, from the identification of the requirement to the expiration date of the warranted item, significantly enhances DoD's ability to take full advantage of warranties, resulting in—

- (1) Reduced costs;
- (2) Ability to recognize benefits included at no additional cost;
- (3) Ability to compare performance against Government-specified warranties; and
- (4) Identification of sufficient durations for warranties for specific goods.

d. 252.246-7008, Sources of Electronic Parts. The notification and documentation requirements are necessary to comply with statute. The contracting officer will use the information to ensure that the contractor performs the traceability of parts, additional inspection, testing, and authentication required when an electronic part is not obtained from a trusted supplier. The Government may also use this information to more actively perform acceptance.

*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:* Revision and extension.

*Number of Respondents:* 34,842.

*Annual Responses:* 122,023.

*Annual Burden Hours:* 2,075,684 (includes 39,074 reporting hours and 2,036,610 recordkeeping hours).

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2019-14942 Filed 7-12-19; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Board of Regents, Uniformed Services University of the Health Sciences; Notice of Federal Advisory Committee Meeting

**AGENCY:** Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Department of Defense (DoD).

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Board, Board of Regents, Uniformed Services University of the Health Sciences (USU) will take place.

**DATES:** Tuesday, August 6, 2019 open to the public from 8:00 a.m. to 11:05 a.m.

The closed session will follow from approximately 11:15 a.m. to 11:45 a.m.

**ADDRESSES:** Navy Lodge North Island, Naval Air Station North Island, San Diego, CA 92135.

**FOR FURTHER INFORMATION CONTACT:** MAJ Joshua Barricklow, Designated Federal Officer, at (301) 295-9805 or [joshua.barricklow@usuhs.edu](mailto:joshua.barricklow@usuhs.edu). Mailing address is 4301 Jones Bridge Road, Bethesda, MD 20814. Website: <https://www.usuhs.edu/vpe/bor>.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102-3.140 and 102-3.150.

**Purpose of the Meeting:** The purpose of the meeting is to provide advice and recommendations to the Secretary of Defense, through the USD(P&R), on academic and administrative matters critical to the full accreditation and successful operation of USU. These actions are necessary for USU to pursue its mission, which is to educate, train and comprehensively prepare uniformed services health professionals, officers, scientists, and leaders to support the Military and Public Health Systems, the National Security and National Defense Strategies of the United States, and the readiness of our Uniformed Services.

**Agenda:** The actions scheduled to occur include the review of any administrative matters of general consent (e.g., degree conferrals, faculty appointments and promotions, award recommendations, etc.) that may have been electronically voted on since the previous Board meeting on May 17, 2019; Board actions, to include recommendations for degree conferrals, faculty appointments and promotions, and faculty awards presented by the deans of USU's schools and colleges; a report by the USU President on recent actions affecting academic and operational aspects of USU; a member report covering an academics summary (consisting of reports from the Dean of the Hébert School of Medicine, the Dean of the Inouye Graduate School of Nursing, the Executive Dean of the Postgraduate Dental College, and the Dean of the College of Allied Health Sciences); a member report covering a finance and administration summary (consisting of reports from the Vice President of Research and the Vice President of Finance and Administration); and additional reports from the Senior Vice President of the Southern Region, the Senior Vice President of the Western Region, the

Director of the Armed Forces Radiobiology Research Institute, the Commanding Officer of the USU Brigade, and the Vice President of External Affairs. A closed session will be held following the open session to discuss active investigations and personnel actions.

**Meeting Accessibility:** Pursuant to Federal statutes and regulations (5 U.S.C., Appendix, 5 U.S.C. 552b, and 41 CFR 102-3.140 through 102-3.165) and the availability of space, the meeting is open to the public from 8:00 a.m. to 11:05 a.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact Mr. Barricklow no later than five business days prior to the meeting at the address and phone number noted in the **FOR FURTHER INFORMATION CONTACT** section.

Pursuant to 5 U.S.C. 552b(c)(2, 5-7), the DoD has determined that the portion of the meeting from 11:15 a.m. to 11:45 a.m. shall be closed to the public. The USD(P&R), in consultation with the DoD Office of General Counsel, has determined in writing that this portion of the Board's meeting will be closed as the discussion will disclose sensitive personnel information, will include matters that relate solely to the internal personnel rules and practices of the agency, will involve allegations of a person having committed a crime or censuring an individual, and may disclose investigatory records compiled for law enforcement purposes.

**Written Statements:** Pursuant to section 10(a)(3) of the FACA and 41 CFR 102-3.140, the public or interested organizations may submit written comments to the Board about its approved agenda pertaining to this meeting or at any time regarding the Board's mission. Individuals submitting a written statement must submit their statement to Mr. Barricklow at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written statements that do not pertain to a scheduled meeting of the Board may be submitted at any time. If individual comments pertain to a specific topic being discussed at the planned meeting, then these statements must be received at least five calendar days prior to the meeting. Otherwise, the comments may not be provided to or considered by the Board until a later date. The Designated Federal Officer will compile all timely submissions with the Board's Chair and ensure such submissions are provided to Board Members before the meeting.

Dated: July 10, 2019.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2019-14948 Filed 7-12-19; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF EDUCATION

### National Assessment Governing Board

#### Notice of Meetings

**AGENCY:** National Assessment Governing Board, U.S. Department of Education.

**ACTION:** Announcement of open and closed meetings.

**SUMMARY:** This notice sets forth the agenda for the August 1-3, 2019 Quarterly Board Meeting of the National Assessment Governing Board (hereafter referred to as Governing Board). This notice provides information to members of the public who may be interested in attending the meeting or providing written comments related to the work of the Governing Board. Notice of this meeting is required under the Federal Advisory Committee Act (FACA).

**DATES:** The Quarterly Board Meeting will be held on the following dates:

- August 1, 2019 from 12:30 p.m. to 6:00 p.m.
- August 2, 2019 from 8:30 a.m. to 5:45 p.m.
- August 3, 2019 from 7:30 a.m. to 11:00 a.m.

**ADDRESSES:** The Little America Hotel, 2800 West Lincolnway, Cheyenne, WY 82009.

**FOR FURTHER INFORMATION CONTACT:** Munira Mwalimu, Executive Officer/ Designated Federal Official for the Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002, telephone: (202) 357-6938, fax: (202) 357-6945, email: [Munira.Mwalimu@ed.gov](mailto:Munira.Mwalimu@ed.gov).

#### SUPPLEMENTARY INFORMATION:

**Statutory Authority and Function:** The Governing Board is established under the National Assessment of Educational Progress Authorization Act, Title III of Public Law 107-279. Information on the Governing Board and its work can be found at [www.nagb.gov](http://www.nagb.gov).

The Governing Board is established to formulate policy for the National Assessment of Educational Progress (NAEP) administered by the National Center for Education Statistics (NCES). The Governing Board's responsibilities include the following: Selecting subject areas to be assessed, developing assessment frameworks and

specifications, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for interstate and national comparisons, improving the form and use of NAEP, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public.

Written comments related to the work of the Governing Board may be submitted electronically or in hard copy to the attention of the Executive Officer/ Designated Federal Official (see contact information noted above).

### August 1–3, 2019 Committee Meetings

The Governing Board's standing committees will meet to conduct regularly scheduled work based on agenda items planned for this Quarterly Board Meeting and follow-up items as reported in the Governing Board's committee meeting minutes available at <https://www.nagb.gov/governing-board/quarterly-board-meetings.html>.

### Detailed Meeting Agenda: August 1–3, 2019

#### August 1: Committee Meetings

*Assessment Development Committee (ADC):* Open Session: 12:30 p.m. to 12:45 p.m.; Closed Session: 12:45 p.m. to 1:45 p.m.; Open Session: 1:45 p.m. to 3:00 p.m.

*Executive Committee:* Open Session: 4:30 p.m. to 5:25 p.m.; Closed Session: 5:25 p.m. to 6:00 p.m.

#### August 2: Full Governing Board and Committee Meetings

*Full Governing Board:* Open Session: 8:30 a.m. to 10:50 a.m. Closed Session: 1:15 p.m. to 2:45 p.m. Open Session: 3:00 p.m. to 5:45 p.m.

*Committee Meetings:* 11:00 a.m. to 1:00 p.m.

*ADC:* Open Session: 11:00 a.m. to 12:00 p.m. Closed Session: 12:00 p.m. to 1:00 p.m.

*Committee on Standards, Design and Methodology (COSDAM):* Open Session: 11:00 a.m. to 12:00 p.m.; Joint Open Session with the Reporting and Dissemination Committee (R&D): 12:00 p.m. to 1:00 p.m.

*R&D:* Open Session: 11:00 a.m. to 12:00 p.m.; Joint Open Session with COSDAM: 12:00 p.m. to 1:00 p.m.

#### August 3: Full Governing Board and Committee Meetings

*Nominations Committee:* Open Session: 7:30 a.m. to 8:15 a.m.

*Full Governing Board:* Open Session: 8:30 a.m. to 8:40 a.m.; Closed Session: 8:40 a.m. to 9:30 a.m.; Open Session: 9:30 a.m. to 11:00 a.m.

On Thursday, August 1, 2019, ADC will begin in open session from 12:30 p.m. to 12:45 p.m., and then meet in closed session to discuss secure item information from the NAEP Mathematics Assessment from 12:45 p.m. to 1:45 p.m. This meeting must be conducted in closed session because the secure items have not been released to the public. Discussion of this information would be likely to significantly impede implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of section 552b of Title 5 U.S.C. The ADC will conclude their meeting in open session from 1:45 p.m. to 3:00 p.m.

On Thursday, August 1, 2019, the Executive Committee will convene in open session from 4:30 p.m. to 5:25 p.m. and thereafter in closed session from 5:25 p.m. to 6:00 p.m. During the closed session, the Executive Committee will receive and discuss the NAEP Assessment Schedule and budget implications for future NAEP assessments based on the approved NAEP Assessment Schedule and independent government cost estimates. This meeting must be conducted in closed session because public disclosure of this information would likely have an adverse financial effect on the NAEP program by providing detailed proprietary contract costs of current NAEP contractors to the public and disclose independent government cost estimates for future NAEP assessments. Discussion of this information would be likely to significantly impede implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of section 552b of Title 5 U.S.C.

On Friday, August 2, 2019, the Governing Board will meet in open session from 8:30 a.m. to 10:50 a.m.

From 8:30 a.m. to 8:45 a.m. the Governing Board will review and approve the August 1–3, 2019 Quarterly Board Meeting agenda and the meeting minutes from the May 2019 Quarterly Board meeting. The Governing Board will be welcomed by leaders in Wyoming, following which the Governing Board Chair, Beverly Perdue will provide remarks. Thereafter, from 8:45 a.m. to 9:10 a.m., the Governing Board's Executive Director Lesley Muldoon and the Director of Institute of Education Sciences, Mark Schneider will provide remarks.

From 9:10 a.m. to 10:40 a.m., the Governing Board will receive a briefing and discuss the 2025 NAEP Mathematics Framework. From 10:40 a.m. to 10:50 a.m., standing committee

chairs will provide a preview of committee meeting agendas. At 10:50 a.m., the Governing Board will recess for a 10-minute break and meet thereafter in committee meetings from 11:00 p.m. to 1:00 p.m.

On Friday, August 2, ADC, will meet in open session from 11:00 a.m. to 12:00 p.m. followed by a closed session meeting from 12:00 p.m. to 1:00 p.m. to discuss secure item information for the NAEP Reading Assessment. This meeting must be conducted in closed session because the secure items have not been released to the public. Discussion of this information would be likely to significantly impede implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of section 552b of Title 5 U.S.C.

R&D and COSDAM will meet in open sessions from 11:00 a.m. to 12:00 p.m. and thereafter in a joint open session from 12:00 p.m. to 1:00 p.m.

Following the committee meetings, on Friday, August 2, 2019, the Governing Board will take a 15 minutes break and convene in closed session from 1:15 p.m. to 2:45 p.m. During this session, the Governing Board will receive a briefing and discuss results for the 2019 NAEP Reading and Mathematics assessments for Grades 4 and 8. This meeting must be conducted in closed session as results from the 2019 NAEP Reading and Mathematics assessments have not been released to the public. Public disclosure of secure data would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of § 552b(c) of Title 5 of the United States Code.

The Governing Board will take a 15-minute break and reconvene in open session from 3:00 p.m. to 4:15 p.m. to receive a briefing on Postsecondary Preparedness from a panel of Wyoming stakeholders. Following a 15 minutes break, this session will continue with open dialogue with Governing Board members and stakeholders which will be held from 4:30 p.m. to 5:45 p.m.

The August 2, 2019 session of the Governing Board meeting will adjourn at 5:45 p.m.

On Saturday, August 3, 2019, the Nominations Committee will meet from 7:30 a.m. to 8:15 a.m. in open session to discuss plans for launching the 2020 nominations cycle for Governing Board appointments by the Secretary for terms that would begin October 1, 2020.

On August 3, 2019 from 8:30 a.m. to 8:40 a.m. the NCES Commissioner Lynn Woodworth will provide remarks on the

NAEP graduate student interns' work. Following this session, the Governing Board will receive a closed session briefing from 8:40 a.m. to 9:30 a.m. from Lesley Muldoon and Peggy Carr, Deputy Commissioner, NCES, on recently awarded contracts and contract costs based on the Independent Government Cost Estimates and long-term implications for the NAEP Assessment Schedule and Budget. The discussions will involve a briefing on confidential contract costs via-a-vis independent government cost estimates for assessing NAEP subjects on the recently approved NAEP Assessment Schedule. Public disclosure of independent government cost estimates, proprietary contract costs, and internal NAEP budget decisions would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of § 552(b) of Title 5 of the United States Code.

Following the closed session, the Governing Board will meet in open session from 9:30 a.m. to 10:00 a.m. to receive reports from its standing committees and take action on the nomination of the Vice Chair for the term that will begin October 1, 2019 to September 30, 2020.

From 10:00 a.m. to 10:30 a.m. the Governing Board has set aside time for an open discussion on Governing Board priorities and topics that members will bring up for future discussions. Departing Governing Board members Dale Nowlin, Fielding Rolston, Cary Schneider and Ken Wagner will provide remarks from 10:30 a.m. to 11:00 a.m. The August 3, 2019 session of the Governing Board meeting will adjourn at 11:00 a.m.

**Access to Records of the Meeting:** Pursuant to FACA requirements, the public may also inspect the meeting materials at [www.nagb.gov](http://www.nagb.gov) beginning on August 13, 2019, by 10:00 a.m. EST. The official verbatim transcripts of the public meeting sessions will be available for public inspection no later than 30 calendar days following the meeting.

**Reasonable Accommodations:** The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice no later than 21 days prior to the meeting.

**Electronic Access to this Document:** The official version of this document is the document published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the

Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the Adobe website. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Authority:** Public Law 107-279, Title III—National Assessment of Educational Progress § 301.

**Lisa Stooksberry,**

*Deputy Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.*

[FR Doc. 2019-14904 Filed 7-12-19; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF EDUCATION

### **Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Planning Grants for Increasing Instructional Time and Reducing Administrative Burdens**

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The mission of the Office of Special Education and Rehabilitative Services (OSERS) is to improve early childhood, educational, and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the Nation. As such, the Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2019 for Planning Grants for Increasing Instructional Time and Reducing Administrative Burdens, Catalog of Federal Domestic Assistance (CFDA) number 84.326A. This notice relates to the approved information collection under OMB control number 1820-0028.

#### **DATES:**

**Applications Available:** July 15, 2019.  
**Deadline for Transmittal of Applications:** August 14, 2019.

No later than July 22, 2019, OSERS will post pre-recorded informational

webinars designed to provide technical assistance (TA) to interested applicants. The webinars may be found at [www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html](http://www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html).

**Pre-Application Q & A Blog:** No later than July 22, 2019, OSERS will open a blog where interested applicants may post questions about the application requirements for this competition and where OSERS will post answers to the questions received. OSERS will not respond to questions unrelated to the application requirements for this competition. The blog may be found at [www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html](http://www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html) and will remain open until August 19, 2019. After the blog closes, applicants should direct questions to the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at [www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf](http://www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf).

#### **FOR FURTHER INFORMATION CONTACT:**

David Egnor, U.S. Department of Education, 400 Maryland Avenue SW, Room 5163, Potomac Center Plaza, Washington, DC 20202-5108. Telephone: (202) 245-7334. Email: [David.Egnor@ed.gov](mailto:David.Egnor@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Full Text of Announcement**

##### **I. Funding Opportunity Description**

**Purpose of Program:** The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing TA, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

**Priority:** This competition includes one absolute priority. In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA); 20 U.S.C. 1463 and 1481(d)).

**Absolute Priority:** For FY 2019 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority. This priority is:

*Planning Grants for Increasing Instructional Time and Reducing Administrative Burdens.*

**Background:**

The Secretary believes that all students should be given the opportunity to succeed and that their success should be the primary focus of everyone in the educational system. When special education teachers, related services providers, and administrators spend time completing unnecessary paperwork, their ability to focus on improving outcomes for children with disabilities is hampered.

In the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA), Congress recognized that some Federal IDEA Part B requirements could create excessive paperwork and noninstructional time burdens on special education teachers, related services providers, and State and local administrators, thus diverting time and resources away from instruction and other activities that would improve educational and functional results for children with disabilities. As such, under section 609 of IDEA, Congress gave the Department limited authority to grant waivers of certain requirements of Part B of IDEA to not more than 15 States, based on State proposals to reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities. States and local governments have always had the authority, within the constraints of State and local law, to change or waive State and local requirements that exceed IDEA statutory and regulatory requirements in order to reduce administrative burden and increase instructional time.

The purpose of this priority is to support States in planning systemic changes that will promote improved educational and functional results for children with disabilities by reducing administrative burdens. Generally, States receiving grants under this priority will (1) assess the extent to which specific local, State, and Federal IDEA Part B requirements generate excessive paperwork and noninstructional time burdens on special education teachers, related services providers, and State and local administrators that do not assist in

improving educational and functional results for children with disabilities (hereafter in the background, “administrative burdens”); and (2) develop a plan to reduce those administrative burdens.

Specifically, the Department seeks to make one-year awards to State educational agencies (SEAs) to assist them in conducting a comprehensive review of local, State, and Federal IDEA Part B requirements that result in administrative burdens. This review must not affect children’s civil rights, procedural safeguards, and right to receive a free appropriate public education (FAPE). The Department anticipates that, at the end of the one-year project period, grantees will have developed a plan to reduce administrative burdens resulting from State or local statutory or regulatory requirements, policies, procedures, or practices that exceed IDEA Part B statutory or regulatory requirements. The plan would also identify administrative burdens resulting from Federal IDEA Part B statutory or regulatory requirements for which the State could seek a waiver in accordance with section 609 of IDEA.<sup>1</sup>

The Department also intends to propose and adopt requirements for waivers and waiver applications under section 609 of IDEA later this year. In fiscal year 2020, the Department intends to solicit applications for multiyear waiver projects that could, but would not be required to, build on the plans developed under the planning grants awarded under this competition.

Our primary purpose is to help States identify the solutions that work best in their own circumstances while protecting children’s civil rights,

<sup>1</sup> Under section 609 of IDEA, the Secretary is authorized to grant waivers of the statutory requirements of, or regulatory requirements relating to, Part B to not more than 15 States and for a period not to exceed 4 years. The waivers must be based on proposals submitted by States to reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities. For any State that receives a waiver of Federal IDEA Part B requirements, the Secretary will terminate the waiver if the Secretary determines that the State failed to appropriately implement its waiver, or the Secretary determines the State needs assistance in implementing IDEA requirements and the waiver has contributed to or caused such need for assistance, needs intervention in implementing IDEA requirements, or needs substantial intervention in implementing IDEA requirements.

Not all statutory and regulatory requirements under Part B of IDEA may be waived under section 609. Specifically, the Secretary may not waive any statutory or regulatory provisions relating to applicable civil rights requirements or procedural safeguards. Furthermore, waivers may not affect the right of a child with a disability to receive FAPE. In short, State proposals for waivers must preserve the basic rights of children with disabilities.

procedural safeguards, and the right to receive FAPE. The intention of the Department is not to predetermine specific solutions for any State, but rather to support States’ own efforts to review, analyze, and identify barriers to improved outcomes for children with disabilities. The Department believes that by taking the time to review current requirements and meaningfully engage local stakeholders, States can make real and lasting change in the provision and effectiveness of services to children with disabilities.

**Priority:**

The purpose of this priority is to fund up to 10 grants to support States in planning systemic changes that will promote improved educational and functional results for children with disabilities by reducing administrative burdens. Generally, States receiving grants under this priority will (1) assess the extent to which specific local, State, and Federal IDEA Part B requirements generate excessive paperwork and noninstructional time burdens on special education teachers, related services providers, and State and local administrators that do not assist in improving educational and functional results for children with disabilities (hereafter in the priority, “administrative burdens”); and (2) develop a plan to reduce those administrative burdens.

Projects must achieve, at a minimum, the following outcomes—

(a) Identification of the particular sources and effects of administrative burdens on special education and other teachers, related services providers, and State and local administrators; and

(b) A plan to reduce administrative burdens that would result in increased time and resources available for instruction and other activities aimed at improving results for children with disabilities.

Applicants must propose projects that meet the following programmatic requirements:

(a) The project must meaningfully consult a diverse group of stakeholders on an ongoing basis to support the goals and objectives of the project. Such a group must include, at a minimum, representatives of the following groups:

- (i) Special education teachers and related services providers;
  - (ii) Local special education administrators;
  - (iii) Individuals with disabilities;
  - (iv) Parents, as defined in IDEA Section 602(23), of children with disabilities; and
  - (v) The State Advisory Panel; and
- (b) The project must prepare a plan that—



(i) Identifies the State and local statutory and regulatory requirements or policies, procedures, and practices that exceed IDEA Part B statutory and regulatory requirements and were considered for revision;

(ii) Describes the range of options available to the State in reducing local, State, or Federal IDEA Part B administrative burdens, including any limitations on those options (e.g., statutory or regulatory requirements, judicial precedent);

(iii) Establishes clear and achievable timelines for the reduction of State and local administrative burdens;

(iv) Identifies the anticipated benefits of any potential reforms, including likely beneficiaries, and the magnitude and scope of anticipated benefits and potential increases in the time and resources available for instruction and other activities intended to improve educational and functional results for children with disabilities; and

(v) Identifies any Federal IDEA Part B statutory or regulatory requirements for which a waiver may be sought in accordance with section 609 of IDEA; and

(vi) Describes the procedures the State will use to ensure that any waiver that may be sought in accordance with section 609 of IDEA will not—

(A) Waive any statutory requirements of, or regulatory requirements relating to, applicable civil rights requirements or procedural safeguards under section 615 of IDEA; or

(B) Affect the right of a child with a disability to receive FAPE under Part B of IDEA.

*Note:* The purpose of this priority is to support States in developing a plan that meets these criteria. Applicants are not expected to submit the actual plan that meets these criteria as part of their application.

#### *Application Requirements:*

To be considered for funding under this priority, applicants must meet the application requirements in this priority. Each project funded under this absolute priority also must meet the programmatic requirements specified in the priority.

(a) Demonstrate, in the narrative portion of the application under “Need for the project,” how the proposed project will identify administrative burdens on special education teachers, related services providers, and State and local administrators. To meet this requirement, the applicant must describe—

(1) The current magnitude and scope of the administrative burdens to be addressed;

(2) The current number of State and local staff impacted by those burdens and the number of children with disabilities that they serve; and

(3) The current impact of those burdens on State and local staff and children with disabilities (e.g., teacher retention, planning time, transparency for families).

(b) Demonstrate, in the narrative portion of the application under “Significance” how the proposed project will—

(1) Develop a plan to reduce administrative burdens and produce meaningful and sustained change at the State or local level; and

(2) Develop specific proposals for changes to, or waivers of, requirements, policies, procedures, or practices that will reduce administrative burdens for State or local staff in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

(c) Demonstrate, in the narrative section of the application under “Quality of the project design,” how the proposed project will—

(1) Meet the consultation requirements in paragraph (a) under the programmatic requirements specified in the priority. Applicants must include a proposed timeline for the consultation process, including a description of the methods of consultation (e.g., in-person meetings, conference calls, emails);

(2) Identify local, State, or Federal IDEA Part B requirements, policies, procedures, or practices that may generate administrative burdens for State and local staff and may be reviewed by the project, including any proposed criteria for that review (e.g., frequency, complexity, number of staff affected, number of families affected);

(3) Assess the extent to which specific sources of administrative burdens may affect educational and functional results for children with disabilities; and

(4) Produce and make publicly available a plan that meets the requirements in paragraph (b) under the programmatic requirements specified in the priority.

(d) Demonstrate, in the narrative section of the application under “Quality of the management plan,” how—

(1) The proposed management plan will ensure that the project’s intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks, including the publication of the final plan on the State’s website within three months of the close of the project period;

(2) Key project personnel and any consultants and subcontractors will be allocated and how these allocations are appropriate and adequate to achieve the project’s intended outcomes; and

(3) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policymakers, among others, in its development and operation.

#### *Waiver of Proposed Rulemaking:*

Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

*Program Authority:* 20 U.S.C. 1463 and 1481.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

## **II. Award Information**

*Type of Award:* Cooperative agreement.

*Estimated Available Funds:* \$1,500,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2020 from the list of unfunded applications from this competition.

*Maximum Award:* We will not make an award exceeding \$150,000 for a single budget period of 12 months.

*Estimated Number of Awards:* 10.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 12 months.

## **III. Eligibility Information**

1. *Eligible Applicants:* SEAs in any State, which is defined, consistent with section 602(31) of IDEA, as each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.



2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. Under 34 CFR 75.708(e), a grantee may contract for supplies, equipment, and other services in accordance with 2 CFR part 200.

4. *Other General Requirements:* (a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

#### IV. Application and Submission Information

##### 1. Application Submission

*Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at [www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf](http://www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf), which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2019.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 70 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations,

reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.

- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

#### V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

- (a) *Need for the project (10 points).*
  - (1) The Secretary considers the need for the proposed project.
  - (2) In determining the need for the proposed project, the Secretary considers the following factors:
    - (i) The magnitude or severity of the problem to be addressed by the proposed project; and
    - (ii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.
- (b) *Significance (25 points).*
  - (1) The Secretary considers the significance of the proposed project.
  - (2) In determining the significance of the proposed project, the Secretary considers the following factors:
    - (i) The likelihood that the proposed project will result in system change or improvement;
    - (ii) The extent to which the proposed project is likely to yield findings that may be utilized by other appropriate agencies and organizations; and
    - (iii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.
- (c) *Quality of the project design (30 points).*

- (1) The Secretary considers the quality of the design of the proposed project.
- (2) In determining the quality of the design of the proposed project, the

Secretary considers the following factors:

- (i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;
  - (ii) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs;
  - (iii) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance;
  - (iv) The extent to which the proposed project encourages parental involvement; and
  - (v) The extent to which the proposed project will increase efficiency in the use of time, staff, money, or other resources in order to improve results and increase productivity.
- (d) *Adequacy of resources (15 points).*
- (1) The Secretary considers the adequacy of resources for the proposed project.
  - (2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:
    - (i) The extent to which the budget is adequate to support the proposed project; and
    - (ii) The potential for the incorporation of project purposes, activities, or benefits into the ongoing program of the agency or organization at the end of Federal funding.
- (e) *Quality of the management plan (20 points).*
- (1) The Secretary considers the quality of the management plan for the proposed project.
  - (2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:
    - (i) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project;
    - (ii) How the applicant will ensure that a diversity of perspectives is brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate; and
    - (iii) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable

consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

5. *Performance Measures:* Under the Government Performance and Results Act of 1993, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. These measures are:

- Program Performance Measure #1: The number of administrative burdens identified for reduction.
- Program Performance Measure #2: The number of special education teachers, related service providers, and administrators impacted by the proposed burden reduction.
- Program Performance Measure #3: The estimated change in hours spent by teachers, related service providers and administrators on compliance with administrative burdens as a result of the proposed burden reduction.

The measures apply to projects funded under this competition, and grantees are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in a report to the

Department at the end of the one-year project period (34 CFR 75.590).

## VII. Other Information

**Accessible Format:** Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or compact disc) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW, Room 5081A, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Johnny W. Collett,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2019–14890 Filed 7–12–19; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

**Docket Numbers:** EC19–112–000.

**Applicants:** 2018 ESA Project Company, LLC.

**Description:** Application for Authorization Under Section 203 of the Federal Power Act, et al. of 2018 ESA Project Company, LLC.

**Filed Date:** 7/8/19.

**Accession Number:** 20190708–5128.

**Comments Due:** 5 p.m. ET 7/29/19.

Take notice that the Commission received the following electric rate filings:

**Docket Numbers:** ER10–1651–004.

**Applicants:** Golden State Water Company.

**Description:** Updated Market Power Analysis for the Southwest Region of Golden State Water Company.

**Filed Date:** 6/28/19.

**Accession Number:** 20190628–5235.

**Comments Due:** 5 p.m. ET 8/27/19.

**Docket Numbers:** ER19–1672–002.

**Applicants:** Southwest Power Pool, Inc.

**Description:** Tariff Amendment: Deficiency Response in ER19–1672–1148R25 American Electric Power NITSA and NOA to be effective 4/1/2019.

**Filed Date:** 7/8/19.

**Accession Number:** 20190708–5118.

**Comments Due:** 5 p.m. ET 7/29/19.

**Docket Numbers:** ER19–1777–000.

**Applicants:** Midwest Energy, Inc.

**Description:** Supplement to May 3, 2019 Petition for Temporary Waiver of Midwest Energy, Inc.

**Filed Date:** 7/8/19.

**Accession Number:** 20190708–5144.

**Comments Due:** 5 p.m. ET 7/18/19.

**Docket Numbers:** ER19–2241–001.

**Applicants:** Midcontinent Independent System Operator, Inc.

**Description:** Tariff Amendment: 2019–07–08 Errata to ITC Schedule 33 Blackstart to be effective 8/24/2019.

**Filed Date:** 7/8/19.

**Accession Number:** 20190708–5123.

**Comments Due:** 5 p.m. ET 7/29/19.

**Docket Numbers:** ER19–2365–000.

**Applicants:** Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

**Description:** § 205(d) Rate Filing: MAIT submits 4 ECSAs, Service Agreement Nos. 5325, 5328, 5394, and 5396 to be effective 9/7/2019.

**Filed Date:** 7/9/19.

**Accession Number:** 20190709–5054.

**Comments Due:** 5 p.m. ET 7/30/19.

**Docket Numbers:** ER19–2366–000.

**Applicants:** American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

**Description:** § 205(d) Rate Filing: ATSI submits an ECSA, Service Agreement No. 5326 with Ohio Edison to be effective 9/7/2019.

**Filed Date:** 7/9/19.

**Accession Number:** 20190709–5088.

**Comments Due:** 5 p.m. ET 7/30/19.

**Docket Numbers:** ER19–2367–000.

**Applicants:** Dominion Energy South Carolina, Inc.

**Description:** § 205(d) Rate Filing: VCS Transmission Agreement Between DESC and SCPSA to be effective 9/8/2019.

**Filed Date:** 7/9/19.

**Accession Number:** 20190709–5093.

**Comments Due:** 5 p.m. ET 7/30/19.

**Docket Numbers:** ER19–2368–000.

**Applicants:** Midcontinent

Independent System Operator, Inc. Ameren Illinois Company.

**Description:** § 205(d) Rate Filing: 2019–07–09\_SA 3028 Ameren IL-Prairie Power Project#16 Monmouth to be effective 7/10/2019.

**Filed Date:** 7/9/19.

**Accession Number:** 20190709–5095.

**Comments Due:** 5 p.m. ET 7/30/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 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: July 9, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019–14924 Filed 7–12–19; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP19–482–000]

#### Sabal Trail Transmission, LLC.; Notice of Request Under Blanket Authorization

July 9, 2019.

Take notice that on June 25, 2019, Sabal Trail Transmission, LLC (Sabal Trail), 5400 Westheimer Court, Houston, Texas 77056, filed a prior notice application pursuant to sections 157.205, 157.208 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and the blanket certificate issued in Docket No. CP15–17–000. Sabal Trail requests authorization to construct, own and operate a new metering and regulating facility (M&R Facility) for the receipt of natural gas from the Florida Gas Transmission, LLC (FGT) pipeline system to a point on Sabal Trail's Citrus

County Line in Citrus County, Florida. This interconnect will provide Duke Energy Florida, Inc. (DEF), an existing shipper on the Sabal Trail system, with additional operational flexibility and reliability (FGT Citrus County Meter Station Project), all as more fully set forth in the application, which is open to the public for 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, Sabal Trail proposes to construct, own, and operate a new M&R Facility at milepost (MP) 18.42 on its Citrus County Line. The Project is designed to connect Sabal Trail's Citrus County Line with FGT's 30-inch and 36-inch diameter pipelines located at FGT's MP 81.6 to provide DEF with an additional source of natural gas.

Any questions regarding this application should be directed to P. Martin Teague, Associate General Counsel, 2701 North Rocky Point Drive, Suite 1050, Tampa, FL 33607, or call (813) 282-6605, or by email: [marty.teague@enbridge.com](mailto:marty.teague@enbridge.com).

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 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 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 commenter 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.

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.

Dated: July 9, 2019.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2019-14926 Filed 7-12-19; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[ECOsponsible, LLC, Project No. 14987-000]

#### Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 18, 2019, ECOsponsible, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of hydropower on the Oneida River in Onondaga and Oswego Counties, New York. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license

application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Caughdenoy Lock Hydro Project would consist of the following: (1) An existing 15-foot-high, 550-foot-long flood control dam (*i.e.*, the Caughdenoy Dam) and an associated impoundment; (2) three turbines for a total installed capacity of 3,000 kilowatts to be installed on the Oneida Canal; (3) a new 50-foot-long transmission line from the powerhouse to an existing grid interconnection point; and (4) appurtenant facilities. The proposed project would have an average annual generation of 13,446 megawatt-hours.

**Applicant Contact:** Dennis Ryan, ECOsponsible, LLC, PO Box 114, West Falls, NY 14170; phone: (716) 222-2188.

**FERC Contact:** Monir Chowdhury; phone: (202) 502-6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-14987-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14987) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 9, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019-14928 Filed 7-12-19; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP19-419-003.

*Applicants:* Tuscarora Gas Transmission Company.

*Description:* Compliance filing Compliance to RP19-419 Phase II Rates to be effective 8/1/2019.

*Filed Date:* 6/28/19.

*Accession Number:* 20190628-5061.

*Comments Due:* 5 p.m. ET 7/11/19.

*Docket Numbers:* RP19-1045-001.

*Applicants:* Cheniere Creole Trail Pipeline, L.P.

*Description:* Request for Temporary Waiver and Extension of Time to Implement NAESB 3.1 Standards Per Order No. 587-Y of Cheniere Creole Trail Pipeline, L.P. under RP19-1045.

*Filed Date:* 7/1/19.

*Accession Number:* 20190701-5418.

*Comments Due:* 5 p.m. ET 7/15/19.

*Docket Numbers:* RP19-206-005.

*Applicants:* Mississippi Canyon Gas Pipeline, L.L.C.

*Description:* Compliance filing MCGP RP19-206 Compliance Filing to be effective 8/1/2019.

*Filed Date:* 7/2/19.

*Accession Number:* 20190702-5146.

*Comments Due:* 5 p.m. ET 7/15/19.

*Docket Numbers:* RP19-73-002.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* Compliance filing FERC Form No. 501-G Settlement Implementation Filing to be effective 1/1/2019.

*Filed Date:* 7/2/19.

*Accession Number:* 20190702-5116.

*Comments Due:* 5 p.m. ET 7/15/19.

*Docket Numbers:* RP19-1375-000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: July 2019 Name Change Cleanup Filing to be effective 8/5/2019.

*Filed Date:* 7/5/19.

*Accession Number:* 20190705-5101.

*Comments Due:* 5 p.m. ET 7/17/19.

*Docket Numbers:* RP19-1376-000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: Negotiated Rates—July 2019 Cleanup Filing to be effective 8/5/2019.

*Filed Date:* 7/5/19.

*Accession Number:* 20190705-5104.

*Comments Due:* 5 p.m. ET 7/17/19.

*Docket Numbers:* RP19-1377-000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rates—July 2019 Cleanup Filing to be effective 8/5/2019.

*Filed Date:* 7/5/19.

*Accession Number:* 20190705-5106.

*Comments Due:* 5 p.m. ET 7/17/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: July 9, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019-14925 Filed 7-12-19; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### [Project No. 2042-191]

#### Public Utility District No. 1 of Pend Oreille County, Washington; Notice of Application for Amendment of License, and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Request for Amendment of License.

b. *Project No.:* 2042-191.

c. *Date Filed:* June 10, 2019.

d. *Applicant:* Public Utility District No. 1 of Pend Oreille County, Washington.

e. *Name of Project:* Box Canyon Hydroelectric Project.

f. *Location:* The project is located on the Pend Oreille River in northeastern Washington and northwestern Idaho. The project occupies federal lands, including acreage within the Colville National Forest and the Kalispel Indian Reservation.

g. *Filed Pursuant to:* The application for amendment of license was filed pursuant to 18 CFR 385.602 and 4.201.

h. *Applicant Contact:* Tyler Whitney, General Counsel and Director of Regulatory & Government Affairs, Public Utility District No. 1 of Pend Oreille County, P.O. Box 190, 130 N Washington, Newport, Washington 99156, (509) 447-9331, [twitney@popud.org](mailto:twitney@popud.org); Craig Gannett, Davis Wright Tremaine LLP, 1201 Third Ave., Suite 2200, Seattle, WA 98101, (206) 757-8048, [craiggannett@dwt.com](mailto:craiggannett@dwt.com); and Walker Stanovsky, Davis Wright Tremaine LLP, 1201 Third Ave., Suite 2200, Seattle, WA 98101, (206) 757-8259, [walkerstanovsky@dwt.com](mailto:walkerstanovsky@dwt.com).

i. *FERC Contact:* Holly Frank, telephone: (202) 502-6833, and email address: [holly.frank@ferc.gov](mailto:holly.frank@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests* is 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-2042-191.

k. *Description of Request:* On February 19, 2010, the Commission approved a license amendment to include revised conditions submitted by the Department of the Interior (Interior) and the U.S. Forest Service pursuant to section 4(e) of the Federal Power Act (FPA) and the fish passage measures prescribed by Interior pursuant to FPA section 18. Since then, the PUD has been implementing the terms of the amended license, with administrative changes to the sequence and schedule of

fishway measures. To address new information collected and developed since 2010, the licensee entered into an amended settlement agreement. On June 10, 2019, Public Utility District No. 1 of Pend Oreille County, Washington (licensee) filed an application for amendment of the license, which included the amended settlement agreement, and Interior filed revised conditions and fishway prescriptions for the project.

The licensee requests that the Commission amend the license to include the revised conditions and prescriptions submitted by Interior and the provisions set forth in Appendices A and C to the settlement agreement, and to make conforming revisions to license articles 401 and 402 to reflect new schedules and other revisions set forth in the revised conditions and prescriptions. The revised conditions and prescriptions would modify the Trout Habitat Restoration Program, would delete language requiring construction of downstream fish passage at Box Canyon Dam and upstream and downstream fish passage at Calispell Creek Pumping Plant for the remainder of the license term, and would require the licensee to undertake a monitoring program to determine impacts to populations of bull trout, Westslope cutthroat trout, and mountain whitefish from downstream passage through the turbines and spillways at Box Canyon Dam, and to report the results of monitoring to the Secretary of Interior no less than every five years.

l. *Locations of the Application:* The settlement agreement and application, Interior's revised section 4(e) conditions and section 18 fishway prescriptions, are available for review on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number P-2042 in the docket number field to access the documents. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above and at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit

comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment application. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: July 9, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019-14927 Filed 7-12-19; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9996-31-OMS]

### Privacy Act of 1974; System of Records

**AGENCY:** Office of Mission Support, Environmental Protection Agency (EPA).

**ACTION:** Rescindment of a System of Records Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to rescind the Time-Sharing Services Management System (TSSMS) system of records, EPA-43. The user and account management functions of the system were no longer needed. The TSSMS system of records is being rescinded because the application was decommissioned.

**DATES:** The Agency stopped using TSSMS on December 31, 2014. Persons wishing to comment on the rescindment of this system must do so by August 14, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OEI-2018-0246, by one of the following methods:

*Regulations.gov:* [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.

*Email:* [oei.docket@epa.gov](mailto:oei.docket@epa.gov).

*Fax:* 202-566-1752.

*Mail:* OEI Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

*Hand Delivery:* OEI Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OEI-2018-0246. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through [www.regulations.gov](http://www.regulations.gov). The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system for EPA, which means the EPA will not know your identity or contact information

unless you provide it in the body of your comment. However, over 180 federal agencies use [www.regulations.gov](http://www.regulations.gov) and some may require Personally Identifiable Information (PII) and some may not. Each agency determines submission requirements within their own internal processes and standards. EPA has no requirement of personal information. If you send an email comment directly to the EPA without going through [www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., (CUI) or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the OEI Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Astin, [astin.rebecca@epa.gov](mailto:astin.rebecca@epa.gov), 919-541-3074.

**SUPPLEMENTARY INFORMATION:** The Time-Sharing Services Management System was decommissioned on December 31, 2014. The user and account management functions of the system were no longer needed. The data in the system were disposed of in accordance with EPA Records Retention Schedule 1012, Item e.

#### SYSTEM NAME AND NUMBER:

Time Sharing Services Management System (TSSMS), EPA-43

#### HISTORY:

66 FR 49947—Creation of the Time-Sharing Services Management System (TSSMS) System of Records.

Dated: May 3, 2019.

**Vaughn Noga,**

*Senior Agency Official for Privacy.*

[FR Doc. 2019-14984 Filed 7-12-19; 8:45 am]

**BILLING CODE 6560-50-P**

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### FDIC Advisory Committee on Community Banking; Notice of Meeting

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of open meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee on Community Banking, which will be held in Washington, DC. The Advisory Committee will provide advice and recommendations on a broad range of policy issues that have particular impact on small community banks throughout the United States and the local communities they serve, with a focus on rural areas.

**DATES:** Tuesday, July 30, 2019, from 9:00 a.m. to 3:00 p.m.

**ADDRESSES:** The meeting will be held in the FDIC Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Committee Management Officer of the FDIC, at (202) 898-7043.

#### SUPPLEMENTARY INFORMATION:

**Agenda:** The agenda will include a discussion of current issues affecting community banking. The agenda is subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

**Type of Meeting:** The meeting will be open to the public, limited only by the space available on a first-come, first-served basis. For security reasons, members of the public will be subject to security screening procedures and must present a valid photo identification to enter the building. The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those

attendees needing such assistance should call (703) 562-6067 (Voice or TTY) at least two days before the meeting to make necessary arrangements. Written statements may be filed with the committee before or after the meeting. This meeting of the Advisory Committee on Community Banking will be Webcast live via the internet <http://fdic.windrosemedia.com>. Questions or troubleshooting help can be found at the same link. For optimal viewing, a high-speed internet connection is recommended. Further, a video of the meeting will be available on-demand approximately two weeks after the event.

Dated at Washington, DC, on July 10, 2019.  
Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Executive Secretary.*

[FR Doc. 2019-14987 Filed 7-12-19; 8:45 am]

**BILLING CODE 6714-01-P**

### FEDERAL RESERVE SYSTEM

#### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act ("Act") (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 25, 2019.

*A. Federal Reserve Bank of Kansas City* (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *Brian G. Wurst, Lamar, Colorado, as Trustee of the Frank E. Whitham Trust No. 1, the Frank E. Whitham Trust No. 2, and Stewart A Whitham Trust No. 3;* to be approved as a member of the Whitham Control Group and thereby acquire shares of Whitcorp Financial Company, Leoti, Kansas, and indirectly acquire shares of Western State Bank, Garden City, Kansas, and Frontier Bank, Lamar, Colorado.

2. *Cynthia Judd Martinez, Lincoln, Nebraska; Paul W. Judd, Fairbury,*



Nebraska; and Maurice G. Judd, Fairbury, Nebraska; to be approved as members of the Judd Family Group and retain additional voting shares of Washington 1st Banco, Inc. (the Company) and thereby indirectly retain shares of FNB Washington, both of Washington, Kansas.

Additionally, David A. Judd, Pomona, Kansas; Gary W. Judd, Parkville, Missouri; and Nancy L. Judd, Lincoln, Nebraska; to be approved as members of the Judd Family Group and thereby retain voting shares of the Company, as members of the group.

Board of Governors of the Federal Reserve System, July 10, 2019.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2019-14957 Filed 7-12-19; 8:45 am]

**BILLING CODE P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 9, 2019.

*A. Federal Reserve Bank of Cleveland* (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566. Comments can also be sent

electronically to

*Comments.applications@clev.frb.org:*

1. *S&T Bancorp, Inc., Indiana, Pennsylvania;* to acquire DNB Financial Corporation, and thereby indirectly acquire DNB First, NA, both of Downingtown, Pennsylvania.

Board of Governors of the Federal Reserve System, July 10, 2019.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2019-14959 Filed 7-12-19; 8:45 am]

**BILLING CODE P**

## FEDERAL RETIREMENT THRIFT INVESTMENT

### Sunshine Act Meetings

**TIME AND DATE:** July 18, 2019, 3:00 p.m.

**PLACE:** Telephonic.

**STATUS:** *All parts of this meeting will be closed.*

### Closed Session

Information covered under 5 U.S.C. 552b(c)(6).

### CONTACT PERSON FOR MORE INFORMATION:

Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

Dated: July 11, 2019.

**Megan Grumbine,**

*General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2019-15130 Filed 7-11-19; 4:15 pm]

**BILLING CODE 6760-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Solicitation of Nominations for Membership To Serve on the Advisory Council on Blood Stem Cell Transplantation

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

**ACTION:** Request for nominations.

**SUMMARY:** HRSA is seeking nominations of qualified candidates for consideration for appointment as members of the Advisory Council on Blood Stem Cell Transplantation (ACBSCT or Council). ACBSCT advises the Secretary, acting through the HRSA Administrator, on the activities of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory Program (Program).

*Authority:* The Council was established to implement a statutory

requirement of the Stem Cell Therapeutic and Research Act of 2005 (Pub. L. 109-129). The Council is governed by the Federal Advisory Committee Act, (FACA) as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

**DATES:** Written nominations for membership on ACBSCT will be received continuously.

**ADDRESSES:** Nomination packages must be submitted to the Executive Secretary, ACBSCT, Healthcare Systems Bureau, (HSB) HRSA, Room 08W60, 5600 Fishers Lane, Rockville, Maryland 20857. Federal Express, Airborne, UPS, or any other mail delivery should be addressed to Executive Secretary, ACBSCT, HSB, HRSA, at the above address, or sent via email to: [ACBSCTHRSA@hrsa.gov](mailto:ACBSCTHRSA@hrsa.gov).

### FOR FURTHER INFORMATION CONTACT:

Robert Walsh, Executive Secretary, ACBSCT, at (301) 443-6839 or email [rwalsh@hrsa.gov](mailto:rwalsh@hrsa.gov). A copy of the ACBSCT charter and list of the current membership can be accessed by going to the ACBSCT website at [https://bloodcell.transplant.hrsa.gov/about/advisory\\_council/index.html](https://bloodcell.transplant.hrsa.gov/about/advisory_council/index.html).

**SUPPLEMENTARY INFORMATION:** ACBSCT was established pursuant to Public Law 109-129 as amended by Public Law 111-264; 42 U.S.C. 274k; Section 379 of the Public Health Service Act. In accordance with Public Law 92-463, ACBSCT was chartered on December 19, 2006.

ACBSCT, as requested by the Secretary, discusses and makes recommendations regarding the Program. The Council provides a consolidated, comprehensive source of expert, unbiased analysis and recommendations to the Secretary on the latest advances in the science of blood stem cell transplantation. ACBSCT advises, assists, consults, and makes recommendations, at the request of the Secretary, on: (1) Broad program policy in areas such as the necessary size and composition of the adult donor pool available through the Program and the composition of the National Cord Blood Inventory; (2) requirements regarding informed consent for cord blood donation; (3) accreditation requirements for cord blood banks; (4) the scientific factors that define a cord blood unit as high quality; (5) public and professional education to encourage the ethical recruitment of genetically diverse donors and ethical donation practices; (6) criteria for selecting the appropriate blood stem source for transplantation; (7) Program priorities; (8) research priorities; and (9) the scope



and design of the Stem Cell Therapeutic Outcomes Database.

At the request of the Secretary, ACBSCT also reviews and advises on issues relating more broadly to the field of blood stem cell transplantation, such as regulatory policy pertaining to the compatibility of international regulations, and actions that may be taken by the state and federal governments and public and private insurers to increase donation and access to transplantation. ACBSCT also makes recommendations regarding research on emerging therapies using cells from bone marrow and cord blood. The Council may meet up to three times during the fiscal year.

**Nominations:** HRSA is requesting nominations for voting members to serve as Special Government Employees (SGEs) on ACBSCT. The Council shall consist of up to 25 members, who are SGEs, and 6 ex-officio, non-voting members. The Secretary appoints ACBSCT SGEs with the expertise needed to fulfill the duties of the Council. HRSA is seeking nominees to serve as members from the following areas: Outstanding authorities and representatives of marrow donor centers and marrow transplant centers; representatives of cord blood banks and participating birthing hospitals; recipients of bone marrow transplants; recipients of cord blood transplants; persons who require such transplants; family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood; persons with expertise in bone marrow and cord blood transplantation; persons with expertise in typing, matching, and transplant outcome data analysis; persons with expertise in the social sciences; basic scientists with expertise in the biology of adult stem cells; ethicists; hematology and transfusion medicine researchers with expertise in adult blood stem cells; persons with expertise in cord blood processing; and members of the general public. Interested applicants may self-nominate or be nominated by another individual or organization.

Individuals selected for appointment to ACBSCT will be invited to serve for a term of two years, and are eligible to serve as many as three consecutive 2-year terms. SGEs receive a stipend and reimbursement for per diem and travel expenses incurred for attending ACBSCT meetings and/or conducting other business on behalf of the Council, as authorized by 5 U.S.C. 5703 of the Federal Travel Regulation for persons

employed intermittently in government service.

The following information must be included in the package of materials submitted for each individual being nominated for consideration: (1) A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (*i.e.*, what specific attributes, perspectives, and/or skills does the individual possess that would benefit the workings of ACBSCT), and the nominee's field(s) of expertise; (2) a biographical sketch of the nominee; (3) the name, address, daytime telephone number, and email address at which the nominator can be contacted; and (4) a current copy of the nominee's curriculum vitae. Nomination packages may be submitted directly by the individual being nominated or by the person/organization recommending the candidate.

HHS endeavors to ensure that ACBSCT membership is balanced in terms of points of view represented and that individuals from a broad representation of geographic areas, gender, and ethnic and minority groups, as well as individuals with disabilities, are considered for membership. Appointments shall be made without discrimination on the basis of age, ethnicity, gender, sexual orientation, or cultural, religious, or socioeconomic status.

Individuals who are selected to be considered for appointment will be required to provide detailed information regarding their financial holdings, consultancies, and research grants or contracts. Disclosure of this information is required for HRSA ethics officials to determine whether there is a conflict between the SGE's public duties as a member of ACBSCT and their private interests, including an appearance of a loss of impartiality as defined by federal laws and regulations, and to identify any required remedial action needed to address the potential conflict.

**Maria G. Button,**

*Director, Division of the Executive Secretariat.*

[FR Doc. 2019-14941 Filed 7-12-19; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Institute on Aging Special Emphasis Panel; Clin-STAR Coordinating Center.

**Date:** August 2, 2019.

**Time:** 10:00 a.m. to 1:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institute on Aging, Gateway Building, 7201 Wisconsin Ave., Rockville, MD 20892 (Telephone Conference Call).

**Contact Person:** Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301-402-7704, [mikhaili@mail.nih.gov](mailto:mikhaili@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

**Dated:** July 9, 2019.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019-14907 Filed 7-12-19; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIDDK.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the National Institute of Diabetes and Digestive and Kidney Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would

constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, NIDDK.

*Date:* April 27–28, 2020.

*Time:* 8:00 a.m. to 4:30 p.m.

*Agenda:* To review and evaluate personnel qualifications and performance, and competence of individual investigators.

*Place:* National Institutes of Health, Building 10, 9th Floor South, Solarium Conference Room 9S233, 10 Center Drive, Bethesda, MD 20892.

*Contact Person:* Michael W. Krause, Ph.D., Scientific Director, National Institute of Diabetes and Digestive and Kidney Diseases, National Institute of Health, Building 5, Room B104, Bethesda, MD 20892–1818, (301) 402–4633, [mwkrause@helix.nih.gov](mailto:mwkrause@helix.nih.gov).

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 9, 2019.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019–14911 Filed 7–12–19; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Biomedical Research Review Subcommittee.

*Date:* October 22, 2019.

*Time:* 8:30 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Rooms A and B, Bethesda, MD 20892.

*Contact Person:* Philippe Marmillot, Ph.D., Scientific Review Officer, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700B Rockledge Drive, Room 2118, Bethesda, MD 20892, 301–443–2861, [marmillotp@mail.nih.gov](mailto:marmillotp@mail.nih.gov).

*Name of Committee:* National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Clinical, Treatment and Health Services Research Review Subcommittee.

*Date:* October 24, 2019.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Rooms A and B, Bethesda, MD 20892.

*Contact Person:* Ranga V. Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700 B Rockledge Drive, Room 2114, Bethesda, MD 20892, (301) 451–2067, [srinivar@mail.nih.gov](mailto:srinivar@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: July 10, 2019.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019–14999 Filed 7–12–19; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; SEP–5, Career Development.

*Date:* July 26, 2019.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W624, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Tushar Deb, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Rockville, MD 20850, 240–276–6132 [tushar.deb@nih.gov](mailto:tushar.deb@nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; SEP–4, Career Development.

*Date:* July 26, 2019.

*Time:* 2:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W602, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Delia Tang, MD, Scientific Review Officer, Resources Training and Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W602 MSC 9750, Bethesda, MD 20892, 240 276 6456, [tangd@mail.nih.gov](mailto:tangd@mail.nih.gov).

Information is also available on the Institute's/Center's home page: <http://deainfo.nci.nih.gov/advisory/sep/sep.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: July 9, 2019.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019–14905 Filed 7–12–19; 8:45 am]

**BILLING CODE 4140–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required).

*Date:* August 12, 2019.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Steven F. Santos, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC-9823, Rockville, MD 20852, 301-761-7049, [steven.santos@nih.gov](mailto:steven.santos@nih.gov).

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Limited Competition: Nonhuman Primate (NHP) Radiation Survivor Cohort (RSC) (U01 Clinical Trial Not Allowed).

*Date:* August 13, 2019.

*Time:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Konrad Krzewski, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC-9823, Rockville, MD 20852, 240-747-7526, [konrad.krzewski@nih.gov](mailto:konrad.krzewski@nih.gov).

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID 2019 Omnibus BAA (HHS-NIH-NIAID-BAA2019-1) Research Area 002: Development of Therapeutic Products for Antibiotic Resistant Bacteria.

*Date:* August 21-22, 2019.

*Time:* 10:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Ann Marie M. Cruz, Ph.D., Scientific Review Officer, Program Management & Operations Branch, DEA/SRP, RM 3E71, National Institutes of Health, NIAID, 5601 Fishers Lane, Rockville, MD 20852, 301-761-3100, [AnnMarie.Cruz@niaid.nih.gov](mailto:AnnMarie.Cruz@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

*Dated:* July 9, 2019.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019-14909 Filed 7-12-19; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Eye Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Eye Institute Special Emphasis Panel; NEI Mentored Career Development (K08 and K23) Grant Applications.

*Date:* August 15-16, 2019.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Eye Institute, 6700 B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ashley Megan Fortress, Ph.D., Scientific Review Officer, Division of Extramural Research, National Eye Institute, National Institutes of Health, 6700 B Rockledge Drive, Suite 3400, Bethesda, MD 20892, 301-451-2020, [ashley.fortress@nih.gov](mailto:ashley.fortress@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

*Dated:* July 9, 2019.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019-14906 Filed 7-12-19; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Urology P20 Applications.

*Date:* July 30, 2019.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

*Contact Person:* Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-4721, [ryan.morris@nih.gov](mailto:ryan.morris@nih.gov)

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Neurocognitive Complications of Pediatric Type 1 Diabetes.

*Date:* July 31, 2019.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, [barnardm@extra.niddk.nih.gov](mailto:barnardm@extra.niddk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Pragmatic Research.

Date: August 12, 2019.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, [barnardm@extra.niddk.nih.gov](mailto:barnardm@extra.niddk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 9, 2019.

**Melanie J. Pantoja,**

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-14912 Filed 7-12-19; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID 2019 Omnibus BAA (HHS-NIH-NIAID-BAA2019-1) Research Area 001: Development of Radiation/Nuclear Medical Countermeasures (MCMs).

Date: August 6, 2019.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jennifer H. Meyers, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC-9823, Rockville, MD

20852, 301-761-6602, [jennifer.meyers@nih.gov](mailto:jennifer.meyers@nih.gov).

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: August 7, 2019.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G13B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892-7616, (240) 669-5048, [yong.gao@nih.gov](mailto:yong.gao@nih.gov).

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Genetic Engineering Technologies for HIV Cure Research.

Date: August 8-9, 2019.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites—Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: J. Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G11A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892-9823, 240-669-5045, [sundstromj@niaid.nih.gov](mailto:sundstromj@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 9, 2019.

**Sylvia L. Neal,**

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-14908 Filed 7-12-19; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; NICHD Member Conflict Special Emphasis Panel.

Date: August 8, 2019.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH 6710B Rockledge Dr., Bethesda, MD (Telephone Conference Call).

Contact Person: Sherry L. Dupere, Ph.D., Chief, Scientific Review Branch, Scientific Review Program, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892-7510, 301-451-3415, [duperes@mail.nih.gov](mailto:duperes@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: July 9, 2019.

**Ronald J. Livingston, Jr.,**

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-14910 Filed 7-12-19; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF THE INTERIOR

### Geological Survey

[GX19MR00G74E400; OMB Control Number 1028-0098]

#### Agency Information Collection Activities; Nonindigenous Aquatic Species Sighting Reporting Form and Alert Registration Form

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 13, 2019.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to [gs-info\\_collections@usgs.gov](mailto:gs-info_collections@usgs.gov). Please reference

OMB Control Number 1028–0098 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Matthew Neilson by email at [mneilson@usgs.gov](mailto:mneilson@usgs.gov), or by telephone at (352) 264–3519.

**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.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** America is under siege by many harmful non-native species of plants, animals, and microorganisms. More than 6,500 nonindigenous species are now established in the United States, posing risks to native species, valued ecosystems, and human and wildlife health. These invaders extract a huge cost, an estimated \$120 billion per year, to mitigate their harmful impacts. The current annual environmental, economic, and health-related costs of invasive species exceed those of all other natural disasters combined.

Through its Invasive Species Program ([http://www.usgs.gov/ecosystems/invasive\\_species/](http://www.usgs.gov/ecosystems/invasive_species/)), the USGS plays an important role in federal efforts to combat invasive species in natural and semi-natural areas through early detection and assessment of newly established invaders; monitoring of invading populations; and improving understanding of the ecology of invaders and factors in the resistance of habitats to invasion. The USGS provides the tools, technology, and information supporting efforts to prevent, contain, control, and manage invasive species nationwide. To meet user needs, the USGS also develops methods for compiling and synthesizing accurate and reliable data and information on invasive species for inclusion in a distributed and integrated web-based information system.

As part of the USGS Invasive Species Program, the Nonindigenous Aquatic Species (NAS) database (<http://nas.er.usgs.gov/>) functions as a repository and clearinghouse for occurrence information on nonindigenous aquatic species from across the United States. It contains locality information on approximately 1,300 species of vertebrates, invertebrates, and vascular plants introduced since 1850. Taxa include foreign species as well as those native to North America that have been transported outside of their natural range. The NAS website provides immediate access to new occurrence records through a real-time interface with the NAS database. Visitors to the website can use a set of predefined queries to obtain lists of species according to state or hydrologic basin of interest. Fact sheets, distribution maps, and information on new occurrences are continually posted and updated. Dynamically generated species distribution maps show the spatial accuracy of the locations reported, population status, and links to more information about each report.

**Title of Collection:** Nonindigenous Aquatic Species Sighting Reporting Form and Alert Registration Form.

**OMB Control Number:** 1028–0098.

**Form Number:** None.

**Type of Review:** Extension of a currently approved collection.

**Respondents/Affected Public:** State and local government employees, university personnel, and private individuals.

**Total Estimated Number of Annual Respondents:** We estimate approximately 350 respondents per year for the sighting report form (some respondents will submit multiple reports per year), and 50 respondents

(i.e., new registrations) per year for the alert registration form.

**Total Estimated Number of Annual Responses:** We estimate 600 responses per year for the sighting report form, and 50 responses (i.e., new registrations) per year for the alert registration form.

**Estimated Completion Time per Response:** We estimate 3 minutes for the sighting report form, and 1 minute for the alert registration form.

**Total Estimated Number of Annual Burden Hours:** We estimate 30 hours for the sighting report form, and 1 hour for the alert registration form; a total of 31 hours for the two forms.

**Respondent's Obligation:** Voluntary.

**Frequency of Collection:** On occasion.

**Total Estimated Annual Nonhour**

**Burden Cost:** None.

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.*).

**Kenneth Rice,**  
Center Director.

[FR Doc. 2019–14916 Filed 7–12–19; 8:45 am]

**BILLING CODE 4338–11–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS–WASO–NAGPRA–NPS0028224;  
PPWOCRADN0–PCU00RP14.R50000]

**Notice of Inventory Completion:**  
**Oregon State Parks and Recreation**  
**Department, Salem, OR and Oregon**  
**State University, NAGPRA Office,**  
**Corvallis, OR**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Oregon State University, Department of Anthropology and NAGPRA Office, and the Oregon Parks and Recreation Department (OPRD) have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and have 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 Oregon Parks and Recreation Department. 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 Oregon Parks and Recreation Department (OPRD) at the address in this notice by August 14, 2019.

**ADDRESSES:** Nancy Nelson, Oregon Parks and Recreation Department Archaeologist, 725 Summer Street NE, Suite C, Salem, OR 97301, telephone (503) 986-0578.

**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 Oregon Parks and Recreation Department, Salem, OR, and in the custody of the Oregon State University, NAGPRA Office, Corvallis, OR. The human remains and associated funerary objects were removed from Lane County and Lincoln County, OR.

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 Oregon State Parks and Recreation Department and Oregon State University, Department of Anthropology and NAGPRA Office professional staff in consultation with representatives of the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation).

The Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon); Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; Confederated Tribes of the Grand Ronde

Community of Oregon; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Coquille Indian Tribe (previously listed as the Coquille Tribe of Oregon); Cow Creek Band of Umpqua Tribe of Indians (previously listed as the Cow Creek Band of Umpqua Indians of Oregon); and the Klamath Tribes (hereafter referred to as "The Invited Tribes") were invited to consult, but did not participate.

#### History and Description of the Remains

In 1977, human remains representing, at minimum, two individuals were removed from Lane County, OR by Corvallis High School teacher Alan Taylor. Taylor was visiting Neptune State Park, and observed and removed a portion of a skull that was eroding out of a bluff just south of Bob Creek, Lane County, OR. He brought the human remains to Oregon State University's (OSU) anthropology department for analysis. Upon determining that the skull fragments were human, OSU received permission to salvage the rest of the human remains. No known individuals were identified. The seven associated funerary objects are one core, one blank, one biface and four utilized flakes.

In 1974, human remains representing, at minimum, four individuals were removed from site 35LNC14 at Seal Rock, Lincoln County, OR. The human remains had been known from earlier excavations in 1968, 1972, and 1973. No known individuals were identified. The one associated funerary object is a bird bone whistle.

In the 1970's, human remains representing, at minimum, one individual were removed from the Ona Beach area at Brian Booth State Park, Lincoln County, OR. Staff at the Oregon State Historic Preservation Office contacted the Anthropology Department, Oregon State University, and asked them to salvage human remains eroding out of the bank. There is no site number associated with the site. No known individuals were identified. The 33 associated funerary objects are 18 complete blue glass beads, 12 fragmented blue glass beads, and three metal nail fragments.

Linguistically, the earlier group at Bob Creek (35LA10), Seal Rock (35LNC14), and Brian Booth State Park were Yakonan/Alsean. Based on ethnographic information and consultation, the descendants of the Yakonan/Alsean speakers are members of The Confederated Tribes of Siletz Indians

(CTSI). The CTSI is comprised of more than 30 Tribes and bands whose ancestral territory is from the lower Columbia River (including Chinookan territory on the north bank) to Upper Klamath, Shasta and Scott Rivers, and Smith River, Lake Earl and Crescent City areas of Northern California, including all the territory west of the summit of the Cascade Mountains in Oregon.

The CTSI Tribes were forcibly removed from their homelands by the U.S. Government in 1855. Under the Western Oregon Termination Act (passed by Congress in 1954 and finalized in 1956), Western Oregon Tribes were further removed from their lands, and were expected to reside either on the Siletz Reservation or the Grand Ronde Reservation. By contrast, the principal villages of the central Oregon coast peoples, such as the Yaquina and Alsea, had been relocated to the Siletz Reservation when it was established in 1855, and have been associated with the Siletz Reservation and the Confederated Tribes of Siletz Indians ever since that time. (The CTSI were officially restored to recognized status in 1977.)

#### Determinations Made by the Oregon Parks and Recreation Department

Officials of the Oregon Parks and Recreation Department have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of seven individuals of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the 41 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 Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation).

#### 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 Nancy Nelson, Oregon Parks and Recreation Department Archaeologist, 725 Summer Street NE,

Suite C, Salem, OR 97301, telephone (503) 986-0578, by August 14, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) may proceed.

The Oregon Parks and Recreation Department is responsible for notifying the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and The Invited Tribes that this notice has been published.

Dated: June 14, 2019.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2019-14932 Filed 7-12-19; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0028203;  
PPWOCRADN0-PCU00RP14.R50000]

**Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office, McCook, NE, and History Nebraska (Formerly the Nebraska State Historical Society), Lincoln, NE**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Nebraska-Kansas Area Office of the Bureau of Reclamation, and History Nebraska (formerly the Nebraska State Historical Society) have completed an inventory of human remains and an associated funerary object, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary object 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 object should submit a written request to History Nebraska. If no additional requestors come forward, transfer of control of the human remains and associated funerary object 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 object should submit a written request with information in support of the request to History Nebraska at the address in this notice by August 14, 2019.

**ADDRESSES:** Rob Bozell, History Nebraska, 5050 N 32nd Street, Lincoln, NE 68504, telephone (402) 525-1624, email [rob.bozell@nebraska.gov](mailto:rob.bozell@nebraska.gov).

**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 object under the control of the U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office, McCook, NE, and in the physical custody of History Nebraska (formerly the Nebraska State Historical Society), Lincoln, NE. The human remains were removed from Buffalo, Frontier, Merrick, and Nance Counties, NE.

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 object. 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 Bureau of Reclamation, Nebraska-Kansas Area Office and History Nebraska professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and the Winnebago Tribe of Nebraska.

The Apache Tribe of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation,

Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Otoe-Missouria Tribe of Indians, Oklahoma; Ponca Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; and the Yankton Sioux Tribe of South Dakota were invited to consult but did not participate.

Hereafter, all the Indian Tribes listed in this section are referred to as "The Consulted and Invited Tribes."

### History and Description of the Remains

In 1973, human remains representing, at minimum, two individuals were removed from the Flat Rock site 25BF210 in Buffalo County, NE. The human remains were excavated by the University of Nebraska, Lincoln working under contract to the National Park Service during archeological investigations of the proposed Mid-State Irrigation Project. In 2011, the human remains were discovered and removed from the 25BF210 archeological collection during a curation project by History Nebraska conducted under an agreement with the Bureau of Reclamation. The human remains represent two individuals of unknown sex and age (25BF210-A and 25BF210-B). No known individuals were identified. No associated funerary objects are present.

In 1933, human remains representing, at minimum, one individual were removed from the Gammill-Phillips site 25FT1 in Frontier County, NE. The human remains were excavated by the Nebraska State Historical Society during the course of archeological investigations. The human remains represent one (possibly male) child 1.5–2.5 years of age. No known individuals



were identified. No associated funerary objects are present.

In 1933, human remains representing, at minimum, two individuals were removed from the Owens site 25FT3 in Frontier County, NE. The human remains were excavated by History Nebraska during archeological investigations. The human remains represent one (possibly female) 20–30 years of age (25FT3–A), and one individual of unknown sex and age (25FT3–B). No known individuals were identified. No associated funerary objects are present.

Sometime prior to 1990, and under unknown circumstances, human remains representing, at minimum, one individual were removed from the Compton site 25FT13 in Frontier County, NE. The human remains represent one adult of unknown age or sex. No known individuals were identified. No associated funerary objects are present.

In 1947, human remains representing, at minimum, one individual were removed from the Aiken site 25FT16–A in Frontier County, NE. The human remains were excavated by the Smithsonian Institution–River Basin Surveys during the course of archeological investigations. The human remains represent one (possibly female) child 9.5–10.5 years of age. No known individuals were identified. No associated funerary objects are present.

In 1947, human remains representing, at minimum, one individual were removed from the Aiken site 25FT16–B in Frontier County, NE. The human remains were excavated by the Smithsonian Institution–River Basin Surveys during the course of archeological investigations. The human remains represent one adult female 25–40 years of age. No known individuals were identified. No associated funerary objects are present.

In 1947–1948, human remains representing, at minimum, one individual were removed from archeological site 25FT17 in Frontier County, NE. The human remains were excavated by the Smithsonian Institution–River Basin Surveys during archeological investigations. In 2011, the human remains were discovered and removed from the 25FT17 archeological collection during a curation project conducted by History Nebraska under an agreement with the Bureau of Reclamation. The human remains represent one individual of unknown sex and age. No known individuals were identified. No associated funerary objects are present.

In the 1940s, human remains representing, at minimum, one

individual were removed from archeological site 25FT22–A in Frontier County, NE. The human remains were excavated by the Smithsonian Institution–River Basin Surveys during the course of archeological investigations. The human remains represent one child female 3–6 years of age. No known individuals were identified. No associated funerary objects are present.

In the 1940s, human remains representing, at minimum, one individual were removed from archeological site 25FT22–B in Frontier County, NE. The human remains were excavated by the Smithsonian Institution–River Basin Surveys during the course of archeological investigations. The human remains represent one adult male 15–35 years of age. No known individuals were identified. No associated funerary objects are present.

In 1987, human remains representing, at minimum, one individual were removed from archeological site 25FT22–C in Frontier County, NE. The human remains were excavated by Donna Roper during archeological investigations of Medicine Creek Reservoir under a contract with the Bureau of Reclamation. The human remains represent one child of unknown sex 5–6 years of age. No known individuals were identified. No associated funerary objects are present.

In the 1940s, human remains representing, at minimum, one individual were removed from archeological site 25FT28–A in Frontier County, NE. The human remains were excavated by the Smithsonian Institution–River Basin Surveys during the course of archeological investigations. The human remains represent one adult male 15–35 years of age. No known individuals were identified. No associated funerary objects are present.

In 1947 or 1949, human remains representing, at minimum, one individual were removed from archeological site 25FT39–A in Frontier County, NE. The human remains were excavated by the Smithsonian Institution–River Basin Surveys during the course of archeological investigations. The human remains represent one adult of unknown age or sex. No known individuals were identified. No associated funerary objects are present.

Prior to 1990, and under unknown circumstances, human remains representing, at minimum, one individual were removed from archeological site 25FT39–B in Frontier County, NE. In 2011, the human

remains were discovered and removed from the 25FT39 archeological collection during a curation project conducted by History Nebraska under an agreement with the Bureau of Reclamation. The human remains represent one individual of unknown age or sex. No known individuals were identified. No associated funerary objects are present.

In 1985, human remains representing, at minimum, two individuals were removed from the Marvin Colson site 25FT158 in Frontier County, NE. The human remains were excavated by Donna Roper during the course of archeological investigations under a contract with the Bureau of Reclamation. The human remains represent two adults of unknown age or sex (25FT158–A and 25FT158–B). No known individuals were identified. No associated funerary objects are present.

In 1992, human remains representing, at minimum, one individual were removed from the Tahaksu site 25MK15 in Merrick County, NE. The human remains were excavated by the University of Nebraska State Museum working under contract to the Bureau of Reclamation during construction of the Fullerton Canal project. The human remains represent one individual of unknown age and sex. No known individuals were identified. No associated funerary objects are present.

In 1992, human remains representing, at minimum, five individuals were removed from the Palmer Locality site 25NC29 in Nance County, NE. The human remains were excavated by the University of Nebraska State Museum working under contract to the Bureau of Reclamation during construction of the Fullerton Canal project. The human remains represent one young adult of unknown age and sex (25NC29–A), one child 4–6 years of age (25NC29–B), one adult of unknown age and sex (25NC29–C), and one child 5–6 years of age (25NC29–D). In 2006, human remains were discovered and removed from the 25NC29 archeological collection during a curation project conducted by History Nebraska under an agreement with the Bureau of Reclamation. The human remains represent one individual of unknown sex and age (25NC29–E). No known individuals were identified. The one associated funerary object is red ochre pigment found with individual 25NC29–A.

The human remains listed in this notice were determined to be Native American based on archeological context, burial patterns, osteology, or associated diagnostic artifacts. Based on oral tradition and archeological evidence, the Bureau of Reclamation



and History Nebraska have determined there is a relationship of shared group identity that can be reasonably traced between the human remains listed in this notice and the Native American people that are represented today by three Indian Tribes.

**Determinations Made by the U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office and History Nebraska**

Officials of the U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office and History Nebraska have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 23 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice that is 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 the Pawnee Nation of Oklahoma; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (hereafter referred to as "The Affiliated 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 object should submit a written request with information in support of the request to Rob Bozell, History Nebraska, 5050 N 32nd Street, Lincoln, NE 68504, telephone (402) 525-1624, email [rob.bozell@nebraska.gov](mailto:rob.bozell@nebraska.gov), by August 14, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to The Affiliated Tribes may proceed.

The U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: June 13, 2019.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2019-14933 Filed 7-12-19; 8:45 am]

**BILLING CODE 4312-52-P**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**[NPS-WASO-NAGPRA-NPS0028225; PPWOCRADNO-PCU00RP14.R50000]**

**Notice of Inventory Completion: University of Louisville, Louisville, KY**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The University of Louisville 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 no cultural affiliation between the human remains and associated funerary objects 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 and associated funerary objects should submit a written request to the University of Louisville. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects 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 and associated funerary objects should submit a written request with information in support of the request to the University of Louisville at the address in this notice by August 14, 2019.

**ADDRESSES:** Dr. Thomas Jennings, University of Louisville Department of Anthropology, Lutz Hall Room 228, Louisville, KY 40292, telephone (502) 852-2421, email [thomas.jennings@louisville.edu](mailto:thomas.jennings@louisville.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 University of Louisville, Louisville, KY. The human remains and associated funerary objects were removed from the Lawrence Site 15Tr33, Trigg County, KY.

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 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 University of Louisville professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

**History and Description of the Remains**

In 1969, 1971, and 1972, human remains representing, at minimum, 16 individuals were removed from the Lawrence Site 15Tr33 in Trigg County, KY. The burial in Feature 7 (MNI = 1) is also named Burial #1. It was transferred to Florida Atlantic University (FAU) for osteological analysis between 1972 and 1973, and returned to University of Louisville (UofL) in March 2018. No known individuals were identified. No associated funerary objects are present.

The burial in Feature 45 (MNI = 1) is also named Burial #2. It was transferred to FAU between 1972 and 1973, and returned to UofL in March 2018. No known individuals were identified. No associated funerary objects are present.

The burial in Feature 47 (MNI = 1) is also named the Burial #3. It was transferred to FAU between 1972 and 1973, and returned in March 2018. No known individuals were identified. No associated funerary objects are present.

The burial in Feature 52 (MNI = 1) is also named Burial #5. Burial #5 remained at UofL after excavation. No known individuals were identified. The one associated funerary object is one lot of charcoal.

The burials in Feature 65 (MNI = 2) are also named Burial #6A and #6B.

Both Burials #6A and #6B were transferred to FAU between 1972 and 1973, and returned to UofL in March 2018. Burial #6A includes one adult and Burial #6B includes one sub-adult. No known individuals were identified. No associated funerary objects are present.

The burial in Feature 67 (MNI = 1) is also named Burial #8. It was transferred to FAU between 1972 and 1973, and returned to UofL in March 2018. No known individuals were identified. The one associated funerary object is one lot of charcoal.

The burial in Feature 41 (MNI = 1) is also named Burial #7. It was transferred to FAU between 1972 and 1973, and

returned to UoFL in March 2018. No known individuals were identified. The one associated funerary object is one lot of lithics.

The burials in Feature 72 (MNI = 2) are also named Burial #9A and #9B. Burial #9A remained at UoFL after excavation. Burial #9B remained at UoFL after excavation except for some small fragments that were sent to FAU between 1972 and 1973, and returned to UoFL in March 2018. No known individuals were identified. The five associated funerary objects associated with Burial #9A are two lots of animal teeth, one lot of stone tools, one lot of charcoal, and one lot of animal bone. The two associated funerary objects associated with Burial #9B are one lot of animal teeth and one lot of animal bones and red ochre.

The burial in Feature 46 (MNI = 1) is also named Burial #10. Burial #10 was transferred to FAU between 1972 and 1973, and returned to UoFL in March 2018. No known individuals were identified. The two associated funerary objects associated with Burial #10 are one lot of stone flakes and one lot of ochre.

The burial in Feature 70 (MNI = 1) is also named Burial #11. Burial #11 was transferred to FAU between 1972 and 1973, and returned to UoFL in March 2018. No known individuals were identified. The one associated funerary object associated with Burial #11 is one lot of stone tools.

Some confusion exists over Burial #12 (MNI = 1). In one notation, the burial in Feature #73 is also named Burial #12. Although this burial was described as non-recoverable in the excavation report, human remains returned to UoFL from FAU in March 2018 included an individual labeled Burial #12 (MNI = 1) in good condition. No known individuals were identified. The one associated funerary object associated with Burial #12 is one lot of stone tools.

The burial in Feature 125 (MNI = 1) is also named Burial #14. Burial #14 remained at UoFL after excavation. No known individuals were identified. No associated funerary objects are present.

The burial in Feature 87 (MNI = 1) is also named Burial #16. Burial #16 remained at UoFL after excavation. No known individuals were identified. No associated funerary objects are present.

Other than the adult and sub-adult identified in Feature 65, no age or sex estimations were completed due to the condition of the human remains and the nature of the initial excavation project.

### Determinations Made by the University of Louisville

Officials of the University of Louisville have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on radio-carbon dating, types of tools, and style of burial. The site was determined to have a primary occupation of approximately 8,500 years ago.

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the 15 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 associated funerary objects and any present-day Indian Tribe.

- Pursuant to 25 U.S.C. 3001 (15), the land from which the Native American human remains and associated funerary objects was not tribal land at the time of removal.

- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of The Chickasaw Nation.

- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as "The Tribes").

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The 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 and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas Jennings, University of Louisville Department of Anthropology, Lutz Hall 228, Louisville, KY 40292, telephone (502) 852-2421, email [thomas.jennings@louisville.edu](mailto:thomas.jennings@louisville.edu),

by August 14, 2019. 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 University of Louisville is responsible for notifying The Tribes that this notice has been published.

Dated: June 14, 2019.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2019-14931 Filed 7-12-19; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS-WASO-NAGPRA-NPS0028204; PPWOCRADN0-PCU00RP14.R50000]**

**Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office, McCook, NE, and History Nebraska (Formerly the Nebraska State Historical Society), Lincoln, NE**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Nebraska-Kansas Area Office of the Bureau of Reclamation, and History Nebraska (formerly the Nebraska State Historical Society) have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and have 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 History Nebraska. 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 History Nebraska at the address in this notice by August 14, 2019.

**ADDRESSES:** Rob Bozell, History Nebraska, 5050 N 32nd Street, Lincoln, NE 68504, telephone (402) 525-1624, email [rob.bozell@nebraska.gov](mailto:rob.bozell@nebraska.gov).

**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 U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office, McCook, NE, and in the physical custody of History Nebraska (formerly the Nebraska State Historical Society), Lincoln, NE. The human remains were removed from Dawson, Frontier, Garfield, and Hitchcock Counties, NE.

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 Bureau of Reclamation, Nebraska-Kansas Area Office and History Nebraska professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and the Winnebago Tribe of Nebraska.

The Apache Tribe of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule

Reservation, South Dakota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Otoe-Missouria Tribe of Indians, Oklahoma; Ponca Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; and the Yankton Sioux Tribe of South Dakota were invited to consult but did not participate.

Hereafter, all the Indian Tribes listed in this section are referred to as "The Consulted and Invited Tribes."

#### History and Description of the Remains

In 1972, human remains representing, at minimum, one individual were removed from archeological site 25DS108 in Dawson County, NE. The human remains were excavated by the University of Nebraska, Lincoln during archeological investigations of the proposed Mid-State Irrigation Project under a contract with the National Park Service. In 2011, the human remains were discovered and removed from the 25DS108 archeological collection during a curation project conducted by History Nebraska under an agreement with the Bureau of Reclamation. The human remains represent one individual of unknown sex and age. No known individuals were identified. No associated funerary objects are present.

In 1933, human remains representing, at minimum, one individual were removed from the Mousel site 25FT5-A in Frontier County, NE. The human remains were excavated by History Nebraska during archeological investigations. The human remains represent one individual of unknown age or sex. No known individuals were identified. No associated funerary objects are present.

In 1988, human remains, representing, at minimum, one individual were removed from the Keith site 25FT18-A in Frontier County, NE. The human remains, called the Red Ochre Burial, were removed by the Bureau of Reclamation due to exposure on a receding shoreline at Medicine Creek Reservoir. The human remains represent one (probably female) child 3-7 years of age. No known individuals

were identified. The 17 associated funerary objects are one lot of red ochre, one complete bead, one bead fragment, one marine shell bead, one bone awl, one modified mussel shell fragment, one lot of unmodified mussel shells, three chipped stone scrapers, one chipped stone projectile point, one lot of pottery sherds, one lot of soils, one lot of seeds, one lot of snail shells, one small chipped stone flake fragment, and one lot of chipped stone flaking debris.

In 1947, human remains representing, at minimum, one individual were removed from Feature 20 at the Keith site 25FT18-B in Frontier County, NE. The human remains were excavated by the Smithsonian Institution-River Basin Surveys during archeological investigations. In 2011, the human remains were discovered and removed from the 25FT18 archeological collection during a curation project conducted by History Nebraska under an agreement with the Bureau of Reclamation. The human remains represent one individual of unknown sex and age. No known individuals were identified. The 18 associated funerary objects are unmodified small animal bones and unmodified freshwater mussel shells.

In 1976, human remains representing, at minimum, eight individuals were removed from archeological site 25FT21 in Frontier County, NE. The human remains were exhumed by the University of Nebraska State Museum following reports of looting and exposure at the site. The human remains represent eight individuals—one subadult 2 to 4 years of age (25FT21-A); three adults of unknown age or sex (25FT21-B, 25FT21-E, 25FT21-G); one male older than 16 (25FT21-C); one subadult of unknown sex (25FT21-D); one adult of unknown sex older than 16 (25FT21-F); and one adult of unknown sex older than 24 (25FT21-H). No known individuals were identified. No associated funerary objects are present.

From 1947 to 1950, human remains representing, at minimum, one individual were removed from "Occupation Level II" at the Allen site 25FT50 in Frontier County, NE. The human remains were excavated by the University of Nebraska State Museum during archeological investigations. In 2011, the human remains were discovered and removed from the 25FT50 archeological collection during a curation project conducted by History Nebraska under an agreement with the Bureau of Reclamation. The human remains represent one individual of unknown sex and age. No known individuals were identified. No associated funerary objects are present.

In 1982, human remains representing, at minimum, one individual were removed from archeological site 25GF13 in Garfield County, NE. The human remains were excavated by the University of Nebraska, Lincoln working under a contract with the Bureau of Reclamation during construction of the Mirdan Canal project. The human remains represent one adult female of unknown age. No known individuals were identified. No associated funerary objects are present.

In 1950, human remains representing, at minimum, one individual were removed from the Carmody site 25HK7 in Hitchcock County, NE. The human remains were excavated by History Nebraska during the course of archeological investigations conducted prior to the construction of the Trenton Dam. The human remains represent one adult of unknown sex and age. No known individuals were identified. The one associated funerary object is a mussel shell.

In 1971, human remains representing, at minimum, one individual were removed from archeological site 25HK16 in Hitchcock County, NE. The human remains were discovered by a private individual eroding into the Swanson Reservoir. The human remains represent an elderly female. No known individuals were identified. No associated funerary objects are present.

The human remains listed in this notice were determined to be Native American based on archeological context, burial patterns, osteology, or associated diagnostic artifacts. Based on oral tradition and archeological evidence, the Bureau of Reclamation and History Nebraska have determined there is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects listed in this notice and the Native American people that are represented today by 37 Indian Tribes.

**Determinations Made by the U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office and History Nebraska**

Officials of the U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office and History Nebraska have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the 36 objects described in this notice that 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 Consulted and Invited 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 Rob Bozell, History Nebraska, 5050 N 32nd Street Lincoln, NE 68504, telephone (402) 525-1624, email [rob.bozell@nebraska.gov](mailto:rob.bozell@nebraska.gov), by August 14, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Consulted and Invited Tribes may proceed.

The U.S. Department of the Interior, Bureau of Reclamation, Nebraska-Kansas Area Office is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: June 13, 2019.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2019-14934 Filed 7-12-19; 8:45 am]

**BILLING CODE 4312-52-P**

**INTERNATIONAL TRADE COMMISSION**

**[Investigation Nos. 701-TA-627-629 and 731-TA-1458-1461 (Preliminary)]**

**Utility Scale Wind Towers From Canada, Indonesia, Korea, and Vietnam; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations**

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701-TA-627-629 and 731-TA-1458-1461 (Preliminary) pursuant to the Tariff Act of 1930 ("the Act") to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with

material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of utility scale wind towers from Canada, Indonesia, Korea, and Vietnam, provided for in subheadings 7308.20.00 and 8502.31.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value in Canada, Indonesia, Korea, and Vietnam, and alleged to be subsidized by the Governments of Canada, Indonesia, and Vietnam. Unless the Department of Commerce ("Commerce") extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by August 23, 2019. The Commission's views must be transmitted to Commerce within five business days thereafter, or by August 30, 2019.

**DATES:** July 9, 2019.

**FOR FURTHER INFORMATION CONTACT:** Ahdia Bavari ((202) 205-3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background.**—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on July 9, 2019, by the Wind Tower Trade Coalition (Arcosa Wind Towers, Inc. (Dallas, TX) and Broadwind Towers, Inc. (Manitowoc, WI)).

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**Participation in the investigations and public service list.**—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in

sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Conference.**—The Commission's Office of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, July 30, 2019, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to [preliminaryconferences@usitc.gov](mailto:preliminaryconferences@usitc.gov) (DO NOT FILE ON EDIS) on or before July 26, 2019. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

**Written submissions.**—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before August 2, 2019, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the

Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Certification.**—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations 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 these or related investigations or reviews, 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: July 10, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019-14982 Filed 7-12-19; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1455-1457 (Preliminary)]

### Polyethylene Terephthalate (PET) Sheet From Korea, Mexico, and Oman; Institution of Anti-Dumping Duty Investigations and Scheduling of Preliminary Phase Investigations

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping duty investigation Nos. 731-TA-1455-1457 (Preliminary) pursuant to the Tariff Act of 1930 ("the Act") to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of polyethylene terephthalate (PET) sheet from Korea, Mexico, and Oman, provided for in subheading 3920.62.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce ("Commerce") extends the time for initiation, the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by August 23, 2019. The Commission's views must be transmitted to Commerce within five business days thereafter, or by August 30, 2019.

**DATES:** July 9, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kristina Lara (202-205-3386), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—These investigations are being instituted, pursuant to section

733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to petitions filed on July 9, 2019, by Advanced Extrusion, Inc., Rogers, Minnesota; Ex-Tech Plastics, Inc., Richmond, Illinois; and Multi-Plastics Extrusions, Inc., Hazleton, Pennsylvania.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**Participation in the investigations and public service list.**—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Conference.**—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, July 30, 2019, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to [preliminaryconferences@usitc.gov](mailto:preliminaryconferences@usitc.gov) (DO NOT FILE ON EDIS) on or before Friday, July 26, 2019. Parties in support of the imposition of antidumping duties in these

investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

**Written submissions.**—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before August 2, 2019, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: July 9, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019-14915 Filed 7-12-19; 8:45 am]

**BILLING CODE 7020-02-P**

## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting Notice

**DATE AND TIME:** The Legal Services Corporation's Finance Committee will meet telephonically on July 22, 2019. The meeting will commence at 4:00 p.m., EDT, and will continue until the conclusion of the Committee's agenda.

**LOCATION:** John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW, Washington, DC 20007.

**PUBLIC OBSERVATION:** Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

### CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1-866-451-4981;

- When prompted, enter the following numeric pass code: 5907707348.

- When connected to the call, please immediately "MUTE" your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

**STATUS OF MEETING:** Open.

### MATTERS TO BE CONSIDERED:

1. Approval of agenda
2. Discussion regarding recommendations for LSC's Fiscal Year (FY) 2021 budget request
3. Public comment regarding FY 2021 budget request
4. Consider and act on FY 2021 Budget Request *Resolution 2019-XXX*
5. Additional public comment
6. Consider and act on other business
7. Consider and act on adjournment of meeting.

### CONTACT PERSON FOR INFORMATION:

Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295-1500. Questions may be sent by electronic mail to [FR\\_NOTICE\\_QUESTIONS@lsc.gov](mailto:FR_NOTICE_QUESTIONS@lsc.gov).

**Accessibility:** LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295-1500 or [FR\\_NOTICE\\_QUESTIONS@lsc.gov](mailto:FR_NOTICE_QUESTIONS@lsc.gov), at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: July 9, 2019.

**Katherine Ward,**

*Executive Assistant to the Vice President for Legal Affairs and General Counsel.*

[FR Doc. 2019-15020 Filed 7-11-19; 11:15 am]

**BILLING CODE 7050-01-P**

**NATIONAL CREDIT UNION  
ADMINISTRATION****Sunshine Act: Notice of Agency  
Meeting**

**TIME AND DATE:** 10:00 a.m., Thursday,  
July 18, 2019.

**PLACE:** Board Room, 7th Floor, Room  
7047, 1775 Duke Street (All visitors  
must use Diagonal Road Entrance),  
Alexandria, VA 22314-3428.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. NCUA 2019 Mid-Session Budget.
2. NCUA Rules and Regulations, Fidelity Bonds.
3. Guidance Regarding Prohibitions Imposed by Statute.
4. NCUA Rules and Regulations, Real Estate Appraisals.

*Recess:* 11:15 a.m.

**TIME AND DATE:** 11:30 a.m., Thursday,  
July 18, 2019.

**PLACE:** Board Room, 7th Floor, Room  
7047, 1775 Duke Street, Alexandria, VA  
22314-3428.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Creditor Claim Appeal. Closed pursuant to Exemption (4).
2. Board Appeal. Closed pursuant to Exemption (4).

**CONTACT PERSON FOR MORE INFORMATION:**  
Gerard Poliquin, Secretary of the Board,  
Telephone: 703-518-6304.

**Gerard Poliquin,**

*Secretary of the Board.*

[FR Doc. 2019-15093 Filed 7-11-19; 4:15 pm]

**BILLING CODE 7535-01-P**

**NATIONAL SCIENCE FOUNDATION****Notice of Intent To Seek Approval To  
Establish an Information Collection**

**AGENCY:** National Science Foundation.

**ACTION:** Notice and request for  
comments.

**SUMMARY:** Under the Paperwork  
Reduction Act of 1995 and as part of its  
continuing effort to reduce paperwork  
and respondent burden, the National  
Science Foundation (NSF) is inviting  
the general public or other Federal  
agencies to comment on this proposed  
information collection.

**DATES:** Written comments on this notice  
must be received by September 13,  
2019, to be assured consideration.  
Comments received after that date will  
be considered to the extent practicable.  
Send comments to address below.

**FOR FURTHER INFORMATION CONTACT:** Ms.  
Suzanne H. Plimpton, Reports Clearance

Officer, National Science Foundation,  
2415 Eisenhower Avenue, Alexandria,  
VA 22314; telephone (703) 292-7556; or  
send email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

Individuals who use a  
telecommunications device for the deaf  
(TDD) may call the Federal Information  
Relay Service (FIRS) at 1-800-877-  
8339, which is accessible 24 hours a  
day, 7 days a week, 365 days a year  
(including federal holidays).

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Project evaluation  
reports for the Innovative Technology  
Experiences for Students and Teachers  
program.

*OMB Number:* 3145-NEW.

*Expiration Date of Approval:* Not  
applicable.

*Type of Request:* Intent to seek  
approval to establish an information  
collection.

*Abstract:* The Division of Research on  
Learning in Formal and Informal  
Settings, within the Directorate of  
Education and Human Resources of the  
National Science Foundation, will  
collect evaluation reports for all funded  
projects within the Innovative  
Technology Experiences for Students  
and Teachers program. ITEST is an  
applied research and development  
(R&D) program providing direct student  
learning opportunities in pre-  
kindergarten through high school  
(PreK-12). The learning opportunities  
are based on innovative use of  
technology to strengthen knowledge and  
interest in science, technology,  
engineering, and mathematics (STEM)  
and information and communication  
technology (ICT) careers. Evaluation  
activities are required components of  
the projects. This document collection  
will allow the program to have access to  
the evaluation reports that measure the  
ways in which individual projects are  
achieving their goals. Evaluation reports  
will be included as a part of the regular  
annual reporting requirements.

*Use of the Information:* The data  
collected will be used for NSF internal  
reports, historical data, performance  
review by peer site visit teams, and  
program level studies and evaluations.

*Burden on the Public:* The program  
estimates that an average of five minutes  
is expended for each annual report.  
Evaluation reports are already required  
of projects, and as such, including the  
documents with annual reporting is the  
only additional burden. An estimated  
100 responses for new and continuing  
projects are expected annually for a total  
of 500 public burden minutes (less than  
9 hours) annually.

*Expected Respondents:* Individuals.

*Estimated Number of Responses:* 100.

*Estimated Number of Respondents:*  
100.

*Estimated Total Annual Burden on  
Respondents:* Less than 9 hours.

*Frequency of Responses:* Annual.

*Comments:* Comments are invited on:  
(a) Whether the proposed collection of  
information is necessary for the proper  
performance of the functions of the  
Foundation, including whether the  
information will have practical utility;  
(b) the accuracy of the Foundation's  
estimate of the burden of the proposed  
collection of information; (c) ways to  
enhance the quality, utility, and clarity  
of the information to be collected; and  
(d) ways to minimize the burden of the  
collection of information on those who  
are to respond, including through the  
use of automated collection techniques  
or other forms of information  
technology.

Dated: July 9, 2019.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science  
Foundation.*

[FR Doc. 2019-14914 Filed 7-12-19; 8:45 am]

**BILLING CODE 7555-01-P**

**NUCLEAR REGULATORY  
COMMISSION**

[NRC-2019-0001]

**Sunshine Act Meetings**

**TIME AND DATE:** Weeks of July 15, 22, 29,  
August 5, 12, 19, 2019.

**PLACE:** Commissioners' Conference  
Room, 11555 Rockville Pike, Rockville,  
Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:****Week of July 15, 2019**

There are no meetings scheduled for  
the week of July 15, 2019.

**Week of July 22, 2019—Tentative**

There are no meetings scheduled for  
the week of July 22, 2019.

**Week of July 29, 2019—Tentative**

There are no meetings scheduled for  
the week of July 29, 2019.

**Week of August 5, 2019—Tentative**

There are no meetings scheduled for  
the week of August 5, 2019.

**Week of August 12, 2019—Tentative**

*Wednesday, August 14, 2019*

9:00 a.m. Hearing on Early Site Permit  
for the Clinch River Nuclear Site:  
Section 189a. of the Atomic Energy  
Act Proceeding (Public Meeting),  
(Contact: Mallecia Sutton: 301-415-  
0673)



This hearing will be webcast live at the Web address—<http://www.nrc.gov/>.

#### Week of August 19, 2019—Tentative

There are no meetings scheduled for the week of August 19, 2019.

#### CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Denise McGovern at 301-415-0681 or via email at [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov). The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301-287-0739, by videophone at 240-428-3217, or by email at [Kimberly.Meyer-Chambers@nrc.gov](mailto:Kimberly.Meyer-Chambers@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or by email at [Wendy.Moore@nrc.gov](mailto:Wendy.Moore@nrc.gov) or [Tyesha.Bush@nrc.gov](mailto:Tyesha.Bush@nrc.gov).

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated at Rockville, Maryland, this 11th day of July, 2019.

For the Nuclear Regulatory Commission.

**Denise L. McGovern,**  
Policy Coordinator, Office of the Secretary.  
[FR Doc. 2019-15097 Filed 7-11-19; 4:15 pm]

BILLING CODE 7590-01-P

#### POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019-160 and CP2019-180; MC2019-161 and CP2019-181]

#### New Postal Products

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing,

invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* July 17, 2019.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

#### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.<sup>1</sup>

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

<sup>1</sup> 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).

requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

#### II. Docketed Proceeding(s)

1. *Docket No(s):* MC2019-160 and CP2019-180; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 106 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 9, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.*, and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* July 17, 2019.

2. *Docket No(s):* MC2019-161 and CP2019-181; *Filing Title:* USPS Request to Add Priority Mail Contract 536 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 9, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.*, and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* July 17, 2019.

This Notice will be published in the **Federal Register**.

**Ruth Ann Abrams,**  
*Acting Secretary.*

[FR Doc. 2019-14971 Filed 7-12-19; 8:45 am]

BILLING CODE 7710-FW-P

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86335; File No. SR-BOX-2019-22]

**Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC ("BOX") Facility To Establish BOX Connectivity Fees for Participants and Non-Participants Who Connect to the BOX Network**

July 9, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 26, 2019, BOX Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



(“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. 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 the Substance of the Proposed Rule Change**

The Exchange is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC (“BOX”) facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission’s Public Reference Room and also on the Exchange’s internet website at <http://boxexchange.com>.

### **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 Section VI. (Technology Fees) of the BOX Fee Schedule to establish BOX Connectivity Fees for Participants and non-Participants who connect to the BOX network. Connectivity fees will be based upon the amount of bandwidth that will be used by the Participant or non-Participant. Further, BOX Participants or non-Participants connected as of the last trading day of each calendar month will be charged the applicable Connectivity Fee for that month. The Connectivity Fees will be as follows:

Connection type	Monthly fees
Non-10 Gb Connection.	\$1,000 per connection.
10 Gb Connection .....	\$5,000 per connection.

The Exchange also proposes to amend certain language and numbering in Section VI.A to reflect the changes discussed above. Specifically, BOX proposes to add the title “Third Party Connectivity Fees” under Section VI.A. Further, the Exchange proposes to add Section VI.A.2, which details the proposed BOX Connectivity Fees discussed above. Finally the Exchange is proposing to remove Section VI.C. High Speed Vendor Fee (“HSVF”), and reclassify the HSVF as a Port Fee.

The Exchange initially filed the proposed fees on July 19, 2018, designating the proposed fees effective July 1, 2018. The first proposed rule change was published for comment in the **Federal Register** on August 2, 2018.<sup>5</sup> The Commission received one comment letter on the proposal.<sup>6</sup> The proposed fees remained in effect until they were temporarily suspended pursuant to a suspension order (the “Suspension Order”) issued by the Division of Trading and Markets, which also instituted proceedings to determine whether to approve or disapprove the proposed rule change.<sup>7</sup> The Commission subsequently received one further comment letter on the proposed rule change, supporting the decision to suspend and institute proceedings on the proposed fee change.<sup>8</sup>

In response to the Suspension Order, the Exchange timely filed a Notice of Intention to Petition for Review<sup>9</sup> and Petition for Review to vacate the Division’s Order,<sup>10</sup> which stayed the Division’s suspension of the filing. On November 16, 2018 the Commission granted the Exchange’s Petition for Review but discontinued the automatic

stay.<sup>11</sup> The Exchange then filed a statement to reiterate the arguments set for in its petition for review and to supplement that petition with additional information.<sup>12</sup>

The Exchange subsequently refiled its fee proposal on November 30th, 2018. The proposed fees were noticed and again temporarily suspended pursuant to a suspension order issued by the Division of Trading and Markets, which also instituted proceedings to determine whether to approve or disapprove the proposed rule change.<sup>13</sup> The Commission received two comment letters supporting the decision to suspend and institute proceedings on the proposed fee change.<sup>14</sup>

The Exchange again refiled its fee proposal on February 13, 2019. The proposed fees were noticed and again temporarily suspended pursuant to a suspension order issued by the Division of Trading and Markets, which also instituted proceedings to determine whether to approve or disapprove the proposed rule change.<sup>15</sup> The Commission received four comment letters supporting the decision to

<sup>11</sup> See Securities Exchange Act Release No. 84614. Order Granting Petition for Review and Scheduling Filing of Statements, dated November 16, 2018. Separately, the Securities Industry and Financial Markets Association filed an application under Section 19(d) of the Exchange Act challenging the Exchange’s proposed fees as alleged prohibitions or limitations on access. See *In re Securities Industry and Financial Markets Association*, Admin. Proc. File No. 3-18680 (Aug. 24, 2018). The Commission thereafter remanded that denial-of-access proceeding to the Exchange while “express[ing] no view regarding the merits” and emphasizing that it was “not set[ting] aside the challenged rule change[.]” *In re Applications of SIFMA & Bloomberg*, Exchange Act Rel. No. 84433, at 2 (Oct. 16, 2018) (“Remand Order”), available at <https://www.sec.gov/litigation/opinions/2018/34-84433.pdf>. The Division’s Suspension Order is inconsistent with the Commission’s intent in the Remand Order to leave the challenged fees in place during the pendency of the remand proceedings and singles out the Exchange for disparate treatment because it means that the Exchange—unlike every other exchange whose rule changes were the subject of the Remand Order—is not permitted to continue charging the challenged fees during the remand proceedings.

<sup>12</sup> See Letter from Amir Tayrani, Partner, Gibson, Dunn & Crutcher LLP, dated December 10, 2018.

<sup>13</sup> See Securities Exchange Act Release No. 84823 (December 14, 2018), 83 FR 65381 (December 20, 2018) (SR-BOX-2018-37).

<sup>14</sup> See Letters from Tyler Gellasch, Executive Director, The Healthy Markets Association (“Second Healthy Markets Letter”), and Chester Spatt, Pamela R. and Kenneth B. Dunn Professor of Finance, Tepper School of Business, Carnegie Mellon University (“Chester Spatt Letter”), to Brent J. Fields, Secretary, Commission, dated January 2, 2019.

<sup>15</sup> See Securities Exchange Act Release No. 85201 (February 26, 2019), 84 FR 7146 (March 1, 2019) (SR-BOX-2019-04).

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> See Securities Exchange Act Release No. 83728 (July 27, 2018), 83 FR 37853 (August 2, 2018) (SR-BOX-2018-24).

<sup>6</sup> See Letter from Tyler Gellasch, Executive Director, The Healthy Markets Association, to Brent J. Fields, Secretary, Commission, dated August 23, 2018 (“Healthy Markets Letter”).

<sup>7</sup> See Securities Exchange Act Release No. 34-84168 (September 17, 2018).

<sup>8</sup> See Letter from Theodore R. Lazo, Managing Director and Associate General Counsel, and Ellen Greene, Managing Director, Financial Services Operations, Securities Industry and Financial Markets Association, dated October 15, 2018.

<sup>9</sup> See Letter from Amir Tayrani, Partner, Gibson, Dunn & Crutcher LLP, dated September 19, 2018.

<sup>10</sup> See Petition for Review of Order Temporarily Suspending BOX Exchange LLC’s Proposal to Amend the Fee Schedule on BOX Market LLC, dated September 26, 2018.

suspend and institute proceedings on the proposed fee change.<sup>16</sup>

On March 29, 2019, the Commission issued its Order Disapproving each iteration of the BOX Proposal (“BOX Order”). In the BOX Order, the Commission highlighted a number of deficiencies it found in three separate rule filings by BOX to establish BOX’s connectivity fees that prevented the Commission from finding that BOX’s proposed connectivity fees were consistent with the Act.

Finally, on May 21, 2019 the Division of Trading and Markets released new Guidance on SRO Rule Filings Relating to Fees.

The Exchange is once again re-filing the proposed fees to address each topic raised for discussion in the BOX Order and the new guidance on SRO Fee Filings to ensure that the Proposed Fees are consistent with the Act. The proposed rule change is immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.

As discussed herein, the Exchange believes that it is reasonable and appropriate to begin charging for physical connectivity fees to partially offset the costs associated with maintaining and enhancing a state-of-the-art exchange network infrastructure in the US options industry. There are significant costs associated with various projects and initiatives to improve overall network performance and stability, as well as costs paid to the third-party data centers for space rental, power used, etc.

The Exchange has always offered physical connectivity to the Exchange for Participants and non-Participants to access the Exchange’s trading platforms, market data, test systems and disaster recovery facilities. These physical connections consist of 10Gb and non-10Gb connections, where the 10Gb connection provides for faster processing of messages sent to it in comparison to the non-10Gb connection. Since becoming a self-regulated organization in 2012, the Exchange has not charged for physical connectivity and has instead relied on transaction fees as the basis of BOX’s revenue. However, in recent years transaction fees have continually decreased across the options industry. At the same time these transactions fees were decreasing, the options exchanges

except for BOX began charging physical connectivity fees to market participants. As such BOX began to find itself at a significant competitive disadvantage, and had no choice but to begin charging Participants and non-Participants fees for connecting directly to the BOX network (which the Exchange has taken considerable measures to maintain and enhance for the benefit of those Participants and non-Participants) in order to remain competitive with the other options exchanges in the industry.

As discussed in BOX’s recent Petition for Review of the Commission’s Order Disapproving BOX’s three filings, not allowing BOX to charge such connectivity fees arbitrarily and inequitably treats the Exchange differently from each of the other exchanges that submitted prior immediately effective connectivity fee filings that were not suspended or disapproved by the Commission.<sup>17</sup> The Exchange notes that all other options exchanges currently charge for similar physical connectivity.<sup>18</sup>

## 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,<sup>19</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other

charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed fees in general constitute an equitable allocation of fees, and are not unfairly discriminatory, because they allow the Exchange to recover costs associated with offering access through the network connections. The proposed fees are also expected to offset the costs both the Exchange and BOX incur in maintaining and implementing ongoing improvements to the trading systems, including connectivity costs, costs incurred on software and hardware enhancements and resources dedicated to software development, quality assurance, and technology support.

The Exchange believes that its proposal is consistent with Section 6(b)(4) of the Act, in that the proposed fee changes are fair, equitable and not unreasonably discriminatory, because the fees for the connectivity alternatives available on the Exchange, as proposed, are competitive and market-driven. The U.S. options markets are highly competitive (there are currently 16 options markets) and a reliance on competitive markets is an appropriate means to ensure equitable and reasonable prices.

The Exchange acknowledges that there is no regulatory requirement that any market participant connect to the Exchange, or that any participant connect at any specific connection speed. The rule structure for options exchanges are, in fact, fundamentally different from those of equities exchanges. In particular, options market participants are not forced to connect to (and purchase market data from) all options exchanges, as shown by the number of Participants of BOX as compared to the much greater number of participants at other options exchanges. Not only does BOX have less than half the number of participants as certain other options exchanges, but there are also a number of the Exchange’s Participants that do not connect directly to BOX. Further, of the number of Participants that connect directly to BOX, many such Participants do not purchase market data from BOX. In addition, of the market makers that are connected to BOX, it is the individual needs of the market maker that require whether they need one connection or multiple connections to the Exchange. The Exchange has market maker Participants that only purchase one connection (10Gb) and the Exchange has market maker Participants that purchase multiple connections. It is all driven by the business needs of the

<sup>17</sup> See Securities Exchange Act Release No. 85927, Order Granting Petition for Review and Scheduling Filing of Statements, dated May 23, 2019.

<sup>18</sup> Nasdaq PHLX LLC (“Phlx”), The Nasdaq Stock Market LLC (“Nasdaq”), NYSE Arca, Inc. (“Arca”), NYSE American LLC (“NYSE American”), Nasdaq ISE, LLC (“ISE”), Cboe Exchange, Inc. (“Cboe”), Cboe BZX Exchange, Inc. (“CboeBZX”), Cboe EDGX Exchange, Inc. (“CboeEDGX”) and Cboe C2 Exchange, Inc. (“C2”) all offer a type of 10Gb and non-10Gb connectivity alternative to their participants. See Phlx, and ISE Rules, General Equity and Options Rules, General 8, Section 1(b). Phlx and ISE each charge a monthly fee of \$2,500 for each 1Gb connection, \$10,000 for each 10Gb connection and \$15,000 for each 10Gb Ultra connection, which is the equivalent of the Exchange’s 10Gb ULL connection. See also Nasdaq Price List—Trading Connectivity. Nasdaq charges a monthly fee of \$7,500 for each 10Gb direct connection to Nasdaq and \$2,500 for each direct connection that supports up to 1Gb. See also NYSE American Fee Schedule, Section V.B, and Arca Fees and Charges, Co-Location Fees. NYSE American and Arca each charge a monthly fee of \$5,000 for each 1Gb circuit, \$14,000 for each 10Gb circuit and \$22,000 for each 10Gb LX circuit, which is the equivalent of the Exchange’s 10Gb ULL connection. See also Cboe, CboeBZX, CboeEDGX and C2 Fee Schedules. Cboe charges monthly quoting and order entry bandwidth packet fees. Specifically, Cboe charges \$1,600 for the 1st through 5th packet, \$800 for the 6th through 8th packet, \$400 for the 9th through 13th packet and \$200 for the 14th packet and each additional packet. CboeBZX, CboeEDGX and C2 each charge a monthly fee of \$2,500 for each 1Gb connection and \$7,500 for each 10Gb connection.

<sup>19</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>16</sup> See Letters from Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA (“Second SIFMA Comment Letter”), Tyler Gellash, Executive Director, Healthy Markets Association (“Third Healthy Markets Letter”), Stefano Durdic, Former Owner of R2G Services, LLC, and Anand Prakash.

market maker. Market makers that are consolidators that target resting order flow tend to purchase more connectivity than [sic] market makers that simply quote all symbols on the Exchange. Even though non-Participants purchase and resell 10Gb and non-10Gb connections to both Participants and non-Participants, no market makers currently connect to the Exchange indirectly through such resellers.

In SIFMA's comment letter, they argue that all broker-dealers are required to connect to all exchanges which is not true in the options markets. The options markets have evolved differently than the equities markets both in terms of market structure and functionality. For example, there are many order types that are available in the equities markets that are not utilized in the options markets, which relate to mid-point pricing and pegged pricing which require connection to the SIPs and each of the equities exchanges in order to properly execute those orders in compliance with best execution obligations. In addition, in the options markets there is a single SIP (OPRA) versus two SIPs in the equities markets, resulting in few hops and thus alleviating the need to connect directly to all the options exchanges. Additionally, in the options markets, the linkage routing and trade through protection are handled by the exchanges, not by the individual participants. Thus not connecting to an options exchange or disconnecting from an options exchange does not potentially subject a broker-dealer to violate order protection requirements as suggested by SIFMA. The Exchange recognizes that the decision of whether to connect to the Exchange is separate and distinct from the decision of whether and how to trade on the Exchange. The Exchange acknowledges that many firms may choose to connect to the Exchange, but ultimately not trade on it, based on their particular business needs.

To assist prospective Participants or firms considering connecting to BOX, the Exchange provides information about the Exchange's available connectivity alternatives.<sup>20</sup> The decision of which type of connectivity to purchase, or whether to purchase connectivity at all for a particular exchange, is based on the business needs of the firm. Section 2.4 of the BOX Connectivity Guide details the bandwidth requirements depending on the type of traffic each firm requires.

Simple Order routing requires 128 kbps of bandwidth, which could be achieved with a non-10Gb connection, while receiving the five best limits in all classes for the HSVF requires a 10Gb connection not purchase such data feed products. Accordingly, purchasing market data is a business decision/choice, and thus the pricing for it is [sic] constrained by competition.

Contrary to SIFMA's argument, there is competition for connectivity to BOX. BOX competes with ten (10) non-Participants who resell BOX connectivity or market data. Those non-Participants resell that connectivity to multiple market participants over that same connection, including both Participants and non-Participants of BOX. When connectivity is re-sold by a third-party, BOX does not receive any connectivity revenue from that sale. It is entirely between the third-party and the purchaser, thus constraining the ability of BOX to set its connectivity pricing as indirect connectivity is a substitute for direct connectivity. There are currently ten (10) non-Participants that purchase connectivity to BOX. Those non-Participants resell that connectivity or market data to approximately twenty-seven (27) customers, some of whom are agency broker-dealers that have tens of customers of their own. Some of those twenty-seven (27) customers also purchase connectivity directly from BOX. Accordingly, indirect connectivity is a viable alternative that is already being used by non-Participants of BOX, constraining the price that BOX is able to charge for connectivity to its Exchange.

The Exchange is comprised of 51 Participants. Of those 51 Participants, 13 Participants have purchased 10Gb or non-10Gb connections or some combination of multiple various connections. Furthermore, every Participant who has purchased at least one connection also trades on the Exchange with the exception of one new Participant who is currently in the onboarding process. The remaining Participants who have not purchased any connectivity to the Exchange are still able to trade on the Exchange indirectly through other Participants or non-Participant service bureaus that are connected. These remaining Participants who have not purchased connectivity are not forced or compelled to purchase connectivity, and they retain all of the other benefits of membership with the Exchange. Accordingly, Participants and non-Participants have the choice to purchase connectivity and are not compelled to do so in any way.

The Exchange believes that the proposed fees are fair, equitable and not unreasonably discriminatory because the connectivity pricing is associated with relative usage or the various market participants and does not impose a barrier to entry to smaller participants. Accordingly, the Exchange offers two direct connectivity alternatives and various indirect connectivity (via third party) alternatives, as described above. BOX recognizes that there are various business models and varying sizes of market participants conducting business on the Exchange. The non-10Gb direct connectivity alternatives<sup>21</sup> are all comprised of bandwidth of equal to or less than 1Gb and are purchased by market participants that require less bandwidth. As stated above, Section 2.4 of the BOX Connectivity Guide details the bandwidth requirements depending on the type of traffic each firm requires. While non-10Gb connections can fully support the sending of orders and the consumption of BOX's HSVF Data Feed,<sup>22</sup> these connections use less exchange resources and network infrastructure. In contrast, market participants that purchase 10Gb connections utilize the most bandwidth, and those are the participants that consume the most resources from the network. The 10Gb connection offers optimized connectivity for latency sensitive participants and is faster in round trip time for connection oriented traffic to the Exchange than the non-10Gb connection. This lower latency is achieved through more advanced network equipment, such as advanced hardware and switching components, which translates to increased costs to the Exchange. Market participants that are less latency sensitive can purchase non-10Gb direct connections and quote in all products on the Exchange and consume the HSVF Market Data Feed, and such non-10Gb direct connections are priced lower than the 10Gb connections, offering smaller sized market makers a lower cost alternative.

A 10Gb connection uses at least ten times the network infrastructure as the non-10Gb connections and the Exchange has to scale our systems by

<sup>21</sup> Non-10Gb connectivity alternatives are comprised of protocol types that are at or under 1Gb bandwidth. The protocol types are: Gigabit Ethernet, Ethernet, Fast Ethernet, Fiber Channel, OC-3, Singlemode Fiber, ISDN, POTS and T1.

<sup>22</sup> The Exchange notes that, unlike MIA, BOX's HSVF Data Feed does not require a 10Gb physical connection. On BOX, the HSVF Data Feed can [sic] be consumed through a non-10Gb connection. On MIA, the 1Gb connection cannot support the consumption of the top of market data feed or the depth data feed product—both require a 10Gb connection.

<sup>20</sup> See BOX Connectivity Guide at <https://boxoptions.com/assets/NET-BX-001E-BOX-Network-Connection-Specifications-v2.7.pdf>.

the amount and size of all connections regardless of how they are used.<sup>23</sup> Accordingly, the Exchange believes that the allocation of the proposed fees (\$1,000 per non-10Gb connection and \$5,000 per 10Gb connection) are reasonable based on the network resources consumed by the market participants—lower bandwidth consuming market participants pay the least, and highest bandwidth consuming market participants pay the most, particularly since higher bandwidth consumption translates to higher costs to the Exchange.

Separately, the Exchange is not aware of any reason why market participants could not simply drop their connections and cease being Participants of the Exchange if the Exchange were to establish unreasonable and uncompetitive price increases for its connectivity alternatives. Market participants choose to connect to a particular exchange and because it is a choice, BOX must set reasonable connectivity pricing, otherwise prospective participants would not connect and existing participants would disconnect or connect through a third-party reseller of connectivity. No options market participant is required by rule, regulation, or competitive forces to be a Participant of the Exchange.<sup>24</sup> Several market participants choose not to be Participants of the Exchange and choose not to access the Exchange, and several market participants also access the Exchange indirectly through another market participant. If all market participants were required to be Participants of each exchange and connect directly to the Exchange, all exchanges would have over 200 Participants, in line with Cboe's total membership.

The Exchange believes that its proposal is consistent with Section 6(b)(4) of the Act because the proposed fees allow the Exchange to recover a portion of the costs incurred by the Exchange associated with maintaining and enhancing a state-of-the-art exchange network infrastructure in the US options industry. Additionally, there are significant costs associated with various projects and initiatives to improve overall network performance and stability, as well as costs paid to the third-party data centers for space rental, power used, etc.

The Exchange notes that unlike its competitors, the Exchange does not own its own data center and therefore cannot control data center costs. While some of the data center expenses are fixed, much of the expenses are not fixed, and thus increases as the number of physical connections increase. For example, new non-10Gb and 10Gb connections require the purchase of additional hardware to support those connections. Further, as the total number of all connections increase, BOX needs to increase their data center footprint and consume more power, resulting in increased costs charged by their third-party data center provider. Accordingly, cost to BOX is not entirely fixed. In 2018, the annual operational expense (which relates 100% to the network infrastructure, associated data center processing equipment required to support various connections, network monitoring systems and associated software required to support the various forms of connectivity) was approximately \$6.4 million. This does not include additional indirect expenses that the Exchange incurs that are allocated to the support of network infrastructure of the Exchange. Additionally, every year BOX undertakes physical improvements to the BOX network. For example, in the last three years, BOX spent approximately \$2 million on physical hardware alone. As such, BOX looks to offset those costs through the proposed connectivity fees.

A more detailed breakdown of the annual operational expense in 2018 includes over \$2.8 million for space rental, power used, connections, etc. at the Exchange's data centers, over \$1.1 million for data center support and management of third party vendors, over \$700,000 in technological improvements to the data center infrastructure, over \$1.4 million for resources for technical and operational services for the Exchange's data centers and \$400,000 in market data connectivity fees. Of note, regarding market data connectivity fees, this is the cost associated with BOX consuming connectivity/content from the equities markets in order to operate the Exchange, causing BOX to effectively pay its competitors for this connectivity.

Further, as discussed herein, because the costs of operating a data center are significant and not economically feasible for the Exchange, the Exchange does not operate its own data centers, and instead contracts with a third-party data center provider. The Exchange notes that larger, dominant exchange operators own/operate their data centers, which offers them greater control over their data center costs.

Because those exchanges own and operate their data centers as profit centers, the Exchange is subject to additional costs. Connectivity fees, which are charged for accessing the Exchange's data center network infrastructure, are directly related to the network and offset such costs.

As discussed herein, the Exchange now believes that it is reasonable and appropriate to begin charging for physical connectivity fees to partially offset the costs associated with maintaining and enhancing a state-of-the-art exchange network infrastructure in the U.S. options industry. There are significant costs associated with various projects and initiatives to improve overall network performance and stability, as well as costs paid to the third-party data centers for space rental, power used, etc. As discussed above, the Exchange notes that unlike other options exchanges, the Exchange does not own and operate its own data center and therefore cannot control data center costs. As detailed herein, the Exchange has incurred substantial costs associated with maintaining and enhancing the BOX network. These costs, coupled with the Exchange's historically low transaction fees, place BOX at a competitive disadvantage against other options exchanges who charge connectivity fees to market participants. BOX has no choice but to begin charging Participants and non-Participants fees for connecting directly to the network which the Exchange has taken considerable measures to maintain and enhance for the benefit of those Participants and non-Participants in order to remain competitive with the other options exchanges in the industry.

As the Exchange explained to the Division, the existence of robust competition between exchanges to attract order flow requires exchanges to keep prices for all of their joint services—including connectivity to the exchanges' networks at a pro-competitive level.<sup>25</sup> This conclusion is substantiated by the report prepared by Professor Janusz A. Ordover and Gustavo Bamberger addressing the theory of "Platform Competition" and its application to the pricing of exchanges' services, including connectivity services.<sup>26</sup> In the report, Ordover and Bamberger explain that "the provision of connectivity services . . . is inextricably linked to the provision of trading services, so that, as

<sup>23</sup> The Exchange's network infrastructure requirements are based on the premise of all connections operating at full capacity, [sic].

<sup>24</sup> Cboe Exchange Inc. has over 200 members, Nasdaq ISE, LLC has approximately 100 members, and NYSE American LLC has over 80 members. In comparison, the BOX has 51 Participants.

<sup>25</sup> Letter from Lisa J. Fall, BOX, to Brent J. Fields, Secretary, Securities and Exchange Commission (Feb. 19, 2019), <https://www.sec.gov/comments/sr-box-2018-24/srbox201824-4945872-178516.pdf>.

<sup>26</sup> See Attachment to Letter from Lisa J. Fall, *supra* note 25 ("Ordover/Bamberger Statement").

a matter of economics, it is not possible to appropriately evaluate the pricing of connectivity services in isolation from the pricing of trading and other ‘joint’ services offered by” an exchange. Ordoover and Bamberger state that “connectivity services are an ‘input’ into trading” and that “excessive pricing of such services would raise the costs of trading on [an exchange] relative to its rivals and thus discourage trading on” that exchange.

Although the Ordoover/Bamberger Statement focuses on the pricing of connectivity services by Nasdaq-affiliated equities exchanges, its “overarching conclusion . . . that the pricing of connectivity services should not be analyzed in isolation” applies with equal force to the proposed fees. Because BOX is engaged with rigorous competition with other exchanges to attract order flow to its platform, BOX is constrained in its ability to price its joint services—including connectivity services—at supracompetitive levels. That competition ensures that BOX’s connectivity fees are set at levels consistent with the requirements of the Exchange Act.

The Exchange again notes that other exchanges have similar connectivity alternatives for their participants, including similar low-latency connectivity. For example, Nasdaq PHLX LLC (“Phlx”), NYSE Arca, Inc. (“Arca”), NYSE American LLC (“NYSE American”) and Nasdaq ISE, LLC (“ISE”) all offer a 1Gb, 10Gb and 10Gb low latency ethernet connectivity alternatives to each of their participants.<sup>27</sup> The Exchange further notes that Phlx, ISE, Arca and NYSE American each charge higher rates for such similar connectivity to primary and secondary facilities.<sup>28</sup> [sic]

Finally, the Exchange believes redefining the HSVF Connection Fee as a Port Fee is reasonable, equitable and not unfairly discriminatory. This classification is more accurate because an HSVF subscription is not enabled through a physical connection to the Exchange. Although market participant must be credentialed by BOX to receive the HSVF, anyone can become

credentialed by submitting the required documentation.<sup>29</sup> The Exchange does not propose to alter the amount of the existing HSVF fee; subscribers to the HSVF will continue to pay \$1,500 per month. As with the Connectivity Fees, BOX’s HSVF Port Fee is in line with industry practice.<sup>30</sup>

#### *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 not necessary or appropriate in furtherance of the purposes of the Act. Unilateral action by the Exchange in establishing fees for services provided to its Participants and others using its facilities will not have an impact on competition. As a small exchange in the already highly competitive environment for options trading, the Exchange does not have the market power necessary to set prices for services that are unreasonable or unfairly discriminatory in violation of the Exchange Act. The Exchange’s proposed fees, as described herein, are comparable to and generally lower than fees charged by other options exchanges for the same or similar services. Lastly, the Exchange believes the proposed change will not impose a burden on intramarket competition as the proposed fees are applicable to all Participants and others using its facilities that connect to BOX.

#### *C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act<sup>31</sup> and Rule 19b-4(f)(2) thereunder,<sup>32</sup> because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the

public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BOX-2019-22 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-BOX-2019-22. 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 such 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-BOX-2019-22, and should

<sup>27</sup> See Phlx and ISE Rules, General Equity and Options Rules, General 8, Section 1(b). Phlx and ISE each charge a monthly fee of \$2,500 for each 1Gb connection, \$10,000 for each 10Gb connection and \$15,000 for each 10Gb Ultra connection, which the [sic] equivalent of the Exchange’s 10Gb ULL connection. See also NYSE American Fee Schedule, Section V.B, and Arca Fees and Charges, Co-Location Fees. NYSE American and Arca each charge a monthly fee of \$5,000 for each 1Gb circuit, \$14,000 for each 10Gb circuit and \$22,000 for each 10Gb LX circuit, which the [sic] equivalent of the Exchange’s 10Gb ULL connection.

<sup>28</sup> *Id.*

<sup>29</sup> See *Trading Interface Specification*, BOX Options, <https://boxoptions.com/technology/trading-interface-specifications/>.

<sup>30</sup> See Choe Data Services, LLC (CDS) Fee Schedule § VI (charging \$500 per month for up to five users to access the Enhanced Controlled Data Distribution Program).

<sup>31</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>32</sup> 17 CFR 240.19b-4(f)(2).

be submitted on or before August 5, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>33</sup>

Vanessa A. Countryman,  
Secretary.

[FR Doc. 2019-14891 Filed 7-12-19; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86334; File No. SR-BOX-2019-23]

### Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC ("BOX") Facility for Certain PIP and COPIP Transactions

July 9, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 28, 2019, BOX Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. 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 the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend the Fee Schedule to amend the Fee Schedule [sic] on the BOX Options Market LLC ("BOX") facility. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on July 1, 2019. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the

Exchange's internet website at <http://boxexchange.com>.

#### 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 the Fee Schedule for trading on BOX.

###### PIP and COPIP Transactions

The Exchange first proposes to amend certain PIP and COPIP transaction fees for Professional Customers, Broker Dealers and Market Makers in Section I.B of the BOX Fee Schedule. Specifically, the Exchange proposes to increase Improvement Order<sup>5</sup> fees for Professional Customers, Broker Dealers, and Market Makers in Penny Pilot Classes from \$0.12 to \$0.16 and decrease the Improvement Order fees for Professional Customers, Broker Dealers and Market Makers in Non-Penny Pilot Classes from \$0.38 to \$0.34.

###### Liquidity Fees and Credits

The Exchange then proposes to amend Section III.A of the BOX Fee Schedule, Liquidity Fees and Credits, for PIP and COPIP Transactions. Specifically, the Exchange proposes to increase the fees and credits for PIP and COPIP transactions in Non-Penny Pilot Classes and decrease the fees and credits for PIP and COPIP transactions in Penny Pilot Classes. Currently, under Section III.A, a Public Customer PIP or COPIP Order receives the "removal" credit, while the corresponding Primary Improvement Order and any Improvement Orders will be charged the "add" fee as shown in the following table:

	Fee for adding liquidity	Credit for removing liquidity
Non-Penny Pilot Classes .....	\$0.77	(\$0.77)
Penny Pilot Classes .....	0.38	(0.38)
SPY .....	0.45	(0.45)

Further, under current Section III.A., if a Non-Public Customer PIP or COPIP Order does not trade with its Primary Improvement Order, the Primary Improvement Order receives the "removal" credit and any corresponding Improvement Order responses are charged the "add" fee as shown in the following table:

	Fee for adding liquidity	Credit for removing liquidity
Non-Penny Pilot Classes .....	\$0.77	(\$0.77)
Penny Pilot Classes .....	0.38	(0.38)
SPY .....	0.45	(0.45)

The Exchange now proposes to raise the fees for adding liquidity in PIP and COPIP transactions to \$0.81 from \$0.77 in Non-Penny Pilot Classes and decrease the fees for adding liquidity in PIP and COPIP transactions in Penny Pilot Classes from \$0.38 to \$0.34. Further, the Exchange proposes to increase the credit for removing liquidity in PIP and COPIP transactions in Non-Penny Pilot Classes to \$0.81 from \$0.77. Lastly, the Exchange proposes to decrease the credit for removing liquidity in PIP and COPIP transactions in Penny Pilot Classes from \$0.38 to \$0.34.

###### 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,<sup>6</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

###### PIP and COPIP Transactions

The Exchange believes that increasing the Improvement Order fees for Professional Customers, Broker Dealers and Market Makers in Penny Pilot Classes is reasonable and equitable as the proposed fees are lower than similar fees assessed at other options exchanges in the industry.<sup>7</sup> The Exchange further

<sup>6</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>7</sup> See Nasdaq Phlx LLC ("Phlx") Pricing Schedule, where Market Maker or Specialist Responders to the PIXL are charged \$0.25 for Penny Pilot Classes and where all other non-Customer Responders are charged \$0.48 for Penny Pilot Classes. See also Miami International Securities Exchange LLC ("MIAX") Fee Schedule, where all responders are charged \$0.50 for Penny Pilot Classes.

<sup>33</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> An Improvement Order is a response to a PIP or COPIP auction.

believes that decreasing Improvement Order fees for Professional Customers, Broker Dealers and Market Makers in Non-Penny Pilot Classes is reasonable and equitable as the proposed fees are lower than similar fees assessed at other options exchanges in the industry.<sup>8</sup> Further, the Exchange believes that the proposed changes are reasonable as they will incentivize Participants to send Non-Penny Pilot issues to the Exchange which in turn will result in increased liquidity in these issues on the Exchange. As such, the Exchange believes that the increased order flow in Non-Penny Pilot issues will benefit all market participants as the new order flow will result in increased opportunity to trade in these names on BOX. Further, the Exchange notes that submitting an order is entirely voluntary and Participants can determine which type of order they wish to submit, if any, to the Exchange. As such, the Exchange believes that proposed changes discussed herein are reasonable and consistent with the Act.

Further, the Exchange believes that the proposed fees are not unfairly discriminatory as they apply to all Professional Customers, Broker Dealers and Market Makers submitting Improvement Orders to the PIP and COPIP auction mechanisms. Further, the Exchange believes it is equitable and not unfairly discriminatory to charge Public Customers less than Non-Public Customers for their Improvement Orders. The practice of incentivizing Public Customer order flow is common in the options market. While Penny Pilot Classes are typically more actively traded, the Exchange believes that the proposed Improvement Order fees for Non-Penny Pilot Classes will incentivize order flow in Non-Penny Pilot issues on the Exchange, ultimately benefitting all Participants trading on BOX.<sup>9</sup>

#### Liquidity Fees and Credits

The Exchange believes that the changes to the PIP and COPIP transaction liquidity fees and credits are equitable and not unfairly discriminatory in that they apply to all categories of participants and across all

account types. The Exchange notes that liquidity fees and credits on BOX are meant to offset one another in any particular transaction. The liquidity fees and credits do not directly result in revenue to BOX, but simply allow BOX to provide incentives to Participants to attract order flow. As such, the Exchange believes that the proposed changes to the liquidity fees and credits for PIP and COPIP transactions are reasonable, equitable and not unfairly discriminatory.

#### *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 not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes in PIP and COPIP transaction fees incentivizes Participants to direct order flow to Non-Penny Pilot Classes which will promote competition in these issues on the Exchange. Further, the Exchange does not believe that the proposed changes will burden competition by creating a disparity between the fees an Initiating Participant in the PIP or COPIP auction pays and the fees a competitive responder pays that would result in certain Participants being unable to compete with initiators. In fact, the Exchange believes that these changes will not impair these Participants from adding liquidity and competing in the auction mechanisms and will help promote competition by providing incentives for market participants to submit PIP or COPIP order flow to BOX and thus, create a greater opportunity for customers to receive additional price improvement.

The Exchange believes the proposed changes to the liquidity fees and credits for PIP and COPIP transactions will not impose a burden on competition. Rather, BOX believes that the changes will result in Participants being charged and credited appropriately for their PIP and COPIP transactions and is designed to enhance competition in auction transactions on BOX by increasing order flow in Non-Penny Pilot Issues. The Exchange believes that the increased order flow in Non-Penny Pilot issues will result in more responses to the Exchange's PIP and COPIP auction mechanisms which, in turn, will result in increased opportunity for price improvement and thus will benefit Participants on the Exchange.

The Exchange does not believe that the propose change will impose an undue burden on intra-market competition as all Participants are

subject to the proposed changes discussed herein. Further, the Exchange does not believe the proposal will impose an undue burden on intermarket competition, as the proposed changes will allow BOX to compete with other exchanges in the industry. As discussed above, submitting an order is entirely voluntary and Participants can determine which type of order they wish to submit, if any, to the Exchange.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing exchanges. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons discussed above, the Exchange believes that the proposed rule change reflects this competitive environment.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **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)(ii) of the Exchange Act<sup>10</sup> and Rule 19b-4(f)(2) thereunder,<sup>11</sup> because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>11</sup> 17 CFR 240.19b-4(f)(2).

<sup>8</sup> At Phlx, Market Maker responders to the PIXL are charged \$0.40 for Non-Penny Pilot Classes and all other non-Customer responders are charged \$0.70 for Non-Penny Pilot Classes. At MIAX, all responders are charged \$0.99 for Non-Penny Pilot Classes.

<sup>9</sup> The Exchange continues to believe that despite the slight increase in fees for Improvement Orders in Penny Pilot Classes, the proposed fees will continue to incentivize Improvement Order flow in Penny Pilot issues as the Exchange's Improvement Order fees are substantially lower than other exchanges in the industry. See *supra* note 7.



*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](mailto:rule-comments@sec.gov). Please include File Number SR-BOX-2019-23 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-BOX-2019-23. 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 such 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-BOX-2019-23, and should be submitted on or before August 5, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2019-14892 Filed 7-12-19; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-86333; File No. SR-NYSEAMER-2019-26]

**Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.37E To Update a Rule Cross Reference**

July 9, 2019.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on June 25, 2019, NYSE American LLC ("NYSE American" 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 Rule 7.37E to update a rule cross reference. The proposed rule change is available on the Exchange's website at [www.nyse.com](http://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 the Statutory Basis for, the Proposed Rule Change**

**1. Purpose**

The Exchange proposes to amend Rule 7.37E to update a rule cross reference. The Exchange also proposes a non-substantive amendment to update

the title of the rule from "Order Execution and Ranking" to "Order Execution and Routing." The title "Order Execution and Routing" is consistent with the text of the rule and conforms to the title of similar rules of the Exchange's affiliated exchanges.<sup>4</sup>

Rule 7.37E(b)(7) provides that electronically-entered requests to cancel or reduce in size MOC Orders or LOC orders in New York Stock Exchange LLC ("NYSE") listed securities will be rejected if entered after the times specified in NYSE Rules 123C(3)(b) and Supplementary Material .40 to that rule. The NYSE recently amended its rules to support the transition of NYSE-listed securities to the Pillar trading platform.<sup>5</sup> Among other things, when NYSE transitions NYSE-listed securities to the Pillar trading platform, the NYSE Rule 7.35 Series will govern auctions on the NYSE and NYSE Rule 123C will no longer be applicable.<sup>6</sup>

The Exchange proposes to amend Rule 7.37E(b)(7)(C) to update the cross reference to the NYSE rule that will be applicable when NYSE-listed securities transition to the Pillar trading platform. Instead of cross referencing NYSE Rule 123C(3)(b) and Supplementary Material .40 to that rule, the Exchange proposes to cross reference NYSE Rule 7.35(a)(7), which defines the term "Closing Auction Imbalance Freeze Time." As provided for in NYSE Rule 7.35B(f)(2), the NYSE will begin limiting the circumstances when a MOC or LOC Order may be cancelled or reduced in size beginning at that Closing Auction Imbalance Freeze Time. These NYSE Pillar rules are substantively the same as current NYSE Rule 123C(3)(b) as both sets of rules use the same cut-off time for when the NYSE begins restricting the circumstances when a MOC or LOC Order may be cancelled or reduced in size, *i.e.*, ten minutes before the scheduled end of trading.

The proposed amended rule text will provide as follows (deleted text in brackets, new text underlined):

<sup>4</sup> See, e.g., NYSE Arca, Inc. Rule 7.37-E (Order Execution and Routing) and NYSE National, Inc. Rule 7.37 (Order Execution and Routing).

<sup>5</sup> See Securities Exchange Act Release No. 85962 (May 29, 2019), 84 FR 26188 (June 5, 2019) (SR-NYSE-2019-05) (Approval Order).

<sup>6</sup> The NYSE has announced that, subject to rule approvals, the NYSE will begin transitioning NYSE-listed securities to Pillar on August 5, 2019, available here: [https://www.nyse.com/publicdocs/nyse/markets/nyse/Revised\\_Pillar\\_Migration\\_Timeline.pdf](https://www.nyse.com/publicdocs/nyse/markets/nyse/Revised_Pillar_Migration_Timeline.pdf). The NYSE will publish by separate Trader Update a complete symbol migration schedule.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>12</sup> 17 CFR 200.30-3(a)(12).



For MOC Orders or LOC Orders in NYSE-listed securities, requests to cancel or reduce in size that are electronically entered after the “Closing Auction Imbalance Freeze Time” specified in NYSE Rule 7.35(a)(7)[the times specified in NYSE Rule 123C(3)(b) and Supplementary Material .40 to that rule] will be rejected.

The Exchange will implement these proposed rule changes on the same schedule that the NYSE transitions NYSE-listed securities to the Pillar trading platform. In other words, the current rule will remain operative for NYSE-listed securities until such time that they transition to NYSE’s Pillar trading platform.

## 2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the “Act”),<sup>7</sup> in general, and furthers the objectives of Section 6(b)(5),<sup>8</sup> in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change to amend Rule 7.37E would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would update the Exchange’s rules to cross reference the NYSE rule that would be applicable when the NYSE transitions its listed securities to the Pillar trading platform. The proposed rule change does not propose any new or novel functionality because the NYSE Pillar rules provide for the same cut-off time and circumstances for cancelling or reducing in size MOC or LOC Orders as provided for in NYSE Rule 123C(3)(b) and Supplementary Material .40 to that rule. The Exchange therefore believes that the proposed rule change, including the change to the title of Rule 7.37E, would protect investors and the public interest, in general, because it is designed to promote transparency and clarity in Exchange rules.

## B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues, but rather, would update Rule 7.37E to update a cross reference to the NYSE rule that would be applicable when the NYSE transitions its listed securities to the Pillar trading platform and update the title to conform to the text of the rule. The Exchange therefore believes that the proposed rule change is designed to promote transparency and clarity in Exchange rules.

## 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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>9</sup> and Rule 19b-4(f)(6) thereunder.<sup>10</sup> Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

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)<sup>11</sup> 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](mailto:rule-comments@sec.gov). Please include File Number SR–NYSEAMER–2019–26 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–NYSEAMER–2019–26. 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

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> 15 U.S.C. 78s(b)(2)(B).

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-NYSEAMER-2019-26 and should be submitted on or before August 5, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2019-14894 Filed 7-12-19; 8:45 am]

**BILLING CODE 8011-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. AB 6 (Sub-No. 499X)]**

### **BNSF Railway Company— Abandonment Exemption—in Los Angeles County, CA**

BNSF Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon its freight rail easement over an approximately 5.93-mile line of railroad on the Harbor Subdivision, between approximately milepost 2.1 and approximately milepost 7.95, in Los Angeles County, Cal. (the Line).<sup>1</sup> The Line traverses U.S. Postal Service Zip Codes 90001, 90003, 90011, 90037, 90043, 90044, 90047, 90058, 90062, and 90255.

BNSF has certified that: (1) No local traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or

any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), 49 CFR 1152.50(d)(1) (notice to governmental agencies), and 49 CFR 1105.7 and 1105.8 (environment and historic report), have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)<sup>2</sup> has been received, this exemption will be effective on August 14, 2019, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 25, 2019.<sup>4</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28<sup>5</sup> must be filed by August 5, 2019, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001.

A copy of any petition filed with Board should be sent to BNSF's representative, Peter Denton, Steptoe & Johnson LLP, 1330 Connecticut Ave. NW, Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void ab initio.

<sup>2</sup> Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

<sup>5</sup> BNSF states that the abandonment will facilitate LACMTA's desire to construct the Rail to Rail Active Transportation Corridor Project—Segment A, which will consist of on- and off-street bicycle and pedestrian/multi-purpose paths within existing street and railroad rights-of-way. As a result, BNSF states that the Line is not available for public purposes other than the Project.

BNSF has filed a combined environmental and historic report that addresses the potential effects of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by July 19, 2019. The EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by BNSF's filing a notice of consummation by July 15, 2020, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: July 10, 2019.

By the Board, Allison C. Davis, Director,  
Office of Proceedings.

**Kenyatta Clay,**  
Clearance Clerk.

[FR Doc. 2019-14944 Filed 7-12-19; 8:45 am]

**BILLING CODE 4915-01-P**

## **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

### **Fiscal Year 2020 Tariff-Rate Quota Allocations for Raw Cane Sugar, Refined and Specialty Sugar, and Sugar-Containing Products**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** The Office of the United States Trade Representative (USTR) is providing notice of country-by-country allocations of the fiscal year (FY) 2020 in-quota quantity of the tariff-rate quota (TRQ) for imported raw cane sugar, certain sugars, syrups and molasses (also known as refined sugar), specialty sugar, and sugar-containing products.

**DATES:** This notice is applicable on July 15, 2019.

**FOR FURTHER INFORMATION CONTACT:**  
Dylan Daniels, Office of Agricultural

<sup>12</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> In its verified notice, BNSF states that the physical assets of the Line are owned by the Los Angeles County Metropolitan Transportation Authority (LACMTA). According to BNSF, the Line is part of a group of rail lines acquired by a predecessor of LACMTA. See *Los Angeles, Cty. Transp. Comm'n—Acquis. Exemption—The Atchison, Topeka & Santa Fe Ry.*, FD 32172 (ICC served Dec. 2, 1992).

Affairs at 202–395–6095 or  
Dylan.T.Daniels@ustr.eop.gov.

**SUPPLEMENTARY INFORMATION:** Pursuant to Additional U.S. Note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTSUS), the United States maintains TRQs for imports of raw cane and refined sugar. Pursuant to Additional U.S. Note 8 to Chapter 17 of the HTSUS, the United States maintains TRQs for imports of sugar-containing products.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas. The President delegated this authority to the U.S. Trade Representative under Presidential Proclamation 6763 (60 FR 1007).

On June 27, 2019, the Secretary of Agriculture (Secretary) announced the sugar program provisions for FY 2020. The Secretary announced an in-quota quantity of the TRQ for raw cane sugar for FY 2020 of 1,117,195 metric tons raw value (MTRV) (conversion factor: 1 metric ton = 1.10231125 short tons), which is the minimum amount to which the United States is committed under the World Trade Organization (WTO) Uruguay Round Agreements. The U.S. Trade Representative is allocating this quantity (1,117,195 MTRV) to the following countries in the amounts specified below:

Country	FY 2020 raw cane sugar allocations (MTRV)
Argentina .....	45,281
Australia .....	87,402
Barbados .....	7,371
Belize .....	11,584
Bolivia .....	8,424
Brazil .....	152,691
Colombia .....	25,273
Congo .....	7,258
Costa Rica .....	15,796
Cote d'Ivoire .....	7,258
Dominican Republic .....	185,335
Ecuador .....	11,584
El Salvador .....	27,379
Fiji .....	9,477
Gabon .....	7,258
Guatemala .....	50,546
Guyana .....	12,636
Haiti .....	7,258
Honduras .....	10,530
India .....	8,424
Jamaica .....	11,584
Madagascar .....	7,258
Malawi .....	10,530
Mauritius .....	12,636
Mexico .....	7,258
Mozambique .....	13,690
Nicaragua .....	22,114
Panama .....	30,538

Country	FY 2020 raw cane sugar allocations (MTRV)
Papua New Guinea .....	7,258
Paraguay .....	7,258
Peru .....	43,175
Philippines .....	142,160
South Africa .....	24,220
St. Kitts & Nevis .....	7,258
Swaziland .....	16,849
Taiwan .....	12,636
Thailand .....	14,743
Trinidad & Tobago .....	7,371
Uruguay .....	7,258
Zimbabwe .....	12,636

The U.S. Trade Representative based these allocations on the countries' historical shipments to the United States. The allocations of the in-quota quantities of the raw cane sugar TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin, and certificates for quota eligibility must accompany imports from any country for which an allocation has been provided.

On June 27, 2019, the Secretary also announced the establishment of the in-quota quantity of the FY 2020 refined sugar TRQ at 192,000 MTRV for which the sucrose content, by weight in the dry state, must have a polarimeter reading of 99.5 degrees or more. This amount includes the minimum level to which the United States is committed under the Uruguay Round Agreements (22,000 MTRV of which 1,656 MTRV is reserved for specialty sugar) and an additional 170,000 MTRV for specialty sugars. The U.S. Trade Representative is allocating the refined sugar TRQ as follows: 10,300 MTRV of refined sugar to Canada; 2,954 MTRV to Mexico; and 7,090 MTRV to be administered on a first-come, first-served basis.

Imports of all specialty sugar will be administered on a first-come, first-served basis in five tranches. The Secretary has announced that the total in-quota quantity of specialty sugar will be the 1,656 MTRV included in the WTO minimum plus an additional 170,000 MTRV. The first tranche of 1,656 MTRV will open October 1, 2019. All types of specialty sugars are eligible for entry under this tranche. The second tranche of 50,000 MTRV will open on October 9, 2019. The third tranche of 50,000 MTRV will open on January 22, 2020. The fourth tranche of 35,000 MTRV will open on April 15, 2020. The fifth tranche of 35,000 MTRV will open on July 15, 2020. The second, third, fourth and fifth tranches will be reserved for organic sugar and other specialty sugars not currently produced

commercially in the United States or reasonably available from domestic sources.

With respect to the in-quota quantity of 64,709 MTRV of the TRQ for imports of certain sugar-containing products maintained under Additional U.S. Note 8 to chapter 17 of the HTSUS, the U.S. Trade Representative is allocating 59,250 MTRV to Canada. The remainder, 5,459 MTRV, of the in-quota quantity is available for other countries on a first-come, first-served basis.

Raw cane sugar, refined and specialty sugar and sugar-containing products for FY 2020 TRQs may enter the United States as of October 1, 2019.

**Gregory Doud,**

*Chief Agricultural Negotiator, Office of the United States Trade Representative.*

[FR Doc. 2019–14938 Filed 7–12–19; 8:45 am]

**BILLING CODE 3290–F9–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Availability of the Final Re-Evaluation of the O'Hare Modernization Environmental Impact Statement for the Proposed Interim Fly Quiet (Final Re-Evaluation)

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability of Final Re-Evaluation.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that the Final Written Re-Evaluation of the O'Hare Modernization Environmental Impact Statement for the Proposed Interim Fly Quiet (Final Re-Evaluation) for Chicago O'Hare International Airport, Chicago, Illinois is available. The Final Re-Evaluation analyzes and discloses the potential environmental impacts associated with the Proposed Interim Fly Quiet at O'Hare International Airport pursuant to the National Environmental Policy Act.

**FOR FURTHER INFORMATION CONTACT:** Amy Hanson, Environmental Protection Specialist, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, IL 60018, Phone: 847–294–7354, FAX: 847–294–7046.

#### **SUPPLEMENTARY INFORMATION:**

*Location of Proposed Action:* O'Hare International Airport, Des Plaines and DuPage River Watersheds, Cook and DuPage Counties, Chicago, Illinois (Sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, Township 41 North, Range 10 East, 3rd P.M.).

The Final Re-Evaluation is available on line at ([http://www.faa.gov/airports/airport\\_development/omp/ifq\\_re\\_eval/](http://www.faa.gov/airports/airport_development/omp/ifq_re_eval/)) and at the following libraries in Illinois through August 14, 2019: Addison Public Library, Arlington Heights Library, Bartlett Public Library, Bellwood Public Library, Bensenville Community Public Library, Berkeley Public Library, Bloomingdale Public Library, Carol Stream Public Library, the following Chicago libraries (Albany Park Library, Austin-Irving Library, Bezazian Library, Bucktown/Wicker Park Library, Budlong Woods Library, Conrad Sulzer Regional Library, Dunning Library, Edgebrook Library, Edgewater Library, Galewood/Mont Clare Library, Harold Washington Library, Humboldt Park Library, Independence Library, Jefferson Park Library, Lincoln/Belmont Library, Lincoln Park Library, Logan Square Library, Mayfair Library, Merlo Library, North Austin Library, North Pulaski Library, Northtown Library, Oriole Park Library, Portage-Cragin Library, Roden Library, Rogers Park Library, Uptown Library, West Belmont Library), College of DuPage Library, Des Plaines Library, Downers Grove Library, Elk Grove Village Public Library, Elmhurst Public Library, Elmwood Park Public Library, Evanston Public Library, Forest Park Public Library, Franklin Park Public Library, Glen Ellyn Public Library, Glencoe Public Library, Glenside Public Library in Glendale Heights, Glenview Public Library, Hanover Park Branch Library, Eisenhower Public Library in Harwood Heights, Hillside Public Library, Hoffman Estates Library, Itasca Community Library, Lisle Library District, Helen Plum Library in Lombard, Maywood Public Library, Melrose Park Public Library, Morton Grove Public Library, Mount Prospect Public Library, Niles Public Library, Northbrook Public Library, Northlake Public Library, Oak Brook Public Library, Oak Park Public Library, Oakton Community College Library, Park Ridge Public Library, Prospect Heights Public Library, River Forest Public Library, River Grove Public Library, Rolling Meadows Library, Roselle Public Library, Schaumburg Township District Library, Schiller Park Public Library, Skokie Public Library, St. Charles Public Library, Villa Park Public Library, West Chicago Public Library, Wheaton Public Library, Wilmette Public Library, Winnetka-Northfield Library, Winnetka-Northfield Library—Northfield Branch, and Wood Dale Public Library.

Issued in Des Plaines, IL, June 21, 2019.  
**Deb Bartell,**  
 Manager, Chicago Airports District Office.  
 [FR Doc. 2019-14827 Filed 7-12-19; 8:45 am]  
**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA-2014-0381; FMCSA-2014-0382; FMCSA-2015-0115]**

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for three individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on June 10, 2019. The exemptions expire on June 10, 2021. Comments must be received on or before August 14, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2014-0381; FMCSA-2014-0382 or FMCSA-2015-0115 (as applicable) using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
  - **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
  - **Hand Delivery:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
  - **Fax:** 1-202-493-2251.
- To avoid duplication, please use only one of these four methods. See the

“Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

##### A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2014-0381; FMCSA-2014-0382 or FMCSA-2015-0115), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, put the docket number, FMCSA-2014-0381; FMCSA-2014-0382 or FMCSA-2015-0115, in the keyword box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

##### B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the

docket number, FMCSA–2014–0381; FMCSA–2014–0382 or FMCSA–2015–0115, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

### C. 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, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The three individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits

and decided to extend each exemption for a renewable two-year period.

## III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

## IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the three applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The three drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of June 10, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Monte J. DeRocini (PA); Teddy H. Dixon (GA); and Bryan R. Jones (PA).

The drivers were included in docket number FMCSA–2014–0381; FMCSA–2014–0382; and FMCSA–2015–0115. Their exemptions are applicable as of June 10, 2019, and will expire on June 10, 2021.

## V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

## VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VII. Conclusion

Based on its evaluation of the three exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–14977 Filed 7–12–19; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0011]

### Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 13 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Comments must be received on or before August 14, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2019–0011 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### **SUPPLEMENTARY INFORMATION:**

### **I. Public Participation**

#### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2019–0011), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand

delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, put the docket number, FMCSA–2019–0011, in the keyword box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

#### *B. Viewing Documents and Comments*

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA–2019–0011, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

#### *C. 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, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

### **II. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds such exemption would likely achieve a level of safety that is

equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The 13 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes

and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

### III. Qualifications of Applicants

#### *Shawn T. Cobbs*

Mr. Cobbs, 47, has had complete loss of vision in his left eye since 2014. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2019, his optometrist stated, “In my medical opinion, I certify that Mr. Cobbs has sufficient vision in his right eye to

perform the driving tasks required to operate a commercial vehicle.” Mr. Cobbs reported that he has driven tractor-trailer combinations for 18 years, accumulating 1.62 million miles. He holds an operator's license from Maryland. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *John H.L. Crews*

Mr. Crews, 66, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/30. Following an examination in 2019, his optometrist stated, “In my opinion he does have sufficient vision to perform driving tasks to operate a commercial vehicle.” Mr. Crews reported that he has driven straight trucks for 35 years, accumulating 1.87 million miles. He holds an operator's license from Utah. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Paul T. Fisher*

Mr. Fisher, 35, has had a prosthetic left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, “In my medical opinion Paul Fisher has sufficient vision to preform [sic] the driving tasks required to operate a commercial vehicle.” Mr. Fisher reported that he has driven tractor-trailer combinations for three years, accumulating 225,000 miles. He holds a Class A CDL from Massachusetts. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Kevin S. Haas*

Mr. Haas, 48, has optic nerve pallor in his right eye due to a traumatic incident in 1993. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, “In my professional opinion, Mr. Haas has sufficient vision to perform the driving tasks necessary to operate a commercial vehicle.” Mr. Haas reported that he has driven straight trucks for 22 years, accumulating 1.65 million miles. He holds a Class B CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Ricky L. Kilpatrick*

Mr. Kilpatrick, 60, has complete loss of vision in his left eye due to a traumatic incident in 2009. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2019, his optometrist stated, “Ricky Kilpatrick has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Kilpatrick reported that he has driven straight trucks for 34 years, accumulating 340,000 miles, tractor-trailer combinations for 38 years, accumulating 152,000 miles, and buses for 32 years, accumulating 352,000 miles. He holds a Class A CDL from Oklahoma. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Rodney E. Mattson*

Mr. Mattson, 65, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, “Reviewed patient has sufficiency [sic] vision to perform driving tasks- commercial vehicle.” Mr. Mattson reported that he has driven straight trucks for four years, accumulating 8,000 miles, and buses for four years, accumulating 8,000 miles. He holds a Class B CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Jeffrey T. Molosz*

Mr. Molosz, 54, has aphakia in his right eye due to a traumatic incident in 1980. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, “Appears to have sufficient vision to perform driving tasks required to operate a commercial vehicle.” Mr. Molosz reported that he has driven straight trucks for 32 years, accumulating 640,000 miles, and tractor-trailer combinations for 18 years, accumulating 180,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

#### *William H. Moore*

Mr. Moore, 54, has had a retinal detachment in his right eye since 2016. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, “In my medical opinion Mr. Moore has sufficient vision to perform the driving task required to



operate a commercial vehicle.” Mr. Moore reported that he has driven straight trucks for 10 years, accumulating 200,000 miles, tractor-trailer combinations for 10 years, accumulating 300,000 miles, and buses for five years, accumulating 50,000 miles. He holds a Class AMV CDL from Alabama. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Thomas N. Pizzurro, Jr.*

Mr. Pizzurro, 28, has a macular hole in his left eye due to a traumatic incident in 2004. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2019, his ophthalmologist stated, “In my medical opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Pizzurro reported that he has driven straight trucks for 10 years, accumulating 250,000 miles. He holds a Class B CDL from New York. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Glen A. Potts*

Mr. Potts, 65, has a macular scar in his right eye due to a traumatic incident in 1989. The visual acuity in his right eye is counting fingers, and in his left eye, 20/25. Following an examination in 2019, his optometrist stated, “The patient has an old macular scar and a central scotoma present in the right eye. In my professional opinion I see no reason why Glen Potts would be unable to operate a commercial vehicle.” Mr. Potts reported that he has driven straight trucks for 30 years, accumulating 1.35 million miles, and tractor-trailer combinations for 30 years, accumulating 1.35 million miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Guillermo Rocha, Jr.*

Mr. Rocha, 32, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/150. Following an examination in 2019, his optometrist stated, “Mr. Rocha has been operating a commercial vehicle for many years without any incidences [sic] to my knowledge and has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Rocha reported that he has driven straight trucks for five years, accumulating 60,000 miles. He holds an

operator’s license from California. His driving record for the last three years shows one crash, which he was not cited for, and no convictions for moving violations in a CMV.

*Lawrence A. Sivori*

Mr. Sivori, 63, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2019, his ophthalmologist stated, “His ocular examination shows nothing that would preclude him from operating a commercial vehicle.” Mr. Sivori reported that he has driven straight trucks for 42 years, accumulating 420,000 miles, and tractor-trailer combinations for ten years, accumulating 100,000 miles. He holds a Class DA CDL from Kentucky. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Sharon H. Waggoner*

Ms. Waggoner, 43, has had amblyopia in her left eye since birth. The visual acuity in her right eye is 20/20, and in her left eye, 20/400. Following an examination in 2019, her optometrist stated, “I certify in my medical opinion that Sharon Waggoner has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Ms. Waggoner reported that she has driven tractor-trailer combinations for 19 years, accumulating 1.9 million miles. She holds a Class A CDL from Missouri. Her driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: July 5, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-14967 Filed 7-12-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-24278; FMCSA-2006-25854; FMCSA-2008-0355; FMCSA-2010-0203; FMCSA-2012-0050; FMCSA-2014-0379; FMCSA-2015-0323]

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for eight individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-2006-24278; FMCSA-2006-25854; FMCSA-2008-0355; FMCSA-2010-0203; FMCSA-2012-0050; FMCSA-2014-0379 or FMCSA-2015-0323 in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you



may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

#### *B. 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, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## II. Background

On March 28, 2019, FMCSA published a notice announcing its decision to renew exemptions for eight individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (84 FR 11854). The public comment period ended on April 29, 2019, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. Conclusion

Based on its evaluation of the eight renewal exemption applications,

FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of January and are discussed below.

As of January 1, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Jordan M. Hyster (OH).

This driver was included in docket number FMCSA-2015-0323 (84 FR 11854). The exemption is applicable as of January 1, 2019, and will expire on January 1, 2021.

As of January 7, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Edgar Snapp (IN).

This driver was included in docket number FMCSA-2014-0379 (84 FR 11854). The exemption is applicable as of January 7, 2019, and will expire on January 7, 2021.

As of January 15, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (84 FR 11854):

Daniel Forth (NY)  
Steven L. Hunsaker (ID)  
Brian J. Porter (PA)  
Wayne C. Sorenson (MN)  
Michael W. Thomas (KS)  
Paul Warren (ME)

The drivers were included in docket numbers FMCSA-2006-24278; FMCSA-2006-25854; FMCSA-2008-0355; FMCSA-2010-0203; FMCSA-2012-0050. Their exemptions are applicable as of January 15, 2019, and will expire on January 15, 2021.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals

and objectives of 49 U.S.C. 31136 and 31315.

Issued on: July 5, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-14979 Filed 7-12-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0031]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from ten individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before August 14, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2019-0031 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation**

*A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2019–0031), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, put the docket number, FMCSA–2019–0031, in the keyword box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

*B. Viewing Documents and Comments*

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA–2019–0031, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the

internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

*C. 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, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**II. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The ten individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL

ADVISORY CRITERIA, section *H. Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person’s condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.*, drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, *Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders*, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which

<sup>1</sup> See [http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391\\_171.a](http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a) and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

is likely to cause loss of consciousness or any loss of ability to control a CMV.” Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency’s Medical Expert Panel (MEP) (78 FR 3069).

### III. Qualifications of Applicants

#### *Aaron Ashford*

Mr. Ashford is a 22 year-old class C driver in Michigan. He has history of childhood seizures and has been seizure free since 2002. His anti-seizure medication was discontinued in 2002. His physician states that he is supportive of Mr. Ashford receiving an exemption.

#### *Elton Behnken*

Mr. Behnken is a 64 year-old class A CDL holder in Minnesota. He has a history of a single disorder and has been seizure free since 2000. He takes anti-seizure medication with the dosage and frequency remaining the same since 2000. His physician states that he is supportive of Mr. Behnken receiving an exemption.

#### *Tina Farmer*

Ms. Farmer is a 45 year-old class C driver in Pennsylvania. She has a history of epilepsy and has been seizure free since 2009. She takes anti-seizure medication with the dosage and frequency remaining the same since December 2016. Her physician states that she is supportive of Ms. Farmer receiving an exemption.

#### *Elizabeth Galvin*

Ms. Galvin is a 56 year-old class C driver in Georgia. She has a history of a seizure disorder and has been seizure free since 2009. She takes anti-seizure medication with the dosage and frequency remaining the same since 1998. Her physician states that he is supportive of Ms. Galvin receiving an exemption.

#### *Roderick Haslip*

Mr. Haslip is a 58 year-old class A CDL holder in New York. He has a history of a seizure disorder and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is

supportive of Mr. Haslip receiving an exemption.

#### *Brian E. Kinkade*

Mr. Kinkade is a 58 year-old class B CDL holder in Missouri. He has a history of a seizure disorder and has been seizure free since 2002. He takes anti-seizure medication with the dosage and frequency remaining the same since 2012. His physician states that he is supportive of Mr. Kinkade receiving an exemption.

#### *Barbara Miller*

Ms. Miller is a 52 year-old class C driver in Texas. She has a history of a single unprovoked seizure and has been seizure free since 2015. She takes anti-seizure medication with the dosage and frequency remaining the same since 2016. Her physician states that he is supportive of Ms. Miller receiving an exemption.

#### *Ryan Moore*

Mr. Moore is a 38 year-old class A CDL holder in North Carolina. He has a history of epilepsy and has been seizure free since 2009. He takes anti-seizure medication with the dosage and frequency remaining the same since 2014. His physician states that he is supportive of Mr. Moore receiving an exemption.

#### *Roger Prynn*

Mr. Prynn is a 58 year-old class DM CDL holder in New York. He has a history of syncopal episodes and has been syncope episode free since 2009. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Prynn receiving an exemption.

#### *Jerel Sayers*

Mr. Sayers is a 51 year-old class A CDL holder in Idaho. He has a history of epilepsy and has been seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since 2014. His physician states that he is supportive of Mr. Sayers receiving an exemption.

### IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: July 5, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019–14968 Filed 7–12–19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0203; FMCSA–2014–0381]

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for two individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on March 10, 2019. The exemptions expire on March 10, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

##### A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA–2010–0203 or FMCSA–2014–0381, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you

may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

#### B. 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, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## II. Background

On April 18, 2019, FMCSA published a notice announcing its decision to renew exemptions for two individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (84 FR 16331). The public comment period ended on May 20, 2019, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. Conclusion

Based on its evaluation of the two renewal exemption applications, FMCSA announces its decision to

exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of March 10, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (84 FR 16331): John C. Griffith (ND) and Denton Hineline (WA).

The drivers were included in docket numbers FMCSA-2010-0203; FMCSA-2014-0381. Their exemptions are applicable as of March 10, 2019, and will expire on March 10, 2021.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: July 5, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019-14974 Filed 7-12-19; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0315]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for three individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to

continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on May 5, 2019. The exemptions expire on May 5, 2021. Comments must be received on or before received on or before August 14, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2016-0315 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2016-0315), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, put the docket number, FMCSA–2016–0315, in the keyword box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

#### *B. Viewing Documents and Comments*

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA–2016–0315, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

#### *C. 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, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## **II. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The three individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

## **III. Request for Comments**

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

## **IV. Basis for Renewing Exemptions**

In accordance with 49 U.S.C. 31136(e) and 31315, each of the three applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The three drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver’s License (CDL) holders, the Commercial Driver’s License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver’s

Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver’s ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of May 5, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Brian Brown (PA); Adam Cutler (MA); and Larry Henington (UT).

The drivers were included in docket number FMCSA–2016–0315. Their exemptions are applicable as of May 5, 2019, and will expire on May 5, 2021.

## **V. Conditions and Requirements**

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file, or keep a copy of his/her driver’s qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

## **VI. Preemption**

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## **VII. Conclusion**

Based on its evaluation of the three exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure

disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: July 5, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019-14976 Filed 7-12-19; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Information Collection Activities: Information Collection Renewal; Comment Request; General Reporting and Recordkeeping Requirements by Savings Associations

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled “General Reporting and Recordkeeping Requirements by Savings Associations.”

**DATES:** Comments must be submitted on or before September 13, 2019.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov).
- *Mail:* Chief Counsel’s Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0266, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

**Instructions:** You must include “OCC” as the agency name and “1557-0266” in your comment. In general, the OCC will publish comments on [www.reginfo.gov](http://www.reginfo.gov) without change,

including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection<sup>1</sup> by any of the following methods:

- *Viewing Comments Electronically:*

Go to [www.reginfo.gov](http://www.reginfo.gov). Click on the “Information Collection Review” tab. Underneath the “Currently under Review” section heading, from the drop-down menu select “Department of Treasury” and then click “submit.” This information collection can be located by searching by OMB control number “1557-0266” or “General Reporting and Recordkeeping Requirements by Savings Associations.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating [www.reginfo.gov](http://www.reginfo.gov), please contact the Regulatory Information Service Center at (202) 482-7340.

- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649-5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

#### FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, OCC Clearance Officer, (202) 649-5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501 *et seq.*), federal agencies must obtain approval from the

<sup>1</sup> Following the close of the 60-day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

OMB for each collection of information that they conduct or sponsor.

“Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or disclose information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of this collection of information.

**Title:** General Reporting and Recordkeeping Requirements by Savings Associations.

**OMB Control No.:** 1557-0266.

**Type of Review:** Regular review.

**Description:** This information collection relates to reports and records required by the following regulations:

- 12 CFR 144.8 (communications between members of a federal mutual savings association);
- 12 CFR 163.47(e) (pension plan records); and
- 12 CFR 163.76(c) (offers and sales of securities of a federal savings association or its affiliates in any office of the savings association—form of certification).

Federal savings associations use the reports and records that the regulations require for internal management control purposes, and examiners use them to determine whether savings associations are being operated safely, soundly, and in compliance with regulations. An absence of the reporting and recordkeeping requirements would make it difficult for institutions to establish prudent internal controls and would limit the ability of examiners to determine the accurate performance and condition of federal savings associations.

**Affected Public:** Businesses or other for-profit.

**Burden Estimates:**

**Estimated Number of Respondents:** 305.

**Estimated Total Burden:** 30,733 hours.

**Frequency of Response:** On occasion.

**Comments:** Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper

performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 8, 2019.

**Theodore J. Dowd,**

*Deputy Chief Counsel, Office of the Comptroller of the Currency.*

[FR Doc. 2019-14939 Filed 7-12-19; 8:45 am]

**BILLING CODE 4810-33-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of three persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410.

**SUPPLEMENTARY INFORMATION:**

### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)).

### Notice of OFAC Action(s)

On July 9, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following three persons are blocked under the relevant sanctions authority listed below.

#### Individual

1. RA'D, Muhammad Hasan (a.k.a. RAAD, Mohammad; a.k.a. RA'AD, Muhammad; a.k.a. RA'D, Muhammad; a.k.a. RAED, Mohamad; a.k.a. RAED, Mohamed), Beirut, Lebanon; DOB 28 Aug 1955; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; National ID No. 307321 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224) for acting for or on behalf of HIZBALLAH, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

2. SAFA, Wafiq (a.k.a. SAFA, Wafic; a.k.a. SAFA, Wafiq 'Abd-al-Husayn; a.k.a. SAFA, Wafiq Ahmad; a.k.a. "AL-DIN, Hessam Badr"; a.k.a. "AL-ZAIN, Ali Wahib"), Lebanon; DOB 01 Sep 1960; alt. DOB 17 Mar 1965; POB Zibdni, Lebanon; alt. POB Zubaydah al-Jonubi, Lebanon; alt. POB Rayhan, Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; National ID No. 494606 (Lebanon); alt. National ID No. 000012505210 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(c) of E.O. 13224 for acting for or on behalf of HIZBALLAH, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

3. SHERRI, Amin (a.k.a. CHERRI, Amin; a.k.a. SHARI, 'Amin Abi; a.k.a. SHARY, Amin Muhammad; a.k.a. SHIRRI, Ameen; a.k.a. SHIRRI, Amin; a.k.a. SHRI, Amin), Beirut, Lebanon; DOB 02 Aug 1957; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah

Financial Sanctions Regulations; Gender Male; National ID No. 380858 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(c) of E.O. 13224 for acting for or on behalf of HIZBALLAH, an entity whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: July 9, 2019.

**Andrea Gacki,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2019-14889 Filed 7-12-19; 8:45 am]

**BILLING CODE 4810-AL-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 names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing the names of one or more persons that have been removed from the SDN List. Their property and interests in property are no longer blocked, and U.S. persons are no longer generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section.

#### FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410.

#### SUPPLEMENTARY INFORMATION:

#### Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).



**Notice of OFAC Actions**

A. On July 3, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

**Entity**

1. CUBAMETALES (a.k.a. EMPRESA CUBANA EXPORTADORA E IMPORTADORA DE METALES, COMBUSTIBLES Y LUBRICANTES; a.k.a. EMPRESA CUBANA IMPORTADORA DE COMBUSTIBLES Y LUBRICANTES; a.k.a. EMPRESA CUBANA IMPORTADORA Y EXPORTADORA DE COMBUSTIBLES Y LUBRICANTES), Street 30, Number 512 between 5th and 7th, Miramar, Havana, Playa, Cuba; Calzada de Infanta No. 16, Havana, Cuba [VENEZUELA–EO13850].

Designated pursuant to section 1(a)(i) of Executive Order 13850 (E.O. 13850) of November 1, 2018, “Blocking Property of Additional Persons Contributing to the Situation in Venezuela,” as amended by Executive Order 13857, “Taking Additional Steps to Address the National Emergency with Respect to Venezuela,” of January 25, 2019, for operating in the oil sector of the Venezuelan economy.

B. OFAC previously determined on April 12, 2019, that the persons listed below met one or more of the criteria under E.O. 13850. On July 3, 2019, OFAC determined that circumstances no longer warrant the inclusion of the following persons on the SDN List under this authority. These persons are no longer subject to the blocking provisions of Section 1(a) of E.O. 13850.

**Entity**

1. PB TANKERS S.P.A. (a.k.a. PB TANKERS SPA), Via Principe di Belmonte 55, Palermo PA 90139, Italy; Via Jacopo Peri 1, Rome RM 00198, Italy; website [www.pbtankers.com](http://www.pbtankers.com); Email Address [info@pbtankers.com](mailto:info@pbtankers.com); Identification Number IMO 5161787 [VENEZUELA–EO13850].

**Vessels**

1. ALBA MARINA Floating Storage Tanker Italy flag; Vessel Registration Identification IMO 9151838 (vessel) [VENEZUELA–EO13850] (Linked To: PB TANKERS S.P.A.).

2. GOLD POINT Chemical/Oil Tanker Malta flag; Vessel Registration Identification IMO 9506693 (vessel) [VENEZUELA–EO13850] (Linked To: PB TANKERS S.P.A.).

3. ICE POINT Chemical/Oil Tanker Italy flag; Vessel Registration Identification IMO 9379337 (vessel) [VENEZUELA–EO13850] (Linked To: PB TANKERS S.P.A.).

4. INDIAN POINT Chemical/Oil Tanker Malta flag; Vessel Registration Identification IMO 9379325 (vessel) [VENEZUELA–EO13850] (Linked To: PB TANKERS S.P.A.).

5. IRON POINT Chemical/Oil Tanker Malta flag; Vessel Registration Identification IMO 9388209 (vessel) [VENEZUELA–EO13850] (Linked To: PB TANKERS S.P.A.).

6. SILVER POINT Chemical/Oil Tanker Malta flag; Vessel Registration Identification

IMO 9510462 (vessel) [VENEZUELA–EO13850] (Linked To: PB TANKERS S.P.A.).

Dated: July 9, 2019.

**Andrea Gacki,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2019–14917 Filed 7–12–19; 8:45 am]

**BILLING CODE 4810–AL–P**

**DEPARTMENT OF VETERANS AFFAIRS**

**[OMB Control No. 2900–0249]**

**Agency Information Collection Activity Under OMB Review: Loan Service Report**

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before August 14, 2019.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://www.Regulations.gov), or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Please refer to “OMB Control No. 2900–0249” in any correspondence.

**FOR FURTHER INFORMATION CONTACT:**

Danny S. Green, (202) 421–1354 or email [Danny.Green2@va.gov](mailto:Danny.Green2@va.gov). Please refer to “OMB Control No. 2900–0249” in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Authority:* 44 U.S.C. 3501–21.

*Title:* Loan Service Report, VA Form 26–6808.

*OMB Control Number:* 2900–0249.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services established by law for veterans, service personnel, and their dependents and/or beneficiaries.

38 U.S.C. 1522 Net Worth Limitation provides that VBA will deny or discontinue payment of pension benefits if it is reasonable that some part of the corpus of the claimant’s or beneficiary’s estate be consumed for his or her maintenance. VA codified this requirement at 38 CFR 3.274.

VA Form 26–6808 is used when servicing delinquent guaranteed and insured loans and loans sold under 38 CFR 36.4600. With respect to the servicing of guaranteed and insured loans sold under 38 CFR 36.4600, the holder has the primary servicing responsibility.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at FR 84, No. 75, pages 16342 and 16343.

*Affected Public:* Individuals and households.

*Estimated Annual Burden:* 2,083.

*Estimated Average Burden per*

*Respondent:* 25 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 5,000.

By direction of the Secretary.

**Danny S. Green,**

*VA Interim Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.*

[FR Doc. 2019–14940 Filed 7–12–19; 8:45 am]

**BILLING CODE 8320–01–P**

**DEPARTMENT OF VETERANS AFFAIRS****National Research Advisory Council, Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that the National Research Advisory Council will hold a meeting on Wednesday, September 4, 2019, at 1100 1st Street NE, Room 104, Washington, DC 20002. The meeting will convene at 9:00 a.m. and end at 3:30 p.m. This meeting is open to the public.

The purpose of the National Research Advisory Council is to advise the Secretary on research development conducted by the Veterans Health Administration, including policies and programs targeting the high priority of Veterans’ health care needs.

On September 4, 2019, the agenda will include briefing from Department of Defense/Veterans Affairs collaboration, briefings on various VA



Research programs designed to enhance the research potential for Veterans. Additionally, the Committee will discuss outreach opportunities for high school students to gain experience in the occupational field of Research, the Committee will also explore potential recommendations to be included in the next annual report. No time will be allocated at this meeting for receiving oral presentations from the public.

Members of the public wanting to attend may contact Avery Rock, Designated Federal Officer, Office of Research and Development (10X2), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, at (202) 461-9760, or by email at [Avery.Rock@va.gov](mailto:Avery.Rock@va.gov) no later than close of business on August 28, 2019. Because the meeting is being held in a government building, a photo I.D. must be presented at the

Guard's Desk as a part of the clearance process. Any member of the public seeking additional information should contact Avery Rock at the above phone number or email address noted above.

Dated: July 9, 2019.

**LaTonya L. Small,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2019-14903 Filed 7-12-19; 8:45 am]

**BILLING CODE P**



# FEDERAL REGISTER

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Vol. 84

Monday,

No. 135

July 15, 2019

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Part II

The President

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Executive Order 13879—Advancing American Kidney Health



# Presidential Documents

Title 3—

Executive Order 13879 of July 10, 2019

The President

## Advancing American Kidney Health

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. *Purpose.*** My Administration is dedicated to advancing American kidney health. The state of care for patients with chronic kidney disease and end-stage renal disease (ESRD) is unacceptable: too many at-risk patients progress to late-stage kidney failure; the mortality rate is too high; current treatment options are expensive and do not produce an acceptable quality of life; and there are not enough kidneys donated to meet the current demand for transplants.

Kidney disease was the ninth-leading cause of death in the United States in 2017. Approximately 37 million Americans have chronic kidney disease and more than 726,000 have ESRD. More than 100,000 Americans begin dialysis each year to treat ESRD. Twenty percent die within a year; fifty percent die within 5 years. Currently, nearly 100,000 Americans are on the waiting list to receive a kidney transplant.

**Sec. 2. *Policy.*** It is the policy of the United States to:

(a) prevent kidney failure whenever possible through better diagnosis, treatment, and incentives for preventive care;

(b) increase patient choice through affordable alternative treatments for ESRD by encouraging higher value care, educating patients on treatment alternatives, and encouraging the development of artificial kidneys; and

(c) increase access to kidney transplants by modernizing the organ recovery and transplantation systems and updating outmoded and counterproductive regulations.

**Sec. 3. *Announcing an Awareness Initiative on Kidney and Related Diseases.*** Within 120 days of the date of this order, the Secretary of Health and Human Services (Secretary) shall launch an awareness initiative at the Department of Health and Human Services (Department) to aid the Secretary's efforts to educate patients and support programs that promote kidney disease awareness. The initiative shall develop proposals for the Secretary to support research regarding preventing, treating, and slowing progression of kidney disease; to improve kidney transplantation; and to share information with patients and providers to enhance awareness of the causes and consequences of kidney disease.

**Sec. 4. *Payment Model to Identify and Treat At-Risk Populations Earlier in Disease Development.*** Within 30 days of the date of this order, the Secretary shall select a payment model to test innovations in compensation for providers of kidney care services based on kidney patient cost and quality outcomes. The model should broaden the range of care and Medicare payment options available to potential participants with a focus on delaying or preventing the onset of kidney failure, preventing unnecessary hospitalizations, and increasing the rate of transplants. It should aim at achieving these outcomes by creating incentives to provide care for Medicare beneficiaries who have advanced stages of kidney disease but who are not yet on dialysis. The selected model shall include options for flexible advance payments for nephrologists to better support their management and coordination of care for patients with kidney disease.

**Sec. 5. *Payment Model to Increase Home Dialysis and Kidney Transplants.*** Within 30 days of the date of this order, the Secretary shall select a payment model to evaluate the effects of creating payment incentives for greater use of home dialysis and kidney transplants for Medicare beneficiaries on dialysis. The model should adjust payments based on the percentage of a participating provider's attributed patients who either are on home dialysis or have received a kidney transplant and should include a learning system to help participants improve performance. Greater rates of home dialysis and transplantation will improve quality of life and care for patients who require dialysis and may eliminate the need for dialysis altogether for many patients.

**Sec. 6. *Encouraging the Development of an Artificial Kidney.*** Within 120 days of the date of this order, in order to increase breakthrough technologies to provide patients suffering from kidney disease with better options for care than those that are currently available, the Secretary shall:

(a) announce that the Department will consider requests for premarket approval of wearable or implantable artificial kidneys in order to encourage their development and to enhance cooperation between developers and the Food and Drug Administration; and

(b) produce a strategy for encouraging innovation in new therapies through the Kidney Innovation Accelerator (KidneyX), a public-private partnership between the Department and the American Society of Nephrology.

**Sec. 7. *Increasing Utilization of Available Organs.*** (a) Within 90 days of the date of this order, the Secretary shall propose a regulation to enhance the procurement and utilization of organs available through deceased donation by revising Organ Procurement Organization (OPO) rules and evaluation metrics to establish more transparent, reliable, and enforceable objective metrics for evaluating an OPO's performance.

(b) Within 180 days of the date of this order, the Secretary shall streamline and expedite the process of kidney matching and delivery to reduce the discard rate. Removing process inefficiencies in matching and delivery that result in delayed acceptance by transplant centers will reduce the detrimental effects on organ quality of prolonged time with reduced or cut-off blood supply.

**Sec. 8. *Supporting Living Organ Donors.*** Within 90 days of the date of this order, the Secretary shall propose a regulation to remove financial barriers to living organ donation. The regulation should expand the definition of allowable costs that can be reimbursed under the Reimbursement of Travel and Subsistence Expenses Incurred Toward Living Organ Donation program, raise the limit on the income of donors eligible for reimbursement under the program, allow reimbursement for lost-wage expenses, and provide for reimbursement of child-care and elder-care expenses.

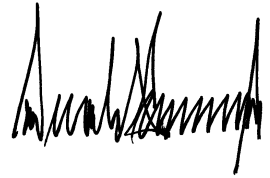
**Sec. 9. *General Provisions.*** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
*July 10, 2019.*

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## Federal Register

Vol. 84, No. 135

Monday, July 15, 2019

### CUSTOMER SERVICE AND INFORMATION

#### Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000****Laws** **741-6000**

#### Presidential Documents

Executive orders and proclamations **741-6000****The United States Government Manual** **741-6000**

#### Other Services

Electronic and on-line services (voice) **741-6020**Privacy Act Compilation **741-6050**

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### FEDERAL REGISTER PAGES AND DATE, JULY

31171-31458.....	1
31459-31686.....	2
31687-32012.....	3
32013-32254.....	5
32255-32606.....	8
32607-32838.....	9
32839-32974.....	10
32975-33162.....	11
33163-33690.....	12
33691-33820.....	15

### CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

#### 3 CFR

<b>Proclamations:</b>	32266, 32980
9907 .....	31713
9907 .....	32030, 32033, 32037, 32038

#### Executive Orders:

13879.....33817

#### Administrative Orders:

Memorandums: 29.....31747

Memorandum of June 39.....31244, 31246, 31249,

26, 2019.....31457

#### 5 CFR

<b>Proposed Rules:</b>	31252, 31524, 31526, 31769, 31772, 31775, 32099, 32101, 32338, 32341, 32343, 32661, 32664, 32667, 33185, 33189, 33710
2427 .....	33175

#### 7 CFR

701.....32839

1222.....31459

1710.....32607, 33163

1714.....32607, 33163

1717.....32607, 33163

1724.....32607, 33163

1726.....32607, 33163

1730.....32607, 33163

3201.....32015

#### Proposed Rules:

97.....33176

210.....31227

220.....31227

226.....31227

981.....33182

#### 8 CFR

1003.....31463

1292.....31463

#### 10 CFR

#### Proposed Rules:

40.....32327

50.....33710

52.....33710

70.....32327

72.....32327

74.....32327

150.....31518, 32327, 32657

430.....33011

431.....31232, 32328, 33011

#### 12 CFR

229.....31687

265.....31701

365.....31171

390.....31171

1030.....31687

#### Proposed Rules:

1003.....31746

#### 14 CFR

25.....31174, 31176, 31178, 32975

39.....31707, 31710, 32028, 32255, 32257, 32260, 32263,

#### Proposed Rules:

25.....31522, 31747

27.....31747

29.....31747

39.....31244, 31246, 31249,

31252, 31254, 31524, 31526,

31769, 31772, 31775, 32099,

32101, 32338, 32341, 32343,

32661, 32664, 32667, 33185,

33189, 33710

71.....33022, 33191, 33193,

33194, 33196

91.....31747

121.....31747

125.....31747

135.....31747

#### 15 CFR

922.....32586

#### Proposed Rules:

922.....33712

#### 16 CFR

609.....31180

#### Proposed Rules:

1112.....32346

1239.....32346

#### 17 CFR

200.....33492

210.....32040

232.....31192

240.....33118, 33492

249.....33492

275.....33492

276.....33669, 33681

279.....33492

#### Proposed Rules:

1.....32104

30.....32105

39.....32104

140.....32104

Ch. II.....33024

#### 21 CFR

10.....31471

216.....32268

500.....32982

520.....32982

522.....32982

524.....32982

526.....32982

529.....32982

556.....32982

558.....32982

800.....31471

#### Proposed Rules:

101.....32848

102.....32848	110.....32269	<b>Proposed Rules:</b>	8365.....32845
<b>25 CFR</b>	117.....32619	3050.....31277	<b>44 CFR</b>
<b>Proposed Rules:</b>	165.....31197, 31199, 31200,	<b>40 CFR</b>	<b>Proposed Rules:</b>
224.....31529	31202, 31480, 31481, 31484,	52.....31204, 31206, 31682,	62.....32371
<b>26 CFR</b>	31486, 31587, 31490, 31492,	31684, 31739, 31741, 32066,	<b>45 CFR</b>
1.....31194, 31717, 33002,	31721, 31722, 31723, 31724,	32068, 32072, 32076, 32317,	<b>Proposed Rules:</b>
33691	31725, 32063, 32064, 32272,	32624, 33002, 33004, 33006,	1323.....32116
31.....31717	33163, 33167, 33169, 33693	33172, 33697, 33699	<b>47 CFR</b>
301.....31478, 31717	207.....31493	60.....32084, 32520	<b>Proposed Rules:</b>
602.....33691	<b>Proposed Rules:</b>	81.....32317, 32841, 33008,	2.....31542
<b>Proposed Rules:</b>	100.....31810, 32849	33699	54.....32117
1.....31777, 33120	165.....31273, 32112, 33713	180.....31208, 31214, 32088,	87.....31542
53.....31795	<b>34 CFR</b>	32320, 32626, 33703	<b>48 CFR</b>
<b>27 CFR</b>	Ch. II.....31726	222.....31512	5108.....33706
<b>Proposed Rules:</b>	200.....31660	223.....31512	5119.....33707
4.....31257	299.....31660	224.....31512	5145.....33708
5.....31264	600.....31392	228.....31512	5152.....33708
7.....31264	668.....31392	229.....31512	<b>Proposed Rules:</b>
26.....31264	<b>36 CFR</b>	271.....32628	1.....33201
27.....31264	7.....32622	435.....32094	2.....33201
<b>29 CFR</b>	<b>37 CFR</b>	745.....32632	4.....33201
4022.....33692	2.....31498	<b>Proposed Rules:</b>	52.....33201
4902.....32618	7.....31498	49.....31813, 33715	53.....33201
<b>30 CFR</b>	11.....31498	52.....31538, 31540, 31541,	<b>49 CFR</b>
<b>Proposed Rules:</b>	210.....32274	31814, 32356, 32359, 32361,	385.....32323
70.....31809	303.....32296	32671, 32672, 32678, 32682,	<b>Proposed Rules:</b>
71.....31809	350.....32296	32851, 33027, 33030, 33032,	383.....32689
72.....31809	355.....32296	33035, 33198	385.....32379
75.....31809	370.....32296	60.....32114	<b>50 CFR</b>
90.....31809	380.....32296	62.....31278, 31279, 32363,	622.....32648
916.....32109	382.....32296	32365	635.....33008
918.....32111	383.....32296	81.....31814	648.....31743, 32649
<b>31 CFR</b>	384.....32296	141.....33045	660.....31222, 32096
510.....33002	385.....32296	142.....33045	679.....31517
<b>32 CFR</b>	<b>38 CFR</b>	271.....32852	<b>Proposed Rules:</b>
1701.....31194	17.....33694	272.....32852	Ch. I.....31559
<b>33 CFR</b>	<b>Proposed Rules:</b>	300.....31281, 31826, 33046,	20.....32385
100.....32061	17.....32670	33721	216.....32697, 32853
	<b>39 CFR</b>	721.....32366	635.....33205
	3020.....32317	<b>42 CFR</b>	
	3060.....31738	<b>Proposed Rules:</b>	
		447.....33722	
		<b>43 CFR</b>	
		3830.....31219	



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**LIST OF PUBLIC LAWS**

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Last List July 9, 2019

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