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U.S. GOVERNMENT
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FEDERAL REGISTER

Vol. 84 Friday,

No. 149 August 2, 2019

Pages 37751–37954

OFFICE OF THE FEDERAL REGISTER

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

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

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

OVERSEAS PRIVATE INVESTMENT CORPORATION

5 CFR Chapter XXXIII

22 CFR Chapter VII

BUILD Act of 2018; Transfer of Regulations

AGENCY: Overseas Private Investment Corporation, US International Development Finance Corporation.

ACTION: Final rule.

SUMMARY: The Better Utilization of Investments Leading to Development (BUILD) Act of 2018 will create the U.S. International Development Finance Corporation (DFC) by bringing together the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) office of the U.S. Agency for International Development (USAID). The reorganization requires a transfer of administrative regulations from OPIC to the new agency.

DATES: *Effective* October 1, 2019.

FOR FURTHER INFORMATION CONTACT: Nichole Skoyles, Administrative Counsel, 202–408–6297, *fedreg@opic.gov.*

SUPPLEMENTARY INFORMATION: The BUILD Act of 2018 will winddown OPIC and combine the capabilities of OPIC and DCA while providing the US with more flexibility and tools to support investments in developing countries. DFC will be a new, modern agency and requires administrative structure to support its mission. DFC will replace OPIC as the authority for 5 CFR Chapter XXXIII and 22 CFR Chapter VII and assume its administrative regulations which cover ethics restrictions, the FOIA, the Privacy Act, the Sunshine Act, the FCPA, nondiscrimination provisions, lobbying restrictions, and Touhy regulations in all parts under those chapters. Neither OPIC nor DFC currently plan on having non-administrative regulations. Other than a change in agency name, contact information, and agency authorizing statute, no changes are proposed to the existing regulations.

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5 CFR Part 4301

Conflict of interests, Employment.

22 CFR Part 705

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22 CFR Part 706

Administrative practice and procedure, Freedom of information, Privacy.

22 CFR Part 707

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22 CFR Part 710

Administrative practice and procedure, Conflict of interest.

22 CFR Part 711

Administrative practice and procedure, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.

22 CFR Part 712

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

22 CFR Part 713

Administrative practice and procedure, Labor management relations, State Department

For the reasons stated in the preamble the Overseas Private Investment Corporation amends 5 CFR chapter XXXIII and 22 CFR chapter VII as follows:

Title 5

CHAPTER XXXIII—US INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

■ 1. Revise the heading for chapter XXXIII to read as set forth above.

PART 4301—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE US INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

■ 2. The authority citation for part 4301 continues to read as follows:

Authority: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.803.

■ 3. Revise the heading for part 4301 to read as set forth above.

§ 4301.101 [Amended]

■ 4. In § 4301.101, remove the words ''Overseas Private Investment Corporation (OPIC)'' and add in their place the words ''US International Development Finance Corporation (DFC)'' in the first sentence.

Title 22

CHAPTER VII—US INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

■ 5. Revise the heading for chapter VII to read as set forth above.

PART 705—EMPLOYEE ETHICAL CONDUCT STANDARDS AND FINANCIAL DISCLOSURE REGULATIONS

■ 6. Revise the authority citation for part 705 to read as follows:

Authority: 5 U.S.C. 7301; Pub. L. 115–254, sections 1401–1470.

§ 705.101 [Amended]

■ 7. In § 705.101:

■ a. Remove the words ''Overseas Private Investment Corporation (OPIC)'' and add in their place the words ''US International Development Finance Corporation (DFC)''; and

■ b. Remove ''OPIC'' and add in its place ''DFC''.

PART 706—INFORMATION DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT

■ 8. Revise the authority citation for part 706 to read as follows:

Authority: 5 U.S.C. 552, Pub. L. 114–185; Pub. L. 115–254, sections 1401–1470.

■ 9. In part 706:

■ a. Revise the words ''Overseas Private Investment Corporation'' and add in their place the words ''US International Development Finance Corporation'' wherever they occur; and
■ b. Remove ''OPIC'' and add in its place ''DFC'' wherever it occurs.

§ 706.10 [Amended]

■ 10. In § 706.10, remove the web address ''*www.opic.gov/foia*'' and add in its place ''*www.dfc.gov*''.

§ 706.11 [Amended]

■ 11. In § 706.11, in paragraph (a)(1), remove the web address ''*FOIA@ opic.gov*'' and add in its place ''*foia@ dfc.gov*''.

§ 706.34 [Amended]

■ 12. In § 706.34, in paragraph (a), remove the web address ''FOIA@ opic.gov'' and add in its place ''*foia@ dfc.gov*''.

PART 707—ACCESS TO AND SAFEGUARDING OF PERSONAL INFORMATION

■ 13. Revise the authority citation for part 707 to read as follows:

Authority: 5 U.S.C. 552a; Pub. L. 115–254, sections 1401–1470.

■ 14. Revise the heading for part 707 to read as set forth above.
■ 15. In part 707:
■ a. Remove the words ''Overseas Private Investment Corporation'' and add in their place the words ''US International Development Finance Corporation'' wherever they occur; and
■ b. Remove ''OPIC'' and add in its place ''DFC'' wherever it occurs.

§ 707.21 [Amended]

■ 16. In § 707.21, in paragraph (a), remove the web address ''*Privacy@ opic.gov*'' and add in its place ''*privacy@dfc.gov*''.

PART 708—SUNSHINE REGULATIONS

■ 17. Revise the authority citation for part 708 to read as follows:

Authority: 5 U.S.C. 552b; Pub. L. 115–254, sections 1401–1470.

PART 709—[REMOVED AND RESERVED]

■ 18. Under the authority 22 U.S.C. 2191, remove and reserve part 709, consisting of §§ 709.1 through 709.8.

PART 710—ADMINISTRATIVE ENFORCEMENT PROCEDURES OF POST-EMPLOYMENT RESTRICTIONS

■ 19. Revise the authority citation for part 710 to read as follows:

Authority: 18 U.S.C. 207; Pub. L. 115–254, sections 1401–1470.

■ 20. In part 710:
■ a. Remove the words ''Overseas Private Investment Corporation'' and add in their place the words ''US International Development Finance Corporation'' wherever they occur; and
■ b. Remove ''OPIC'' and add in its place ''DFC'' wherever it occurs.

PART 711—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES

■ 21. Revise the authority citation for part 711 to read as follows:

Authority: 29 U.S.C. 794; Pub. L. 115–254, sections 1401–1470.

■ 22. Revise the heading for part 711 to read as set forth above.

§ 711.170 [Amended]

■ 23. In § 711.170, in paragraph (c), remove the address ''1615 M Street NW, Washington, DC 20527, Attention: Director of Personnel'' and add in its place ''1100 New York Avenue NW, Washington, DC 20527, Attention: Director of Human Resources Management''.

PART 712—NEW RESTRICTIONS ON LOBBYING

■ 24. Revise the authority citation for part 712 to read as follows:

Authority: 31 U.S.C. 1352; Pub. L. 115–254, section 1401–1470.

PART 713—PRODUCTION OF NONPUBLIC RECORDS AND TESTIMONY OF EMPLOYEES IN LEGAL PROCEEDINGS

■ 25. Revise the authority citation for part 713 to read as follows:

Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 702; 18 U.S.C. 207; 18 U.S.C. 641; 22 U.S.C. 2199(d); 28 U.S.C. 1821; Pub. L. 115–254, sections 1401–1470.

■ 26. Revise the heading for part 713 to read as set forth above.

■ 27. In part 713:
■ a. Remove the words ''Overseas Private Investment Corporation'' and add in their place the words ''US International Development Finance Corporation'' wherever they occur; and
■ b. Remove ''OPIC'' and add in its place ''DFC'' wherever it occurs.

Dev Jagadesan,

Deputy General Counsel, Department of Legal Affairs, Overseas Private Investment Corporation.

[FR Doc. 2019–16250 Filed 8–1–19; 8:45 am]

BILLING CODE 3210–01–P

DEPARTMENT OF ENERGY

10 CFR Part 708

[DOE–OHA–2019–0017]

RIN 1903–AA09

Revisions to the DOE Contractor Employee Protection Program

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Final rule.

SUMMARY: The DOE Contractor Employee Protection Program extends whistleblower protections similar to those in the Whistleblower Protection Act to employees of DOE contractors and subcontractors. The Office of Hearings and Appeals (OHA) is amending its regulations to modernize the Department of Energy's (DOE or Department) contractor employee whistleblower program, as well as to provide improvements within the existing program.

DATES: This final rule is effective October 1, 2019.

FOR FURTHER INFORMATION CONTACT: Kristin L. Martin, Attorney-Advisor, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585–0107, (202) 287–1550, Email: *kristin.martin@hq.doe.gov.* Inquiries must identify the final rule for the DOE Contractor Employee Protection Program.

SUPPLEMENTARY INFORMATION:

I. Background

While most DOE facilities are run by contractors, and DOE contractor employees far outnumber DOE employees, the Whistleblower Protection Act only protects federal employees. Therefore, in order to ensure safe, well-managed workplaces at its facilities, DOE enacted a whistleblower protection program for contractor employees in 1992, the DOE Contractor Employee Protection Program, now codified at 10 CFR part 708. 57 FR 7533 (March 3, 1992). On April 30, 2019, the OHA published a Notice of Proposed Rulemaking (84 FR 18164) proposing the first revision to the program since 1999.

II. Summary of Final Rule

The final rule makes the following revisions to part 708. All section numbers reference the section numbers in the revised regulation.

A. Headings

The final rule updates part 708's section headings for clarity, so that

readers will be able to more quickly pinpoint the location of the information they seek. The updated headings may also offer guidance when the scope, purpose, or meaning of a section's content is unclear.

B. § 708.2 Definitions

1. The final rule moves the definition of ''Administrative Judge'' so that the definitions are in alphabetical order. The final rule also updates this definition to reflect the role Administrative Judges will play in part 708 proceedings under the revised rule.

2. The final rule adds a definition of ''Alternative Dispute Resolution.'' The OHA believes that this definition better highlights the flexibility and scope of DOE's conflict management and resolution resources.

3. The final rule discontinues the use of the word ''you'' in Part 708 to describe employees of contractors. Regulated parties include contractors as well as employees and the use of ''you'' makes it difficult to distinguish between them. Accordingly, third-person titles and pronouns are used throughout the part and the definition of ''you'' has been removed.

4. For clarity and inclusivity, the final rule adds a clause stating that the use of the singular includes the plural and that the male pronoun is gender neutral. Such a clause reduces ambiguity and allows for more concise language in the regulation.

5. The final rule adds a definition of ''complainant.''

C. § 708.8 Application to Pending Cases

Revisions to part 708 will apply to cases filed on or after the effective date of the finalized revisions.

D. § 708.9 How to File Complaints or Other Documents

1. The final rule combines the filing instructions and the definition of ''filed'' into one section located in the introductory subpart. This will clarify that the definition and instructions apply generally throughout part 708.

2. The final rule mandates that all documents filed with the OHA be filed electronically, except when permission is granted to file in another manner. Electronic filing is faster, more reliable, and more cost-efficient than paper filing. It also coordinates with DOE electronic records retention policies. However, not everyone can file electronically and some materials are better mailed or faxed for logistical reasons. Accordingly, any person wishing to file via non-electronic means may contact the OHA—whether by phone, email, U.S. Mail, or another service—and request permission. The OHA will consider granting such requests in circumstances where good cause has been shown why the document cannot or should not be filed electronically. This section does not affect parties' ability to file documents by any other method with any other DOE element.

3. The final rule specifies that a complaint may be withdrawn by the complainant at any time. This codifies the OHA's longstanding practice.

E. § 708.10 Informal Resolution of Complaints

The final rule consolidates most references to Alternative Dispute Resolution into one section, located in the introductory subpart to signal its general applicability. The section reflects DOE's policy encouraging the use of Alternative Dispute Resolution and underscores the voluntary nature of the process. It also allows for Alternative Dispute Resolution at any time during the part 708 process, but advises that the process will not be stayed for Alternative Dispute Resolution. Finally, the section describes to whom the parties must submit written resolutions reached through Alternative Dispute Resolution.

F. § 708.17 Notification of Complaints and Opportunities To Respond

1. In a recent decision, the OHA required the office that initially received the complaint, in that case the Employee Concerns Program, to provide the complainant with the employer's response to the complaint and to allow the complainant an opportunity to submit additional comments thereafter. *In the Matter of Charles K. MacLeod,* Case No. WBU–16–0005 (2016) (Reconsideration). The final rule codifies that requirement in part 708. The section will also require that the complainant's additional comments be provided to the employer. Such codification allows for a more transparent process.

2. Codification also allows the OHA to stipulate time limits for responses and additional comments. The final rule extends the time for employers to file a response to 15 days. The time period for the complainant to submit additional comments is 10 days from receipt of the employee's response.

G. § 708.18 Dismissal for Lack of Jurisdiction or Other Good Cause

1. The final rule requires that decisions dismissing a complaint for lack of jurisdiction or other good cause include the contact information for OHA's Alternative Dispute Resolution Office (ADR Office). Even when a Part 708 complaint is dismissed, the underlying workplace conflict often remains. DOE encourages the use of Alternative Dispute Resolution to resolve conflict at the lowest level, as quickly as possible. Inclusion of the Alternative Dispute Resolution Office's contact information in dismissals may encourage the parties to continue seeking a resolution to their conflict even after their involvement with Part 708 ends.

2. The final rule extends the time frame for issuance of a decision to dismiss a complaint from 15 to 20 days, in order to accommodate the submission of the employer's response and the complainant's additional comments, pursuant to proposed § 708.17.

H. § 708.19 Appealing a Dismissal of a Complaint by the Head of Field Element or EC Director for Lack of Jurisdiction or Other Good Cause

1. The final rule changes the title of this section to specify that it applies to appeals of dismissals by EC Directors or Heads of Field Elements. This will differentiate it from appeals of dismissals by Administrative Judges. The difference is that dismissals by Administrative Judges are initial agency decisions, while dismissals by EC Directors of Heads of Field Elements are not.

2. The final rule adds an appellate standard of review to the section describing its procedures for an appeal of an ECP Director or Head of Field Element dismissal. Standards of review have long been included in other sections of part 708 and the addition of an appellate standard enhances consistency and fairness. The final rule incorporates the common appellate standard of review of reviewing findings of fact for clear error and reviewing conclusions of law *de novo.*

3. The final rule formally specifies that appeals are not available concerning decisions not to dismiss a complaint. This has been the OHA's longstanding policy. Adding this language to part 708 codifies this policy.

4. The final rule specifies that the OHA Director has the powers necessary to adjudicate the appeal proceeding. For example, the OHA Director may order briefing or oral argument from the parties if he deems it necessary. The final rule adds this language to § 708.33 for the same reason.

I. § 708.20 Review by the Secretary of Energy of a Decision on Appeal of a Dismissal

The final rule formally specifies that Secretarial review is not available concerning appellate decisions to reverse a dismissal of a complaint. This has been the OHA's longstanding policy. Adding this language to part 708 codifies the policy.

J. § 708.21 Referral to the Office of Hearings and Appeals

1. The final rule eliminates the option to have a hearing without an investigation. Over the years, OHA has observed that investigations are crucial to help refine and clarify the issues for hearing. Moreover, the selection of a hearing without an investigation by complainants has been rare. From time to time, a complainant has requested a hearing without an investigation, usually in an effort to obtain a decision more quickly. In such cases, the hearings typically became far more wide-ranging, unfocused, and inefficient. Without the clarifying work of the investigation, the complainant usually suffers a significant disadvantage, and the task of rendering a decision by the Administrative Judge becomes more complicated as a result, particularly when the complainant lacks legal representation. Accordingly, the benefits of requiring an investigation prior to hearing far outweigh the benefits of maintaining the option for a hearing without an investigation.

2. The final rule moves information regarding the conduct and obligations of OHA personnel and the rights and obligations of parties to § 708.21. These provisions were previously included in § 708.28. However, as they are applicable to all part 708 proceedings before the OHA, the provisions are properly placed at the beginning of Subpart C to indicate their general applicability.

K. § 708.22 Investigation of Complaints

1. The final rule removes provisions relating to hearings without an investigation, pursuant to revisions to § 708.21.

2. The OHA final rule amends § 708.22(a) to state that investigators may not participate or advise in a case after the investigation is completed. This revision allows for the elimination of pre-revision § 708.25(b), which stated the same with similar language.

3. The OHA final rule allows for dismissal of complaints prior to the completion of the investigation. The OHA believes this change will improve the efficiency of the part 708 process, while still fully protecting the parties' rights. Occasionally, it becomes immediately clear after the investigation starts that the complaint lacks merit or that the OHA lacks jurisdiction. In such cases, it could be a waste of the parties' and the OHA's time and resources to continue with a full investigation. Allowing for dismissal prior to the completion of the investigation—while still providing an opportunity for appellate review if dismissal is believed to be in error—will help to eliminate this waste and streamline the process.

In the event that a complaint, upon preliminary investigation, is believed by the investigator to be clearly without merit or to lack a jurisdictional basis, the investigator may request that the OHA Director appoint an Administrative Judge to make a formal determination regarding whether dismissal is appropriate. The investigator will provide a written statement to the Administrative Judge that will outline the factual and legal reasons the investigator has for referring the complaint for dismissal. If the Administrative Judge does decide to dismiss the complaint, he will issue a decision containing the factual and legal bases for dismissal, and serve the decision on all the parties, along with the investigator's written statement. If the Administrative Judge decides not to dismiss the complaint, he will issue a written statement to be served on all the parties and order the investigation to continue. The Administrative Judge may ask the OHA Director to appoint a new investigator.

For an investigator to refer a complaint for dismissal, he must believe that there is no genuine dispute of material fact and the complainant's claims are wholly without merit, or that the complaint warrants dismissal for one of the reasons listed in § 708.18(c). A dismissal for lack of merit prior to the completion of an investigation will seldom occur, as the applicable standard is quite difficult to meet. First, there must appear to be no dispute among the parties as to the relevant facts. Second, in light of those undisputed facts, the complainant's claims must lack merit—*i.e.,* fail to give rise to an entitlement to relief under Part 708. Under those circumstances, and only under those circumstances, may the investigator refer the complaint to an Administrative Judge for dismissal on the merits. The Administrative Judge may exercise all powers necessary, including requesting submissions from the parties, to evaluate whether dismissal is appropriate. If the Administrative Judge disagrees with the investigator's assessment and finds that the parties do not agree on all of the relevant facts or that the claims are not entirely without merit, he must decline to dismiss the complaint. If the Administrative Judge does dismiss the complaint, appeal to the OHA Director and, if that fails, Secretarial review are available to the complainant.

4. The final rule states that no report of investigation will be issued when a complaint is dismissed prior to the completion of the investigation. Without a full investigation, the report of investigation would be incomplete. However, the Administrative Judge will issue an initial agency decision that will include a summary of the factual findings available, which would normally be included in a report of investigation, as well as legal conclusions sufficient to support an initial agency decision. The Administrative Judge will serve the decision on all parties.

5. The final rule states that the procedures in §§ 708.32–708.35 apply to an appeal of a dismissal of a complaint before completion of the investigation. These sections govern appeals of all other initial agency decisions under Part 708. The final rule amends those sections and others to accommodate appeals of initial agency decisions issued prior to completion of the investigation, such that all parties are afforded the same due process.

L. § 708.23 Time To Issue a Report of Investigation

The final rule tolls the time to issue a report of investigation pending an Administrative Judge's decision on whether to dismiss a case referred for such purpose by an investigator. OHA investigations are quite comprehensive and require significant time to complete. Tolling the time to issue the report of investigation is necessary to ensure that investigators do not lose valuable time while waiting for an Administrative Judge to issue a decision.

M. § 708.26 Time and Location of Hearings

The final rule codifies the option to conduct Part 708 hearings via video teleconference. While this option is already available, adding it to the regulation increases transparency and informs litigants of this option. Video teleconferencing preserves Department resources while maintaining the integrity of the proceedings. The OHA currently conducts nearly 90 percent of its personnel security hearings via video teleconference and has been successful in maintaining the benefits of an in-person hearing while reducing the

OHA's travel costs to a fraction of their previous levels.

N. § 708.27 The Administrative Judge May Not Require That the Parties Participate in Alternative Dispute Resolution

The final rule amends the language of § 708.27 to clarify the section's purpose. Prior to these revisions, many readers interpreted the language of this section as an endorsement of Alternative Dispute Resolution similar to others already in the regulation. However, the purpose of § 708.27 is to prohibit an Administrative Judge from requiring participation in Alternative Dispute Resolution. Unlike many state and federal court systems where Alternative Dispute Resolution may be ordered, DOE is committed to maintaining a voluntary Alternative Dispute Resolution process. Accordingly, Alternative Dispute Resolution is widely encouraged, but may not be required for litigants of part 708 complaints.

O. § 708.28 Hearing Procedures

The final rule clarifies that Administrative Judges may issue rulings that might result in termination of the proceeding before completion of the hearing. This was permitted under previous versions of the regulation, however the new language is clearer and less vulnerable to ambiguity.

P. § 708.30 Timing for Issuing an Initial Agency Decision

The final rule separates the timing of issuing an initial agency decision from the procedures for issuing such.

Q. § 708.31 Procedure for Issuing an Initial Agency Decision

The final rule consolidates the procedures for issuing an initial agency decision and the procedures for issuing an initial agency decision if no hearing was conducted. The final rule also moves procedural provisions from § 708.30 to § 708.31, creating separate sections for timing and procedure.

R. § 708.33 Procedure for Appeals

1. The final rule adds an appellate standard of review to the section describing its procedures for an appeal of an initial agency decision. Standards of review have long been included in other sections of part 708 and the addition of an appellate standard lends itself to consistency and fairness. The final rule incorporates the common appellate standard of review of reviewing findings of fact for clear error and reviewing conclusions of law *de novo.* The final rule removes the OHA Director's ability to initiate an investigation and to consider new facts and evidence discovered in the appeal decision. This practice is at odds with the new appellate standard and subverts the deference to be owed to the Administrative Judge's fact finding.

2. The final rule specifies that the OHA Director has the powers necessary to adjudicate the appeal proceeding. For example, the OHA Director may order briefing or oral argument from the parties if he deems it necessary. The final rules adds this language to § 708.19 for the same reason.

S. § 708.34 Procedure for Issuing an Appeal Decision

1. The final rule specifies two additional ways in which the OHA Director may rule on an appeal of an initial agency decision. These additional types of rulings are tailored for those situations where the complainant is appealing the dismissal of his complaint prior to completion of the investigation. Specifically, if the OHA Director determines that the complaint was properly dismissed by the Administrative Judge, he will deny the appeal. If he determines the complaint should not have been dismissed, he will vacate the initial agency decision and order further processing of the complaint.

2. The final rule specifies that an appeal decision to reverse dismissal of a complaint is not a final agency action and is not subject to a petition for Secretarial review. This has been the OHA's longstanding policy. Adding this language to Part 708 codifies the policy.

T. § 708.40 Notice of Program Requirements

The final rule requires employers covered by part 708 to post the telephone number and website or email address of the DOE office at which employees may file complaints. This is in addition to the existing requirement that employers post the name and address of such DOE office. Paperless communication is encouraged at DOE and the new contact information provided will further the Department's effort to increase the usage of paperless communication.

U. § 708.42 Extension of Deadlines

The final rule limits remedies available where OHA has not met part 708's timing requirements. A decision should not be vulnerable to reversal simply because the OHA or other DOE component does not issue it in a timely manner. Specifically, failure by the DOE to comply with timing requirements does not create a substantive right for any party to overturn a DOE decision on a complaint. The OHA and all DOE components will continue to strive to meet all requirements and deadlines.

III. Response to Public Comment

In the Notice of Proposed Rulemaking, the OHA specifically requested comment on two elements of the proposed rule:

1. The procedure by which complaints may be dismissed during investigations; and

2. Whether the OHA should be required by the regulation to appoint a new investigator in the event that a case is not dismissed after being referred for dismissal during an investigation.

The OHA received only one comment, which did not address either of the elements mentioned above.

The received comment expressed concern that the proposed rule did not highlight the protections afforded to whistleblowers under federal statutes and Department of Labor regulations. While the OHA recognizes the importance of those whistleblower programs and of notifying whistleblowers of their rights, the OHA does not administer those programs. It would be inappropriate for an OHA rulemaking to impose any requirement related to programs that the OHA does not administer. Therefore, for the reasons discussed in the preamble and the proposed rule (84 FR 18164; April 30, 2019), the OHA is publishing the rulemaking as proposed.

IV. Regulatory Review

A. Executive Order 12866

It was determined that this action is not a significant regulatory action subject to review under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993) by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

B. Executive Orders 13771, and 13777

On January 30, 2017, the President issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' That Order stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. The Order stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.

Additionally, on February 24, 2017, the President issued Executive Order 13777, ''Enforcing the Regulatory

Reform Agenda.'' The Order required the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, E.O. 13777 requires the establishment of a regulatory task force at each agency. The regulatory task force is required to make recommendations to the agency head regarding the repeal, replacement, or modification of existing regulations, consistent with applicable law. At a minimum, each regulatory reform task force must attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation;

(ii) Are outdated, unnecessary, or ineffective;

(iii) Impose costs that exceed benefits;

(iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(v) Are inconsistent with the requirements of Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

(vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

Pursuant to OMB's *Guidance Implementing Executive Order 13771, Titled* ''*Reducing Regulation and Controlling Regulatory Costs* (April 5, 2017), this action does not constitute an ''E.O. 13771 regulatory action'' because it does not meet the E.O. 12866 definition of a significant regulatory action. DOE determined, however, that this action furthers the policy goals outlined in Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' which encourages the repeal, replacement, or modification of existing regulations that, among other things, are outdated, unnecessary, or ineffective. Prior to this action, Part 708 was outdated and, in some sections, inefficient. This action clarifies the regulation and streamlines the proceedings, which should result in increased time and resource savings for litigants and DOE.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of General Counsel's website: *http://www.gc.doe.gov.*

DOE has reviewed this final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. This final rule alters procedural rules primarily for the OHA, with little impact on the conduct of or burdens on litigants. DOE has determined that the final rule will not result in a significant economic impact on a substantial number of small entities because few small entities are involved in part 708 proceedings and because the final rule contains few changes in the obligations of the litigants.

DOE will provide its certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

D. The Paperwork Reduction Act of 1995

Proposed Part 708 does not contain information collection requirements subject to review and approval by OMB under the Paperwork Reduction Act.

E. The Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires Federal agencies to examine closely the impacts of regulatory actions on State, local, and tribal governments. Section 101(5) of title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon State, local, or tribal governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary Federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform a detailed assessment of the anticipated costs and benefits of any rule that includes a Federal mandate which may result in costs to State, local, or tribal governments, or to the private sector, of $100 million or more in any one year (adjusted annually for inflation). 2 U.S.C. 1532(a) and (b). Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of State, local, and tribal governments. 2 U.S.C. 1534.

The final rule will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

F. The Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well-being. The final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

G. Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined this final rule and has determined that it will not preempt State law and will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

H. Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Executive agencies the

general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or whether it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the final rule meets the relevant standards of Executive Order 12988.

I. Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB.

OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Delegations

All DOE delegation orders may be accessed at *https://www.directives.doe.gov/.*

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 708

Administrative practice and procedure; Whistleblower Protection

Signed in Washington, DC, on July 26, 2019.

Poli A. Marmolejos,

Director, Office of Hearings and Appeals.

For the reasons set out in the preamble, the DOE revises part 708 of title 10, Code of Federal Regulations to read as follows:

PART 708—DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

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Authority: 42 U.S.C. 2201(b), 2201(c), 2201(i), and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254, 7255, and 7256; and 5 U.S.C. Appendix 3.

Subpart A—General Provisions

§ 708.1 Scope and purpose.

This part provides procedures for processing complaints by employees of DOE contractors alleging retaliation by their employers for disclosure of information concerning danger to public or worker health or safety, substantial violations of law, or gross mismanagement; for participation in Congressional proceedings; or for refusal to participate in dangerous activities.

§ 708.2 Definitions.

(a) For purposes of this part:

Administrative Judge means an attorney appointed by the OHA Director to preside over the disposition of a complaint.

Alternative Dispute Resolution means any technique for resolving disputes and managing conflict without resorting to litigation in either an administrative or judicial forum. Alternative Dispute Resolution techniques include, but are not limited to, mediation, facilitation, shuttle diplomacy, partnering, and dispute systems design.

Complainant means an employee who has filed a complaint under 10 CFR part 708.

Contractor means a seller of goods or services who is a party to a management and operating contract or other type of contract with DOE, or subcontract to such a contract, to perform work directly related to activities at DOE-owned or -leased facilities.

Day means a calendar day.

Discovery means a process used to enable the parties to learn about each other's evidence before a hearing takes place, including oral depositions, written interrogatories, requests for admissions, inspection of property, and requests for production of documents.

DOE Official means any officer or employee of DOE whose duties include program management or the investigation or enforcement of any law, rule, or regulation relating to Government contractors or the subject matter of a contract.

EC Director means the Director of the Office of Employee Concerns at DOE Headquarters, or any official to whom the Director delegates his functions under this part.

Employee means a person employed by a contractor, and any person previously employed by a contractor if that person's complaint alleges that employment was terminated for conduct described in § 708.5 of this subpart.

Field element means a DOE operations office or field office that is responsible for the management, coordination, and administration of operations at a DOE facility.

Head of Field Element means the manager or head of a DOE operations office or field office, or any official to whom those individuals delegate their functions under this part.

Management and operating contract means an agreement under which DOE contracts for the operation, maintenance, or support of a Government-owned or -leased research, development, special production, or testing establishment that is wholly or principally devoted to one or more of the programs of DOE.

OHA Director means the Director of the Office of Hearings and Appeals, or any official to whom the Director delegates his functions under this part.

Party means an employee, contractor, or other party named in a proceeding under this part.

Retaliation means an action (including intimidation, threats, restraint, coercion, or similar action) taken by a contractor against an employee with respect to employment (*e.g.,* discharge, demotion, or other negative action with respect to the employee's compensation, terms, conditions, or privileges of employment) that would not have been taken but for the employee's disclosure of information, participation in proceedings, or refusal to participate in activities described in § 708.5 of this subpart.

(b) Throughout this part, the use of a word or term in the singular includes the plural, and the use of the male gender is gender neutral.

§ 708.3 Complaints covered.

This part applies to a complaint of retaliation filed by an employee of a contractor that performs work on behalf of DOE, directly related to activities at a DOE-owned or -leased site, if the complaint stems from a disclosure, participation, or refusal described in § 708.5 of this subpart.

§ 708.4 Complaints not covered.

An employee of a contractor may not file a complaint against his employer under this part if:

(a) The complaint is based on race, color, religion, sex, age, national origin, or other similar basis; or

(b) The complaint involves misconduct that the employee, acting without direction from the employer, deliberately caused, or in which the employee knowingly participated; or

(c) Except as provided in § 708.15(a), the complaint is based on the same facts for which the employee has chosen to pursue a remedy available under:

(1) Department of Labor regulations at 29 CFR part 24, ''Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes;''

(2) Federal Acquisition Regulations, 48 CFR part 3, ''Federal Acquisition Regulation; Whistleblower Protection for Contractor Employees (Ethics);'' or

(3) State or other applicable law, including final and binding grievance-arbitration, as described in § 708.16 of subpart B; or

(d) The complaint is based on the same facts in which the employee, in the course of a covered disclosure or participation, improperly disclosed Restricted Data, national security information, or any other classified or sensitive information in violation of any Executive Order, statute, or regulation. This part does not override any provision or requirement of any regulation pertaining to Restricted Data, national security information, or any other classified or sensitive information; or

(e) The complaint deals with ''terms and conditions of employment'' within the meaning of the National Labor Relations Act, except as provided in § 708.5.

§ 708.5 Protected conduct.

An employee of a contractor may file a complaint against his employer alleging that he has been subject to retaliation for:

(a) Disclosing to a DOE official, a member of Congress, any other government official who has responsibility for the oversight of the conduct of operations at a DOE site, the employer, or any higher tier contractor, information that he reasonably believes reveals—

(1) A substantial violation of a law, rule, or regulation;

(2) A substantial and specific danger to employees or to public health or safety; or

(3) Fraud, gross mismanagement, gross waste of funds, or abuse of authority; or

(b) Participating in a Congressional proceeding or an administrative proceeding conducted under this part; or

(c) Subject to § 708.7 of this subpart, refusing to participate in an activity, policy, or practice if the employee believed participation would—

(1) Constitute a violation of a Federal health or safety law; or

(2) Cause the employee to have a reasonable fear of serious injury to himself, other employees, or members of the public.

§ 708.6 Reasonable fear of serious injury.

Participation in an activity, policy, or practice may cause an employee to have a reasonable fear of serious injury that justifies a refusal to participate if:

(a) A reasonable person, under the circumstances that confronted the employee, would conclude there is a substantial risk of a serious accident, injury, or impairment of health or safety resulting from participation in the activity, policy, or practice; or

(b) An employee, because of the nature of his employment responsibilities, does not have the training or skills needed to participate safely in the activity or practice.

§ 708.7 Filing a complaint based on retaliation for refusal to participate.

An employee may file a complaint for retaliation for refusing to participate in an activity, policy, or practice only if:

(a) Before refusing to participate in the activity, policy, or practice, the employee asked the employer to correct the violation or remove the danger, and the employer refused to take such action; and

(b) By the 30th day after the refusal to participate, the employee reported the violation or dangerous activity, policy, or practice to a DOE official, a member of Congress, another government official with responsibility for the oversight of the conduct of operations at the DOE site, his employer, or any higher tier contractor, and stated his reasons for refusing to participate.

§ 708.8 Application to pending cases.

The procedures in this part apply in any complaint proceeding filed with the Head of Field Element or EC Director, as appropriate, on or after the effective date of this part.

§ 708.9 How to file complaints or other documents.

(a) Under this part, a complaint or other document is considered filed on the date it is mailed, electronically

submitted, or personally delivered to the specified official or office.

(b) A complaint may be withdrawn at any time at the request of the complainant.

(c) Absent exceptional circumstances, all submissions to the Office of Hearings and Appeals must be filed electronically in accordance with the instructions set forth on the Office of Hearings and Appeals website, found at *https://www.energy.gov/oha/filing-information.* The Office of Hearings and Appeals may grant permission to file via mail or facsimile.

§ 708.10 Informal resolution of complaints.

(a) DOE encourages the use of alternative dispute resolution. If the parties are willing, they can seek to utilize alternative dispute resolution techniques, such as settlement discussions or mediation, in an attempt to resolve the complaint.

(b) The parties may engage in alternative dispute resolution at any time prior to the issuance of an initial agency decision.

(c) If the parties resolve the complaint informally, the Head of Field Element, EC Director, and the Office of Hearings and Appeals must be given a copy of the settlement agreement or a written statement from the employee that withdraws the complaint.

Subpart B—Employee Complaint Resolution Process

§ 708.11 Filing a complaint.

(a) If an employee was employed by a contractor whose contract is overseen by a contracting officer located in DOE Headquarters when the alleged retaliation occurred, the employee must file the written complaint with the EC Director.

(b) If an employee was employed by a contractor at a DOE field facility or site when the alleged retaliation occurred, the employee must file the written complaint with the Head of Field Element at the DOE field element with jurisdiction over the contract.

§ 708.12 No expectation of confidentiality.

The identity of an employee who files a complaint under this part appears on the complaint. A copy of the complaint is provided to the employer and the complainant's identity cannot be maintained as confidential.

§ 708.13 Requirements for the form and content of a complaint.

A complaint does not need to be in any specific form but must be signed by the employee and contain the following:

(a) A statement specifically describing

(1) The alleged retaliation taken against the employee and

(2) The disclosure, participation, or refusal covered under § 708.5 that the employee believes gave rise to the retaliation;

(b) A statement that the complainant is not currently pursuing a remedy under State or other applicable law, as described in § 708.16 of this subpart;

(c) A statement that all of the facts that the complainant has included in his complaint are true and correct to the best of his knowledge and belief; and

(d) An affirmation, as described in § 708.14 of this subpart, that the complainant has exhausted all applicable grievance or arbitration procedures.

§ 708.14 Exhaustion of grievance-arbitration procedures.

(a) To show that all applicable grievance-arbitration procedures have been exhausted, the complainant must:

(1) State that all available opportunities for resolution through an applicable grievance-arbitration procedure have been exhausted, and provide the date on which the grievance-arbitration procedure was terminated and the reasons for termination; or

(2) State that the complainant filed a grievance under applicable grievance-arbitration procedures, but more than 150 days have passed and a final decision on it has not been issued, and provide the date that the grievance was filed; or

(3) State that the employer has established no grievance-arbitration procedures.

(b) If the complainant does not provide the information specified in paragraph (a) of this section, the complaint may be dismissed for lack of jurisdiction as provided in § 708.18 of this subpart.

§ 708.15 Time to file a complaint.

(a) A complaint must be filed by the 90th day after the date the employee knew, or reasonably should have known, of the alleged retaliation.

(b) The period for filing a complaint does not include time spent attempting to resolve the dispute through an internal company grievance-arbitration procedure. The time period for filing stops running on the day the internal grievance is filed and begins to run again on the earlier of:

(1) The day after such dispute resolution efforts end; or

(2) 150 days after the internal grievance was filed if a final decision on the grievance has not been issued.

(c) The period for filing a complaint does not include time spent resolving jurisdictional issues related to a complaint the employee files under State or other applicable law. The time period for filing stops running on the date the complaint under State or other applicable law is filed and begins to run again the day after a final decision on the jurisdictional issues is issued.

(d) If the complaint is not filed during the 90-day period, the Head of Field Element or EC Director (as applicable) will give the complainant an opportunity to show any good reason he may have for not filing within that period, and that official may, in his discretion, accept the complaint for processing.

§ 708.16 Duplicative actions under State or other law.

(a) An employee may not file a complaint under this part if, with respect to the same facts, he chooses to pursue a remedy under State or other applicable law, including final and binding grievance-arbitration procedures, unless:

(1) The complaint under State or other applicable law is dismissed for lack of jurisdiction;

(2) The complaint was filed under 48 CFR part 3, subpart 3.9 and the Inspector General, after conducting an initial inquiry, determines not to pursue it; or

(3) The employee has exhausted grievance-arbitration procedures pursuant to § 708.14, and issues related to alleged retaliation for conduct protected under § 708.5 remain.

(b) Pursuing a remedy other than final and binding grievance-arbitration procedures does not prevent an employee from filing a complaint under this part.

(c) An employee is considered to have filed a complaint under State or other applicable law if he files a complaint, or other pleading, with respect to the same facts in a proceeding established or mandated by State or other applicable law, whether such a complaint is filed before, concurrently with, or after a complaint is filed under this part.

(d) If an employee files a complaint under State or other applicable law after filing a complaint under this part, the complaint under this regulation will be dismissed under § 708.18(c)(3).

§ 708.17 Notification of complaints and opportunities to respond.

(a) By the 15th day after receiving a complaint, the Head of Field Element or EC Director (as applicable) will provide the employer a copy of the complaint. The employer has 15 days from receipt of the complaint to submit any response it wishes to make regarding the

allegations in the complaint. The Head of Field Element or EC Director (as applicable) will provide the complainant with a copy of the employer's response. The complainant has 10 days from receipt of the response to submit any additional comments regarding the complaint or the response. The Head of Field Element or EC Director (as applicable) will provide the employer with a copy of those additional comments.

(b) If the complainant is part of a bargaining unit represented for purposes of collective bargaining by a labor organization, the Head of Field Element or EC Director (as applicable) will provide the representative a copy of the complaint by the 15th day after receiving it. The labor organization will be advised that it has 10 days from the receipt of the complaint to submit any comments it wishes to make regarding the allegations in the complaint.

§ 708.18 Dismissal for lack of jurisdiction or other good cause.

(a) The Head of Field Element or EC Director (as applicable) may dismiss a complaint for lack of jurisdiction or for other good cause after receiving the complaint, either on his own initiative or at the request of a party named in the complaint. Such decisions are generally issued by the 20th day after the receipt of the employer's response, but not before the complainant has submitted comments on the response or his time to do so has elapsed, whichever is soonest.

(b) The Head of Field Element or EC Director (as applicable) will notify the complainant by certified mail, return receipt requested, if the complaint is dismissed for lack of jurisdiction or other good cause, will give specific reasons for the dismissal and the contact information for the DOE's Alternative Dispute Resolution Office, and will notify other parties of the dismissal.

(c) Dismissal for lack of jurisdiction or other good cause is appropriate if:

(1) The complaint is untimely; or

(2) The facts, as alleged in the complaint, do not present issues for which relief can be granted under this part; or

(3) The complainant filed a complaint under State or other applicable law with respect to the same facts as alleged in a complaint under this part; or

(4) The complaint is frivolous or without merit on its face; or

(5) The issues presented in the complaint have been rendered moot by subsequent events or substantially resolved; or

(6) The employer has made a formal offer to provide the remedy requested in the complaint or a remedy that DOE considers to be equivalent to what could be provided as a remedy under this part.

§ 708.19 Appealing the dismissal of a complaint by the Head of Field Element or EC Director for lack of jurisdiction or other good cause.

(a) If a complaint is dismissed by the Head of Field Element or EC Director, the administrative process is terminated unless the complainant appeals the dismissal to the OHA Director by the 10th day after receipt of the notice of dismissal as evidenced by a receipt for delivery of certified mail. Decisions not to dismiss may not be appealed.

(b) If the complainant appeals a dismissal to the OHA Director, he must send copies of his appeal to the Head of Field Element or EC Director (as applicable) and all parties. The appeal must include a copy of the notice of dismissal, and state the reasons the dismissal was erroneous.

(c) The OHA Director has all powers necessary to adjudicate the appeal. The OHA Director will issue a decision on the appeal and notify the parties of the decision by the 30th day after it is received. The OHA Director will review findings of fact for clear error and conclusions of law *de novo.*

(d) The OHA Director's decision, either upholding the dismissal by the Head of Field Element or EC Director or ordering further processing of the complaint, is the final decision on the appeal, unless a party files a petition for Secretarial review by the 30th day after receiving the appeal decision.

§ 708.20 Review by the Secretary of Energy of a decision on appeal of a dismissal.

(a) By the 30th day after receiving a decision on an appeal under § 708.19 from the OHA Director, any party may file a petition for Secretarial review of a dismissal with the Office of Hearings and Appeals. A decision by the OHA Director to reverse a dismissal may not be the subject of a petition for Secretarial review.

(b) By the 15th day after filing the petition for Secretarial review, the petitioning party must file a statement setting forth the arguments in support of its position. A copy of the statement must be served on the other parties, who may file a response by the 20th day after receipt of the statement. Any response must also be served on the other parties.

(c) All submissions permitted under this section must be filed with the Office of Hearings and Appeals.

(d) The Secretary (or his designee) will reverse or revise an appeal decision by the OHA Director only under extraordinary circumstances. Upon consideration of the petition for Secretarial review, the Secretary will direct the OHA Director to issue an order either upholding the dismissal by the Head of Field Element or EC Director or ordering further processing of the complaint. If the dismissal is upheld, this is a final agency action.

Subpart C—Investigation, Hearing, and Decision Process

§ 708.21 Referral to the Office of Hearings and Appeals.

(a) If a complaint is not dismissed for lack of jurisdiction or other good cause, the Head of Field Element or EC Director (as applicable) will forward the complaint to the OHA Director by the later of:

(1) The 25th day after receipt of the employer's response, or

(2) The 5th day after receipt of an order to continue processing the complaint following an appeal of dismissal.

(b) The Head of the Field Element or EC Director (as applicable) will notify all parties that the complaint has been referred to the Office of Hearings and Appeals.

(c) The OHA Director and an Administrative Judge appointed to preside over any aspect of a part 708 proceeding are prohibited, beginning with the complaint's referral to the OHA and until a final agency decision is issued, from initiating or otherwise engaging in *ex parte* discussions with any party on the merits of the complaint.

(d) In all proceedings under this subpart:

(1) The parties have the right to be represented by a person of their choosing or to proceed without representation. The parties are responsible for producing witnesses on their behalf, including requesting the issuance of subpoenas, if necessary;

(2) Formal rules of evidence do not apply, but the OHA may use the Federal Rules of Evidence as a guide.

§ 708.22 Investigation of complaints.

(a) The OHA Director will appoint a person to conduct an investigation. The investigator may not participate or advise in any proceedings in the case subsequent to the investigation's completion.

(b) The investigator will determine the appropriate scope of investigation based on the circumstances of the complaint. The investigator may enter and inspect places and records; make copies of records; interview persons alleged to have been involved in retaliation and other individuals who

may have relevant information; take sworn statements; and require the production of any documents or other evidence.

(c) All parties must cooperate fully with the investigator by making all pertinent evidence available. The contractor must make employees available upon request.

(d) A person being interviewed in an investigation has the right to be represented by a person of his choosing.

(e) Parties to the complaint are not entitled to be present at interviews conducted by an investigator.

(f) If a person other than the complainant requests that his identity be kept confidential, the investigator may grant confidentiality, but must advise such person that confidentiality means that the Office of Hearings and Appeals will not identify the person as a source of information to anyone outside the Office of Hearings and Appeals, except as required by statute or other law, or as determined by the OHA Director to be unavoidable.

(g) At any point during the investigation, the investigator may request that the OHA Director appoint an Administrative Judge to whom the complaint will be referred for a decision on whether dismissal is appropriate. The investigator will serve the parties with notice of the referral. The investigator will submit a written statement to the Administrative Judge outlining the reasons he believes dismissal may be appropriate and any facts supporting that belief. The Administrative Judge will then decide whether to dismiss the complaint. In making such decision, the Administrative Judge will have access to the entire investigative file. The Administrative Judge's decision, regardless of outcome, will be served on all the parties. A complaint may be dismissed prior to the completion of the investigation for:

(1) Any reason listed in § 708.18(c), or

(2) Lack of merit, provided the facts obtained by the investigator indicate there is no genuine dispute of material fact.

(h) If the Administrative Judge decides to dismiss the complaint, he will issue an initial agency decision that includes the factual and legal bases for the dismissal. The investigator's written statement will be attached to the Administrative Judge's initial agency decision and served on all the parties. No report of investigation will issue for a complaint dismissed by the Administrative Judge following a referral for dismissal by the investigator.

(i) If the Administrative Judge decides not to dismiss the complaint, he will issue a written statement to that effect which will include the factual and legal basis for his decision. The investigation will then continue. The OHA Director may, at his discretion, appoint a new investigator.

(j) Dismissals under paragraph (h) of this section may be appealed in accordance with the procedures set forth in §§ 708.32, 708.33, 708.34, and 708.35. Decisions not to dismiss under paragraph (i) of this section may not be appealed.

§ 708.23 Time to issue a report of investigation.

(a) If the complaint is not dismissed prior to the completion of the investigation, the investigator will complete the investigation and issue a report of investigation by the 60th day after the complaint is received by the Office of Hearings and Appeals, unless the OHA Director, for good cause, extends the investigation for no more than 30 days. If a case is referred for dismissal by an investigator, the time to issue the report of investigation stops running on the day of referral and, if the Administrative Judge decides against dismissal, begins to run again on the day after the Administrative Judge's decision issues.

(b) The investigator will provide copies of the report of investigation to the parties. The investigation will not be reopened after the report of investigation is issued.

§ 708.24 Hearings not required.

(a) A complainant may withdraw a hearing request after the report of investigation is issued. However, the hearing may be canceled only if all parties agree that they do not want a hearing.

(b) If the hearing is canceled, the Administrative Judge will issue an initial agency decision pursuant to § 708.31 of this subpart.

§ 708.25 Appointment of Administrative Judge.

The OHA Director will appoint an Administrative Judge from the Office of Hearings and Appeals to conduct a hearing.

§ 708.26 Time and location of hearings.

(a) The Administrative Judge will schedule a hearing to be held by the 90th day after issuance of the report of investigation. Any extension of the hearing date must be approved by the OHA Director.

(b) The Administrative Judge will schedule the hearing for a location near the site where the alleged retaliation occurred or the complainant's place of employment, or at another location that is appropriate considering the circumstances of a particular case. Hearings may be conducted by video teleconference or other remote means, at the Administrative Judge's discretion.

§ 708.27 The Administrative Judge may not require that the parties participate in alternative dispute resolution.

The Administrative Judge may recommend, but may not require, that the parties attempt to resolve the complaint through alternative dispute resolution. Within 5 days of appointment, the Administrative Judge will make the contact information for the DOE's Alternative Dispute Resolution Office available to the parties.

§ 708.28 Hearing procedures.

(a) In all hearings under this part:

(1) Testimony of witnesses is given under oath or affirmation, and witnesses must be advised of the applicability of 18 U.S.C. 1001 and 18 U.S.C. 1621, dealing with the criminal penalties associated with false statements and perjury;

(2) Witnesses are subject to cross-examination; and

(3) A court reporter will make a transcript of the hearing.

(b) The Administrative Judge has all powers necessary to regulate the conduct of proceedings, including the following.

(1) The Administrative Judge may order discovery at the request of a party, based on a showing that the requested discovery is designed to produce evidence regarding a matter, not privileged, that is relevant to the subject matter of the complaint.

(2) The Administrative Judge may permit parties to obtain discovery by any appropriate method, including deposition upon oral examination or written questions; written interrogatories; production of documents or things; permission to enter upon land or other property for inspection and other purposes; and requests for admission.

(3) The Administrative Judge may issue subpoenas for the appearance of witnesses on behalf of either party, or for the production of specific documents or other physical evidence.

(4) The Administrative Judge may rule on objections to the presentation of evidence; exclude evidence that is immaterial, irrelevant, or unduly repetitious; require the advance submission of documents offered as evidence; dispose of procedural requests; grant extensions of time; determine the format of the hearing; direct that written motions, documents,

or briefs be filed with respect to issues raised during the course of the hearing; ask questions of witnesses; direct that documentary evidence be served upon other parties (under protective order if such evidence is deemed confidential); and otherwise regulate the conduct of the hearing.

(5) The Administrative Judge may, at the request of a party or on his own initiative, dismiss a claim, defense, or party. He may also make adverse findings upon the failure of a party or the party's representative to comply with a lawful order of the Administrative Judge, or, without good cause, to attend a hearing. If the Administrative Judge's rulings result in termination of the proceeding prior to the completion of the hearing, the Administrative Judge will issue an initial agency decision pursuant to § 708.31 of this subpart.

(6) The Administrative Judge, upon request of a party, may allow the parties a reasonable time to file pre-hearing briefs or written statements with respect to material issues of fact or law. Any pre-hearing submission must be limited to the issues specified and filed within the time prescribed by the Administrative Judge.

(7) The parties are entitled to make closing arguments, but post-hearing submissions are only permitted by direction of the Administrative Judge.

(8) Parties allowed to file written submissions must serve copies upon the other parties within the time prescribed by the Administrative Judge.

§ 708.29 Burdens of proof.

The complainant has the burden of establishing by a preponderance of the evidence that he made a disclosure, participated in a proceeding, or refused to participate, as described under § 708.5, and that such act was a contributing factor in one or more alleged acts of retaliation against the complainant by the contractor. Once the complainant has met this burden, the burden shifts to the contractor to prove by clear and convincing evidence that it would have taken the same action without the complainant's disclosure, participation, or refusal.

§ 708.30 Timing for issuing an initial agency decision.

The Administrative Judge will issue an initial agency decision on the complaint by the 60th day after the later of:

(a) The date the Administrative Judge approves the parties' agreement not to hold a hearing;

(b) The date the Administrative Judge receives the transcript of the hearing; or

(c) The date the Administrative Judge receives post-hearing submissions permitted under § 708.28(b)(7) of this subpart.

§ 708.31 Procedure for issuing an initial agency decision.

(a) The Administrative Judge will serve the initial agency decision on all parties.

(b) An initial agency decision issued by the Administrative Judge will contain appropriate findings, conclusions, an order, and the factual basis for each finding, whether or not a hearing has been held on the complaint. In making such findings, the Administrative Judge may rely upon, but is not bound by, the report of investigation.

(c) If the Administrative Judge determines that an act of retaliation has occurred, the initial agency decision will include an order for any form of relief permitted under § 708.36. If the Administrative Judge does not determine that an act of retaliation has occurred, the initial agency decision will state that the complaint is denied.

§ 708.32 Appealing an initial agency decision.

(a) By the 15th day after receiving an initial agency decision from the Administrative Judge, any party may file a notice of appeal with the OHA Director requesting review of the initial agency decision.

(b) A party who appeals an initial agency decision (the appellant) must serve a copy of the notice of appeal on all other parties.

(c) A party who receives an initial agency decision has not exhausted its administrative remedies until an appeal has been filed with the OHA Director and a decision granting or denying the appeal has been issued.

§ 708.33 Procedure for appeals.

(a) By the 15th day after filing a notice of appeal under § 708.32, the appellant must file a statement identifying the issues that it wishes the OHA Director to review. A copy of the statement must be served on the other parties, who may file a response by the 20th day after receipt of the statement. Any response must also be served on the other parties.

(b) In considering the appeal, the OHA Director:

(1) Will possess all powers necessary to adjudicate the appeal.

(2) Will review findings of fact for clear error and conclusions of law *de novo;* and

(3) Will close the record on appeal after receiving the last submission permitted under this section.

§ 708.34 Procedure for issuing an appeal decision.

(a) If there is no appeal of an initial agency decision, and the time for filing an appeal has passed, the initial agency decision becomes the final agency decision.

(b) If there is an appeal of an initial agency decision, the OHA Director will issue an appeal decision based on the record of proceedings by the 60th day after the record is closed.

(1) An appeal decision issued by the OHA Director will contain appropriate findings, conclusions, an order, and the factual basis for each finding, whether or not a hearing has been held on the complaint. In making such findings, the OHA Director may rely upon, but is not bound by, the report of investigation and/or the initial agency decision.

(2) If the OHA Director determines that an act of retaliation has occurred, the appeal decision will include an order for any form of relief permitted under § 708.36.

(3) If the OHA Director does not determine that the employer has committed an act of retaliation, the appeal decision will deny the complaint.

(4) If the OHA Director determines that the complaint was properly dismissed, the appeal decision will deny the appeal.

(5) If the OHA Director determines that a complaint should not have been dismissed, the appeal decision will vacate the initial agency decision and order further processing of the complaint.

(c) The OHA Director will send an appeal decision to all parties and to the Head of Field Element or EC Director having jurisdiction over the contract under which the complainant was employed when the alleged retaliation occurred.

(d) The appeal decision issued by the OHA Director—other than an appeal decision ordering further processing of a complaint—is the final agency decision unless a party files a petition for Secretarial review by the 30th day after receiving the appeal decision. A decision by the OHA Director to reverse a dismissal may not be the subject of a petition for Secretarial review.

§ 708.35 Review by the Secretary of Energy of an appeal decision.

(a) By the 30th day after receiving an appeal decision from the OHA Director, any party may file a petition for Secretarial review with the Office of Hearings and Appeals.

(b) By the 15th day after filing a petition for Secretarial review, the petitioner must file a statement

identifying the issues that it wishes the Secretary to consider. A copy of the statement must be served on the other parties, who may file a response by the 20th day after receipt of the statement. Any response must also be served on the other parties.

(c) All submissions permitted under this section must be filed with the Office of Hearings and Appeals.

(d) The Secretary (or his designee) will reverse or revise an appeal decision by the OHA Director only under extraordinary circumstances. In the event the Secretary determines that a revision in the appeal decision is appropriate, the Secretary will direct the OHA Director to issue a revised decision which is the final agency action on the complaint. In the event the Secretary determines to reverse an appeal decision dismissing the complaint, the Secretary may, as appropriate, direct the OHA Director to issue a revised decision ordering further processing of the complaint. If no further processing is ordered, the Secretary's decision is the final agency action on the complaint.

§ 708.36 Remedies.

(a) *General remedies.* If the initial or final agency decision determines that an act of retaliation has occurred, it may order:

(1) Reinstatement;

(2) Transfer preference;

(3) Back pay;

(4) Reimbursement of the complainant's reasonable costs and expenses, including attorney and expert-witness fees reasonably incurred to prepare for and participate in proceedings leading to the initial or final agency decision; or

(5) Such other remedies as are deemed necessary to abate the violation and provide the complainant with relief.

(b) *Interim relief.* If an initial agency decision contains a determination that an act of retaliation occurred, the decision may order the employer to provide the complainant with appropriate interim relief (including reinstatement) pending the outcome of any request for review of the decision by the OHA Director. Such interim relief will not include payment of any money.

§ 708.37 Reimbursement of costs and expenses.

If a complaint is denied by a final agency decision, the complainant will not be reimbursed for the costs and expenses incurred in pursuing the complaint.

§ 708.38 Implementation of final agency decision.

(a) The Head of Field Element having jurisdiction over the contract under which the complainant was employed when the alleged retaliation occurred, or EC Director, will implement a final agency decision by forwarding the decision and order to the contractor, or subcontractor, involved.

(b) An employer's failure or refusal to comply with a final agency decision and order under this regulation may result in a contracting officer's decision to disallow certain costs or terminate the contract for default. In the event of a contracting officer's decision to disallow costs or terminate a contract for default, the contractor may file a claim under the disputes procedures of the contract.

§ 708.39 The Contract Disputes Act.

A final agency decision and order issued pursuant to this regulation is not considered a claim by the government against a contractor or ''a decision by the contracting officer'' under sections 6 and 7 of the Contract Disputes Act (41 U.S.C. 605 and 41 U.S.C. 606).

§ 708.40 Notice of program requirements.

Employers who are covered by this part must inform their employees about these regulations by posting notices in conspicuous places at the work site. These notices must include the name, address, telephone number, and website or email address of the DOE office where employees can file complaints under this part.

§ 708.41 Referral to another agency.

Notwithstanding the provisions of this part, the Secretary of Energy retains the right to request that a complaint filed under this part be accepted by another Federal agency for investigation and factual determinations.

§ 708.42 Extension of deadlines.

The Secretary of Energy (or the Secretary's designee) may approve the extension of any deadline established by this part, and the OHA Director may approve the extension of any deadline under §§ 708.22 through 708.34 of this subpart (relating to the investigation, hearing, and OHA appeal process). Failure by the DOE to comply with timing requirements does not create a substantive right for any party to overturn a DOE decision on a complaint.

§ 708.43 Affirmative duty not to retaliate.

DOE contractors will not retaliate against any employee because the employee (or any person acting at the request of the employee) has taken an action listed in § 708.5(a) through (c).

[FR Doc. 2019–16569 Filed 8–1–19; 8:45 am]

BILLING CODE 6450–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2013–0019]

16 CFR Part 1227

Revisions to Safety Standard for Carriages and Strollers

AGENCY: Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: In March 2014, the U.S. Consumer Product Safety Commission (CPSC) published a consumer product safety standard for carriages and strollers. The standard incorporated by reference the applicable ASTM voluntary standard. ASTM has since published two revisions to the voluntary standard for carriages and strollers. We are publishing this direct final rule revising the CPSC's mandatory standard for carriages and strollers to incorporate, by reference, the most recent version of the applicable ASTM standard.

DATES: The rule is effective on November 5, 2019, unless we receive significant adverse comment by September 3, 2019. If we receive timely significant adverse comments, we will publish notification in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of November 5, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2013–0019, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. The CPSC does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions in the following way: Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including

any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *www.regulations.gov,* and insert the docket number, CPSC–2013–0019, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Keysha Walker, Compliance Officer, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408; telephone: 301–504–6820; email: *kwalker@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

1. Statutory Authority

Section 104(b)(1)(B) of the Consumer Product Safety Improvement Act (CPSIA), also known as the Danny Keysar Child Product Safety Notification Act, requires the Commission to promulgate consumer product safety standards for durable infant or toddler products. The law requires that these standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standards if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

The CPSIA also sets forth a process for updating CPSC's durable infant or toddler standards when the voluntary standard upon which the CPSC standard was based is changed. Section 104(b)(4)(B) of the CPSIA provides that if an organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under this subsection, it shall notify the Commission. In addition, the revised voluntary standard shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which the organization notifies the Commission (or such later date specified by the Commission in the **Federal Register**) unless, within 90 days after receiving that notice, the Commission notifies the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard and that the Commission is retaining the existing consumer product safety standard.

2. The Carriage and Stroller Standard

On March 10, 2014, the Commission published a final rule issuing a standard for carriages and strollers that incorporated by reference the standard in effect at that time, ASTM F833–13b, with a modification to address potential hazardous openings created by adjustable grab bar/tray and foot rest configurations. 79 FR 13208. The standard was codified in the Commission's regulations at 16 CFR part 1227. The ASTM standard was revised in 2015, and the Commission incorporated by reference the revised standard, ASTM F833–15, without modification, as the mandatory standard for carriages and strollers on June 9, 2016. 81 FR 37128. On May 9, 2019, ASTM notified the Commission that it has revised ASTM's standard for carriages and strollers; the current ASTM standard is ASTM F833–19. The CPSC reviewed the changes between the current CPSC standard, 16 CFR part 1227 and ASTM F833–19.

B. Revisions to the ASTM Standard

The ASTM standard for carriages and strollers establishes performance requirements, test methods, and labeling requirements to address hazards to children associated with carriages and strollers including stability, brakes, restraint systems, latches and folding mechanisms, structural integrity, cords, wheel detachments, and entrapment.

There are several differences between 16 CFR part 1227 and the revised version of the standard, ASTM F833–19, Standard Consumer Safety Performance Specification for Carriages and Strollers, approved March 15, 2019. We summarize the differences and the CPSC's assessment of the revisions below.

Tray/Grab Bar Protective Covering. The 2019 version of the ASTM standard adds a new definition, performance requirement, test method, and warning for a ''tray/grab bar protective covering'' (Sections 3.1.25, 5.14, 7.19, 8.3.). A ''tray/grab bar protective covering'' is defined as a ''component designed and intended as a means to prevent exposure of any underlying *accessible foam* material.'' Carriages and strollers that have accessible foam trays/grab bars are required to have a protective covering that can withstand 15 lbf without exposing the underlying foam. If the covering is removable, the foam is required to have a warning that states: ''WARNING Children can choke on foam. Only use with the cover installed.''

CPSC staff's review of these provisions shows that the additional language will help address incidents of children biting foam on stroller arm bars, which poses a choking hazard. CPSC issued two recalls related to this hazard in July 2015 [1] and in January 2016.[2] The revised language improves the safety of carriages and strollers because the addition of a physical barrier decreases the likelihood that a child will have access to foam on the tray/grab bar, which reduces their exposure to the choking hazard.

Static Load Test. The 2019 version of the ASTM standard adds a note specifying that an unacceptable condition identified by the static load test methods includes a ''failure to support the test weight'' in addition to tip over, collapse of the product or a component of the product, sharp edges or points and small parts. (NOTE 5, referenced in Section 6.2.5). If a stroller fails to support the test weight during the static load test (Section 7.3), the stroller is considered to have failed the static load test. Previous versions of the voluntary standard did not state this explicitly as a failure mode. CPSC staff's review shows that the revision improves the safety of carriages and strollers because a stroller that fails to support the test weight, may pose a hazard to a child occupant.

Change in units for static load from lbf (N) to lb (kg). The 2019 version of the ASTM standard changes the units for the static load in Section 6.2.1 and Section 6.2.4 in the performance requirements, from force units, lbf (N), to mass units, lb (kg). The static load test method, which is not changed in the 2019 version of the standard, specifies that the static load is a mass placed on the product (Section 7.3). CPSC staff determines that the revised language accurately reflects the loading described in the test method, but does not change the test method. Accordingly, this change is neutral regarding safety.

Change in ASTM standard language. The 2019 version of the ASTM standard adds language (Section 1.5), stating that ASTM developed the standard in accordance with principles recognized by the World Trade Organization. This change is neutral regarding safety.

[1] See *https://www.cpsc.gov/Recalls/2015/UPPAbaby-Recalls-Strollers-and-RumbleSeats.*

[2] See *https://www.cpsc.gov/Recalls/2016/Britax-Recalls-Strollers-and-Replacement-Top-Seats/.*

Correction to the unit conversion for the head probe. The 2019 version of the ASTM standard corrects an inaccurate conversion of 8 inches to millimeter (''200 mm'' to ''203 mm'') for the FIG. 10 Head Probe. The correction was also made to the Rationale for Fig. 10 in Section X1.3. CPSC staff's review shows that this correction does not affect testing because there is no change to the test fixture. This change is neutral regarding safety.

Editorial revisions. The 2019 version of the ASTM standard includes several non-substantive editorial changes that do not affect the safety of carriages and strollers, such as formatting, spacing, and spelling changes (*i.e.,*''5th'' to ''5th'',''9N'' to ''9 N'', ''tray(s)or'' to ''tray(s) or'' and ''competed'' to ''completed'').

Assessment of the revisions to the ASTM standard. Under section 104 of the CPSIA, unless the Commission determines that ASTM's revision ''does not improve the safety of the consumer product covered by the standard,'' ASTM F833–19 will become the new mandatory standard for carriages and strollers. As discussed above, based on the CPSC staff's review, the Commission believes that certain revisions are neutral regarding safety. However, other revisions will improve the safety of standard, including the addition of a performance requirement for a tray/grab bar protective covering and the addition of a failure mode to static load tests. Therefore, the revised ASTM standard for carriages and strollers will become the new CPSC standard 180 days after the date the CPSC received notification of the revision from ASTM, November 5, 2019. This rule revises the incorporation by reference at 16 CFR part 1227, to reference the ASTM standard, ASTM F833–19.

C. Incorporation by Reference

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble to the final rule, ways that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, section B of this preamble summarizes the major provisions of the ASTM F833–19 standard that the Commission incorporates by reference into 16 CFR part 1227. The standard is reasonably available to interested parties, and interested parties may purchase a copy of the standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *www.astm.org.* A copy of the standard can also be inspected at CPSC's Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

D. The Congressional Review Act

The Congressional Review Act (CRA; 5 U.S.C. 801–808) states that, before a rule may take effect, the agency issuing the rule must submit the rule, and certain related information, to each House of Congress and the Comptroller General. 5 U.S.C. 801(a)(1). The submission must indicate whether the rule is a ''major rule.'' The CRA states that the Office of Information and Regulatory Affairs (OIRA) determines whether a rule qualifies as a ''major rule.'' Pursuant to the CRA, OIRA designated this rule as not a ''major rule,'' as defined in 5 U.S.C. 804(2). In addition, to comply with the CRA, the Office of the General Counsel will submit the required information to each House of Congress and the Comptroller General.

E. Certification

Section 14(a) of the CPSA requires that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, be certified as complying with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program, or, for children's products, on tests on a sufficient number of samples by a third party conformity assessment body accredited by the Commission to test according to the applicable requirements. As noted in the preceding discussion, standards issued under section 104(b)(1)(B) of the CPSIA are ''consumer product safety standards.'' Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because carriages and strollers are children's products, samples of these products must be tested by a third party conformity assessment body whose accreditation has been accepted by the Commission. These products also must comply with all other applicable CPSC requirements, such as the lead content requirements in section 101 of the CPSIA, the phthalates prohibitions in section 108 of the CPSIA, the tracking label requirement in section 14(a)(5) of the CPSA, and the consumer registration form requirements in section 104(d) of the CPSIA.

F. Notice of Requirements

In accordance with section 14(a)(3)(B)(iv) of the CPSIA, the Commission has previously published a notice of requirements (NOR) for accreditation of third party conformity assessment bodies for testing carriages and strollers (79 FR 13208 (March 10, 2014)). The NORs provided the criteria and process for our acceptance of accreditation of third party conformity assessment bodies for testing carriages and strollers to 16 CFR part 1227. The NORs are listed in the Commission's rule, ''Requirements Pertaining to Third Party Conformity Assessment Bodies.'' 16 CFR part 1112.

One of the revisions discussed above adds a test for protective coverings on accessible foam trays/grab bars. The test involves clamping the protective covering with a ¾-inch diameter clamp, applying 15 lbf, and visually inspecting whether foam has been exposed. If the protective covering is removable, test labs will need to verify that the warning is present and meets the requirements in the standard. Test laboratories that test children's products likely already own the ¾-inch diameter clamp because it is used for testing in other standards, including ASTM F963 (Consumer Safety Specification for Toy Safety). The testing and visual inspection of tray/grab bar covers would not significantly change how testing is conducted for carriages and strollers.

In addition, a visual inspection is required to assess whether a stroller supports the test weight for static load tests. However, this is one of several conditions assessed by the static load test methods to ensure that no unacceptable conditions are identified. There is no change to the equipment or performance of the static load testing. Accordingly, this addition would not significantly change how these tests are conducted for carriages and strollers.

The other revisions to the voluntary standard merely clarify the existing standard and will not change existing test methods. Based on CPSC staff's review, the Commission concludes that revising the reference to ASTM F833–19 for the carriages and stroller standard will not necessitate any significant change in the way that third party conformity assessment bodies test these products for compliance to CPSC standards. Therefore, the Commission considers the existing accreditations that the Commission has accepted for testing to this standard also to cover testing to the revised standard. The

existing NOR for this standards will remain in place, and CPSC-accepted third party conformity assessment bodies are expected to update the scope of the testing laboratories' accreditation to reflect the revised standard in the normal course of renewing their accreditation.

G. Direct Final Rule Process

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA) generally requires notice and comment rulemaking, section 553 of the APA provides an exception when the agency, for good cause, finds that notice and public procedure are ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). The Commission concludes that when the Commission updates a reference to an ASTM standard that the Commission has incorporated by reference under section 104(b) of the CPSIA, notice and comment is not necessary.

Under the process set out in section 104(b)(4)(B) of the CPSIA, when ASTM revises a standard that the Commission has previously incorporated by reference as a Commission standard for a durable infant or toddler product under section 104(b)(1)(b) of the CPSIA, that revision will become the new CPSC standard, unless the Commission determines that ASTM's revision does not improve the safety of the product. Thus, unless the Commission makes such a determination, the ASTM revision becomes CPSC's standard by operation of law. The Commission is allowing ASTM F833–19 to become CPSC's new standard. The purpose of this direct final rule is merely to update the reference in the Code of Federal Regulations so that it accurately reflects the version of the standard that takes effect by statute. Public comment will not impact the substantive changes to the standard or the effect of the revised standard as a consumer product safety standard under section 104(b) of the CPSIA. Under these circumstances, notice and comment is not necessary. In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorsed direct final rulemaking as an appropriate procedure to expedite promulgation of rules that are noncontroversial and that are not expected to generate significant adverse comment. *See* 60 FR 43108 (August 18, 1995). ACUS recommended that agencies use the direct final rule process when they act under the ''unnecessary'' prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because we do not expect any significant adverse comments.

Unless we receive a significant adverse comment within 30 days, the rule will become effective on November 5, 2019. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, including an assertion challenging the rule's underlying premise or approach, or a claim that the rule would be ineffective or unacceptable without change.

Should the Commission receive a significant adverse comment, the Commission would withdraw this direct final rule. Depending on the comments and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

H. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that agencies review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603 and 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. *Id.* As explained above, the Commission has determined that notice and comment is not necessary for this direct final rule. Thus, the RFA does not apply. We also note the limited nature of this document, which updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

I. Paperwork Reduction Act

The standard for carriages and strollers contains information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The revisions made no changes to that section of the standard. Thus, the revisions will not have any effect on the information collection requirements related to the standard.

J. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement because they ''have little or no potential for affecting the human environment.'' 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

K. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the CPSC for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules,'' thus, implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 104 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when it becomes effective.

L. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standard organization revises a standard upon which a consumer product safety standard was based, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. The Commission has not set a different effective date. Thus, in accordance with this provision, this rule takes effect 180 days after we received notification from ASTM of revision to this standard. As discussed in the preceding section, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on November 5, 2019.

List of Subjects in 16 CFR Part 1227

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety, Toys.

For the reasons stated above, the Commission amends title 16 CFR chapter II as follows:

PART 1227—SAFETY STANDARD FOR CARRIAGES AND STROLLERS

■ 1. The authority citation for part 1227 continues to read as follows:

Authority: The Consumer Product Safety Improvement Act of 2008, Pub. L. 110–314,

Sec. 104, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

■ 2. Revise § 1227.2 to read as follows:

§ 1227.2 Requirements for carriages and strollers.

Each carriage and stroller shall comply with all applicable provisions of ASTM F833–19, Standard Consumer Safety Performance Specification for Carriages and Strollers, approved March 15, 2019. The Director of the Federal Register approves the incorporation by reference listed in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of this ASTM standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *www.astm.org.* You may inspect a copy at the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2019–16524 Filed 8–1–19; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1750

Statement of Policy on Enforcement Discretion Regarding General Conformity Certificates for the Requirements of the Refrigerator Safety Act

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Statement of enforcement policy.

SUMMARY: The Consumer Product Safety Commission (CPSC) is issuing a Statement of Policy regarding the CPSC's enforcement of the requirement for a general conformity assessment certificate regarding CPSC's standard for household refrigerators. CPSC will not enforce the requirements to issue a general certificate of conformity for household refrigerators if the product displays an appropriate safety certification mark indicating compliance.

DATES: Effective August 2, 2019.

FOR FURTHER INFORMATION CONTACT: Troy W. Whitfield, Lead Compliance Officer, the Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East West Hwy., Bethesda, MD 20814; telephone: 301–504–7548; email: *twhitfield@cpsc.gov.*

SUPPLEMENTARY INFORMATION: The CPSC [1] is issuing a Statement of Policy regarding the CPSC's enforcement of the requirement for a general conformity assessment certificate regarding CPSC's standard for household refrigerators.

A. Background

1. Refrigerator Safety Act and Implementing Regulation

The Refrigerator Safety Act (RSA) was enacted on August 2, 1956 to prevent deaths of young children who could become trapped inside of a household refrigerator and suffocate. 15 U.S.C. 1211–14. When the RSA was enacted, household refrigerators were typically equipped with external latches that held the refrigerator door shut when not in use.

To prevent accidental entrapment of children, the RSA requires household refrigerators to have a device that enables the household refrigerator door to be opened easily from the inside. The regulation implementing the RSA, 16 CFR part 1750, describes in detail the requirements and minimum releasing forces for household refrigerators. Part 1750 applies to household refrigerators manufactured and introduced into interstate commerce after October 30, 1958. The regulation requires devices to allow household refrigerators to be opened from the inside while the household refrigerator is in its normal operating position. This is accomplished by applying an outwardly directed force to the inside of the door, or by rotating a knob, similar to a conventional doorknob, that meets certain activation force requirements. The device must function automatically, and it must work whether or not the refrigerator has electrical power. Normal use of the product must not affect compliance with the anti-entrapment requirement.

2. Voluntary Standard for Refrigerators

The current voluntary standard for refrigerator safety is Underwriters Laboratories Standard 60335–2–24 (UL 60335–2–24), *Household and Similar Electrical Appliances—Safety—Part 2–24: Particular Requirements for Refrigerating Appliances, Ice-Cream Appliances and Ice-Makers.* UL 60335–2–24 includes the entrapment protection requirements of 16 CFR part 1750 for household refrigerators sold in the United States.

The 2017 Edition of the *National Electrical Code®* (*NEC®*) requires all appliances operating at 50 volts or more to be listed, which means that all refrigerators must certified to the requirements of UL 60335–2–24. Although compliance with the *NEC®* is not a federal requirement, the *NEC®* has been widely adopted by states and local jurisdictions.[2] Because failure to comply with the *NEC®* would limit market share, due to restrictions on where the products could be installed, and because manufacturers would expose themselves to additional liability if their products do not meet the applicable voluntary standards, it is likely that all refrigerators have been certified for compliance with UL 60335–2–24.

3. Requirement for General Conformity Certificate

Section 14(a)(1) of the Consumer Product Safety Act (CPSA), as amended by the Consumer Product Safety Improvement Act (CPSIA), requires that all manufacturers of consumer products ''subject to a consumer product safety rule under this Act or similar rule, ban, standard, or regulation under any other Act enforced by the Commission'' and that are imported or distributed in commerce, must issue a general certificate of conformity (GCC) certifying that ''based on a test of each product or upon a reasonable testing program, that such product complies with all rules, bans, standards, or regulations applicable to the product.'' 15 U.S.C. 2063(a)(1).

4. CPSC Request for Comments on Burden Reduction

In 2017, CPSC published a **Federal Register** notice asking for suggestions from stakeholders on ways to reduce regulatory burdens.[3] In response, the Association of Home Appliance Manufacturers (AHAM) requested that CPSC issue a statement of enforcement discretion indicating that CPSC would not enforce the requirements to issue a GCC for household refrigerators if the

[1] The Commission voted 3–2 to publish this notice in the **Federal Register**. Acting Chairman Anne Marie Buerkle and Commissioners Dana Baiocco and Peter A. Feldman voted to publish this notice. Commissioners Robert S. Adler and Elliot F. Kaye voted against publication of this notice.

[2] *https://www.nema.org/Technical/FieldReps/Documents/Adoption%20of%20the%20National%20Electrical%20Code%20by%20State%20or%20local%20jurisdiction.pdf.*

[3] *https://www.federalregister.gov/documents/2018/03/01/2018-04129/commission-agenda-and-priorities-notice-of-hearing.*

product complied with the requirements of the RSA and if the product displayed a safety certification mark indicating compliance with UL 60335–2–24.

B. Rationale for Enforcement Discretion

1. Market Survey

In February 2019, CPSC staff conducted a limited market survey to determine the number of household refrigerators for retail sale that displayed a safety certification mark. Staff found that 38 of 38 household refrigerators surveyed displayed a safety certification mark, indicating that 100 percent of household refrigerators surveyed were certified to comply with UL 60335–2–24, and therefore, the entrapment prevention requirements of the RSA as well.

2. Incident Data

CPSC staff searched the Consumer Product Safety Risk Management System (CPSRMS) and the Medical Examiners and Coroners Alert Project (MECAP) databases for the period covering January 1, 2000 to January 31, 2019, and found no entrapment deaths involving household refrigerators. CPSC staff searched the non-fatal reports in CPSRMS, using keyword search due to the large amount data, for the period covering January 1, 2000 to January 31, 2019 and found one entrapment incident within the scope of the RSA in June of 2000, which resulted in no injuries. In that incident, a 2-year-old male, apparently unaided, climbed into a refrigerator and the door closed behind him, but he was found before suffering any injury.

CPSC staff also searched the National Electronic Injury Surveillance System (NEISS) database for the period covering January 1, 2000 to December 31, 2017, using a keyword search due to the large amount data, and found no entrapment deaths or injuries involving household refrigerators.

3. Compliance Activity

CPSC Compliance staff reviewed the Section 15 (Defects) Dynamic Case Management system (DCM), the legacy files database, and the Integrated Field System (IFS) database. There were a total of 73 refrigerator cases in the Section 15 database dating back to 1974. These cases concerned electrical issues, overheating components, component part failures, and refrigerant leaks. Staff found no cases that involved entrapment in household refrigerators. Thus, CPSC has not had any enforcement cases or recalls of household refrigerators related to noncompliance with the RSA since enforcement of the RSA was transferred to CPSC in 1973.

4. Safety Mark

Safety certification bodies, such as UL, authorize a product to bear their safety certification or listing mark based on a determination by the certification body that the product meets widely accepted standards.[4] Household refrigerators display a safety certification mark indicating that the product meets the entrapment safety requirements in UL 60335–2–24, which include the entrapment safety requirements in the RSA. Several certification bodies issue safety certification marks indicating compliance with UL 60335–2–24. We are aware of UL, the CSA Group that issues the CSA safety certification mark, and Intertek, which issues the ETL safety certification mark[5] as examples of acceptable safety certification marks demonstrating compliance with UL 60335–2–24. However, for purposes of this enforcement policy, the Commission will accept a safety certification mark from any Nationally Recognized Testing Laboratory that is listed by the Occupational Safety and Health Administration as meeting the requirements under 29 CFR 1910.7,[6] and if UL 60335–2–24 is one the Recognized Testing Standards as an indication that the refrigerator meets the RSA and 16 CFR part 1750.

Certification bodies prohibit display of their safety certification marks on products that they have not determined meet UL 60335–2–24. Products that display the certification mark are certified to meet the entrapment requirements in the RSA and 16 CFR part 1750. This safety certification mark is readily visible to CPSC staff, U.S. Customs and Border Protection, retailers, and consumers, because it is prominently displayed on the product. Because it is industry practice to certify household refrigerators to UL 60335–2–24, household refrigerators will be tested to the requirements in the RSA and 16 CFR part 1750.

5. Cost of Issuing GCC for the Refrigerator Safety Act

To produce and distribute GCCs, manufacturers and importers incur some costs. The manufacturer or importer must collect the information that is required to be on the certificate. The certificate incorporating this information must be generated and furnished to each distributor or retailer (and to the Commission, if requested), and the certificate must be retained on file for each model manufactured or imported. In addition to the direct costs associated with generating and distributing each certificate, manufacturers and importers: (1) Need to develop internal procedures to ensure that the necessary information is sent to employees who are responsible for generating the certificates and the employees responsible for distributing the certificates; (2) these procedures must be reviewed to ensure that they will result in compliance with the legal requirements for the content and distribution of general conformity certificates; and (3) the employees must be provided guidance or training for following these procedures.

CPSC staff estimates the cost of issuing and distributing a GCC per model would be $51.75 to $103.50 per model. The costs in question are incurred solely to issue a GCC, which provides the same entrapment prevention compliance information as the safety certification mark.

6. Conclusion

As discussed above, the following information indicates that household refrigerators bearing a safety certification mark will meet the entrapment prevention requirements of the RSA:

- Review of CPSC's databases covering the past 20 years found no reported refrigerator-entrapment fatalities;
- CPSC has not had any recalls or compliance cases since taking over the RSA in 1973; and
- Staff's limited market survey indicates a high level of compliance with the voluntary standard, and indicates that refrigerators that bear a listing mark to UL 60335–2–24 will meet the entrapment prevention requirements of the RSA.

This statement of policy could reduce costs manufacturers and importers incur when issuing and distributing a GCC, while maintaining the safety protection the RSA provides. Thus, a safety certification mark indicating compliance with UL 60335–2–24 is an appropriate proxy for a GCC indicating compliance with RSA and 16 CFR part 1750. Therefore, the Commission determines that enforcement of the requirement for issuance of a GCC for household refrigerators is unnecessary because when the household refrigerators bear an appropriate safety certification mark that indicates compliance with UL 60335–2–24, the

[4] *https://www.ul.com/marks/ul-listing-and-classification-marks/promotion-and-advertising-guidelines/specific-guidelines-and-rules/?.*

[5] *http://www.intertek.com/marks/etl/.*

[6] *https://www.osha.gov/dts/otpca/nrtl/nrtllist.html.*

safety certification mark also indicates that the product will be compliant with the CPSC mandatory requirements for household refrigerators.

C. Statement of Enforcement Policy

The Commission is exercising the following enforcement discretion: Effective August 2, 2019, the Commission will not pursue compliance or enforcement actions against manufacturers, importers or private labelers of household refrigerators for failure to issue, provide, or make available to the Commission a GCC, as required by 15 U.S.C. 2063(a)(1), provided that the product bears an appropriate safety certification mark indicating compliance with UL Standard 60335–2–24. Household refrigerators must still comply with all requirements under the RSA and 16 CFR part 1750. Failure to comply with the RSA and 16 CFR part 1750 will still subject the products to enforcement action.

This statement of policy, and the enforcement discretion described here, is limited to certificates required for the RSA and 16 CFR part 1750. If a household refrigerator does not bear an appropriate safety mark indicating compliance with UL Standard 60335–2–24, none of this policy, the enforcement discretion described in this policy, nor the implications of such enforcement discretion shall apply. Any misrepresentation or omission regarding a household refrigerator bearing a safety mark indicating compliance with UL Standard 60335–2–24 could subject the firm to compliance or enforcement action and potential civil and/or criminal penalties. Should the Commission become aware of unsafe products entering the market as a result of this statement of policy, it reserves the right to withdraw the policy prospectively with no less than 90 days' notice. This policy is not a binding rule and does not change any person's right, duties, or obligations under any statutes administered by the CPSC.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2019–16517 Filed 8–1–19; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9864]

RIN 1545–BO89

Contributions in Exchange for State or Local Tax Credits; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations; correction.

SUMMARY: This document contains a correction to final regulations under section 170 of the Internal Revenue Code (TD 9864) that were published in the **Federal Register** on Thursday, June 13, 2019.

DATES:

Effective date: These regulations are effective August 12, 2019.

Applicability date: June 13, 2019.

FOR FURTHER INFORMATION CONTACT: Mon L. Lam or Richard C. Gano IV at (202) 317–4059 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9864) that are the subject of this correction are issued under section 170 of the Internal Revenue Code.

Need for Correction

As published, June 13, 2019 (84 FR 27513) the final regulations (TD 9864), contain an error that need to be corrected.

Correction to Publication

Accordingly, the final regulations (TD 9864), that are the subject of FR Doc. 2019–12418, are corrected as follows:

On page 27514, in the third column, in the first full paragraph, in the nineteenth line ''2019–27 I.R.B.,'' is corrected to read ''2019–27 I.R.B. 57,''.

Martin V. Franks,

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

[FR Doc. 2019–16496 Filed 8–1–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 727

[Docket ID: USN–2019–HA–0008]

RIN 0703–AB08

Legal Assistance

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule removes Department of the Navy (DON) regulations concerning Legal Assistance. Removal is appropriate because the regulation does not affect how the public engages the DON regarding legal assistance and does not place obligations on the public. The Judge Advocate General (JAG) of the Navy and the Staff Judge Advocate (SJA) to the Commandant of the United States Marine Corps issue internal instructions that establish administration of the DON legal assistance programs within the parameters established by many controlling statutes. These internal instructions do not require publication in the Code of Federal Regulations.

DATES: This rule is effective on August 2, 2019.

FOR FURTHER INFORMATION CONTACT: LT John M. Schwietz at 202–685–4641.

SUPPLEMENTARY INFORMATION: This rule, last updated on April 16, 2004 (69 FR 20541), provides internal guidelines for the operation of the legal assistance program. Current internal guidelines are published in JAG Instruction 5801.2B, ''Navy Legal Assistance Program'' (available at *http://www.jag.navy.mil/library/instructions/5801_2b.pdf*).

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 internal procedures. Additionally, the ultimate statutory authority governing the delivery of military legal assistance services remains in effect at 10 U.S.C. 1044.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review.'' Therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 32 CFR Part 727

Legal Services, Military Law, Military Personnel.

PART 727—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 727 is removed.

Dated: July 30, 2019.

Meredith Steingold Werner,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2019–16560 Filed 8–1–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0542]

RIN 1625–AA00

Safety Zone; Delaware Bay, Lewes, DE to Cape May, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone on the waters of Delaware Bay, between Lewes, Delaware, and Cape May, New Jersey, from 8 a.m. through 3 p.m. on August 18, 2019, during the 2019 DeSatnick Foundation Cape to Cape Paddle. The safety zone is necessary to ensure the safety of participant vessels, spectators, and the boating public during the event. This regulation prohibits persons and non-participant vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Delaware Bay or a designated representative.

DATES: This rule is effective from 8 a.m. through 3 p.m. on August 18, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0542 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Thomas Welker, Sector Delaware Bay, Waterways Management Division, U.S. Coast Guard, telephone (215) 271–4814, email *Thomas.J.Welker@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the date of the event. The rule must be in force by August 18, 2019. We are taking immediate action to ensure the safety of event participants, commercial traffic, and the general public from hazards associated with a paddleboat event crossing the Delaware Bay.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to mitigate the potential safety hazards associated with a paddleboat event in this location by August 18, 2019.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Delaware Bay (COTP) has determined that potential hazards associated with this paddleboat event will be a safety concern for anyone within 50 yards in front of the lead safety vessel preceding the first event participants, to 50 yards behind the safety vessel trailing the last event participants, and at all times, extend 100 yards on either side of the safety vessels and participants. The purpose of this rule is to ensure safety of event participants, commercial traffic, and the general public during the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary moving safety zone on certain navigable waters in the Delaware Bay, between Lewes, Delaware, and Cape May, New Jersey, during the 2019 DeSatnick Cape to Cape Paddle. The moving safety zone encompasses all waters within 50 yards in front of the lead safety vessel preceding the first event participants, to 50 yards behind the safety vessel trailing the last event participants, and at all times extend 100 yards on either side of safety vessels and participants.

The marine event course begins at the Lewes Ferry Terminal in Lewes, Delaware, moves north through the main shipping channel, and terminates at the Queen Street beach in Cape May, New Jersey. The event is scheduled to take place from 8 a.m. to 3 p.m. on August 18, 2019. There are approximately 50 participants anticipated as well as multiple safety vessels including private vessels and vessels from multiple local, state, and federal agencies.

No person or non-participant vessel will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP Delaware Bay or a designated representative. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the COTP Delaware Bay or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Delaware Bay or a designated representative. The Coast Guard will provide public notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and by on-scene actual notice from designated representatives.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

from the requirements of Executive Order 13771.

The impact of this rule is not significant for the following reasons: (1) Although persons and vessels would not be able to enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP Delaware Bay or a designated representative, they would be able to operate in the surrounding area during the enforcement period; (2) persons and vessels would still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP Delaware Bay or a designated representative; (3) the safety zone would move at the pace of event patrol vessels and participants, thus only impacting certain waters of the Delaware Bay for a limited time allowing for transiting vessels to adjust; and (4) the Coast Guard would provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners, Broadcast Notice to Mariners, or by on-scene actual notice from designated representatives.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a moving safety zone that would prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the navigable water in the Delaware Bay, during a paddleboard marine event lasting approximately six hours. 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 Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0542 to read as follows:

§ 165.T05–0542 Safety Zone; Delaware Bay, Lewes, DE to Cape May, NJ.

(a) *Location.* The moving safety zone will encompass all waters within 50 yards in front of the lead safety vessel preceding the first event participants, to 50 yards behind the safety vessel

trailing the last event participants, and 100 yards on either side of participant and safety vessels during the 2019 DeSatnick Foundation Cape to Cape Paddleboard event. The safety zone will move with the safety vessels and participants as they transit from the Lewes Ferry Terminal in Lewes, Delaware, moving north through the Delaware Bay main shipping channel, and terminate at the Queen Street Beach in Cape May, New Jersey. The safety zone will move at the pace of event patrol vessels and participants.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.* (1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated areas unless authorized by official event patrol. Vessels already moored or anchored may stay moored or anchored within the zone, but must be authorized by the designated representative prior to transiting within the zone.

(2) Designated representatives may control vessel traffic throughout the regulated areas as determined by the prevailing conditions.

(3) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the Captain of the Port or a designated representative via VHF radio on channel 13 or 16.

(4) If authorization is granted by the Captain of the Port or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port or a designated representative.

(d) *Enforcement period.* This rule will be enforced from 8 a.m. through 3 p.m. on August 18, 2019, unless cancelled earlier by the Captain of the Port.

Dated: July 29, 2019.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2019–16544 Filed 8–1–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2018–0741; FRL–9997–68–Region3]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Removal of Unnecessary Electric Arc Furnace Regulation and References to the Electric Arc Furnace Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving three state implementation plan (SIP) revisions submitted by the State of Delaware. One revision requests EPA remove from the Delaware SIP a state regulation governing emissions from Electric Arc Furnaces (EAFs) because there are no such sources in Delaware and the State has already repealed this regulation. Delaware's remaining SIP revisions amend two SIP approved regulations in order to remove references to the EAF regulation. EPA is approving these revisions to remove the EAF regulation and references to the EAF regulation in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on September 3, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2018–0741. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Elizabeth Gaige, Air Quality Analysis Branch (3AD40), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5676. Ms. Gaige can also be reached via electronic mail at *gaige.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 30, 2019 (84 FR 25024), EPA published a notice of proposed rulemaking (NPRM) for the State of Delaware. In the NPRM, EPA proposed to approve the removal from the Delaware SIP of a state regulation governing emissions from EAFs because there are no such sources in Delaware and the State has already repealed this regulation. In the May 30, 2019 NPRM, EPA also proposed to approve minor revisions to two SIP approved regulations to remove references to the EAF regulation. The formal SIP revisions were submitted by Delaware on May 25, 2018 and March 19, 2019.

II. Summary of SIP Revision and EPA Analysis

On May 25, 2018, the State of Delaware, through the Department of Natural Resources and Environmental Control (DNREC), formally submitted a SIP revision requesting removal of state regulation 7 Delaware Admin. Code 1123—*Standards of Performance for Steel Plants: Electric Arc Furnaces,* from the Delaware SIP because there are no EAFs in Delaware and any future EAF constructed in Delaware would be subject to more stringent Federal and State regulations than 7 Delaware Admin. Code 1123.

The removal of 7 Delaware Admin. Code 1123 has no expected emissions impact on any pollutant because there are no existing EAFs in Delaware and the removal of the regulation is not expected to interfere with reasonable further progress, any NAAQS, or any other CAA requirement. Therefore, the removal of 7 Delaware Admin. Code 1123 from the Delaware SIP is in accordance with section 110(*l*) of the CAA.

On March 19, 2019, the DNREC formally submitted two SIP revisions requesting minor amendments to the SIP approved versions of 7 Delaware Admin. Code 1114—*Visible Emissions,* and to state regulation 7 Delaware Admin. Code 1117—*Source Monitoring, Record Keeping and Reporting.* In order to be consistent with the elimination of 7 Delaware Admin. Code 1123, the State has already changed 7 Delaware Admin. Code Sections 1114 and 1117 to remove the references to the repealed EAF regulation. Delaware's March 19, 2019 SIP submittal requests that these changes be incorporated into the SIP approved versions of these regulations.

On May 30, 2019 (84 FR 25024), EPA published a NPRM proposing to approve the removal from the Delaware SIP of a state regulation governing

emissions from EAFs because there are no such sources in Delaware and the State has already repealed this regulation. EPA's NPRM also proposed approval of minor revisions to two SIP approved regulations referencing the repealed EAF regulation in order to remove the references to the removed EAF regulation. EPA's rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

EPA received a comment from DNREC asking that EPA correct errors in the NPRM. The citations to 7 Delaware Admin. Code sections 1114 and 1117 were switched in the text of the proposed rule. The correct headings are ''7 Delaware Admin. Code 1114—*Visible Emissions*'' and ''7 Delaware Admin. Code 1117—*Source Monitoring, Record Keeping and Reporting.*'' EPA thanks DNREC for the comment and has used the correct numbers and headings in the Final Rulemaking Notice (FRN). DNREC also pointed to the ''Incorporation by Reference'' section of the NPRM where EPA mistakenly wrote ''updated definition of VOC'' instead of ''updated EAF regulations.'' EPA thanks DNREC for this comment and has not made the same error in the FRN.

III. Final Action

EPA is approving removal of 7 Delaware Admin. Code 1123—*Standards of Performance for Steel Plants: Electric Arc Furnaces,* from the Delaware SIP because it is outdated. Delaware requested removal of 7 Delaware Admin. Code 1123 because there are currently no such sources in the state of Delaware, and more restrictive State and Federal requirements are in place if a new EAF is constructed in Delaware in the future. EPA is also approving minor revisions to state regulation 7 Delaware Admin. Code 1114—*Visible Emissions,* and to state regulation 7 Delaware Admin. Code 1117—*Source Monitoring, Record Keeping and Reporting.* Both of these regulations contain cross references to the EAF regulation which Delaware has repealed, and these two SIP revisions remove the cross references.

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of newly amended state regulations 7 Delaware Admin. Code 1114—*Visible Emissions,* and 7 Delaware Admin. Code 1117—*Source Monitoring, Record Keeping and Reporting.* The previous versions of these regulations contained cross references to the repealed EAF regulation. Also in this document, as described in the finalized amendments to 40 CFR part 52 set forth below, EPA is finalizing the removal of the 7 Delaware Admin. Code 1123—*Standards of Performance for Steel Plants: Electric Arc Furnaces* provisions of the EPA-Approved Delaware Regulations and Statutes from the Delaware State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of this final rulemaking, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

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

[1] 62 FR 27968 (May 22, 1997).

circuit by October 1, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action, approving the removal from the SIP of a state regulation governing emissions from EAFs because there are no such sources in Delaware and removing references to the EAF regulation in two other SIP approved state regulations, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: July 22, 2019.

Cosmo Servidio,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart I—Delaware

■ 2. Amend § 52.420, in the table in paragraph (c):

■ a. Under ''1114 Visible Emissions'' by revising the entries for ''Section 1.0, General Provisions'' and ''Section 2.0 Requirements'';

■ b. Under ''1117, Source Monitoring, Recordkeeping and Reporting'', by revising the entry ''Section 3.0, Minimum Emission Monitoring Requirements for Existing Sources''; and

■ c. Removing the heading ''1123, Standards of Performance for Steel Plants: Electric Arc Furnaces'', including the entries ''Section 1.0'' through ''Section 5.0''. The revisions read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS AND STATUTES IN THE DELAWARE SIP

State regulation (7 DNREC 1100)	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
1114 Visible Emissions				
Section 1.0	General Provisions	9/11/2008	8/2/2019, [*Insert **Federal Register** citation*].	Remove the phrase, ''except electric arc furnaces and their associated dust-handling equipment as set forth in 2.2 of this regulation.''
Section 2.0	Requirements	9/11/2008	8/2/2019, [*Insert **Federal Register** citation*].	Remove the requirement of 2.2, which reads ''2.2 The requirements of 2.1 of this regulation shall not apply to electric arc furnaces, and their associated dust-handling equipment, with a capacity of more than 100 tons which are governed by 7 DE Admin. Code 1123.''
*	*	*	*	*
1117 Source Monitoring, Recordkeeping and Reporting				
*	*	*	*	*
Section 3.0	Minimum Emission Monitoring Requirements for Existing Sources.	9/11/2008	8/2/2019, [*Insert **Federal Register** citation*].	Revise 3.2 so that it reads, ''3.2 Fuel Burning Equipment—Fuel burning equipment except as provided in 3.2 through 3.4 of this regulation . . .'' And remove 3.5, ''Electric arc furnaces—See 7 DE Admin. Code 1123.''
*	*	*	*	*

* * * * *

[FR Doc. 2019–16438 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0268; FRL–9997–07–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Montana; Incorporation by Reference Updates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Montana on August 6, 2018. The revisions include an update to incorporate by reference the 2016 version of the Code of Federal Regulations (CFR) and 2015 version of the United States Code (U.S.C.) within the Administrative Rules of Montana (ARM) that are part of the Montana SIP. The revisions also include administrative changes that consolidate

the ARM's references to the CFR and U.S.C. and remove two CFR exemptions from incorporation by reference into the ARM. Additional revisions remove incorporation by reference of certain EPA standards for which the State already has delegated authority from the EPA.

DATES: This final rule is effective on September 3, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2019–0268. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* 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 *www.regulations.gov,* or please contact the person identified in the ''For Further Information Contact'' section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Chris Dresser, Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6385, *dresser.chris@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a rulemaking published on June 10, 2019 (84 FR 26806), the EPA proposed approval of SIP revisions submitted by the State of Montana to: (1) Amend ARM 17.8.103, 17.8.302, 17.8.602, 17.8.767, 17.8.802, 17.8.902, 17.8.1002, 17.8.1102, and 17.8.1402 to remove repetitive text describing the location of rule reference material and centralize and consolidate those reference citations into sections 17.8.102(3) and (4); (2) Modify air quality rules by correcting an internal reference in ARM 17.8.904; (3) Amend ARM 17.8.102(2), to remove the exemptions of 40 CFR part 63, subparts JJJJJ and KKKKK; (4) Remove references to 40 CFR parts 60, 61, and 63 in ARM 17.8.102(2), 17.8.103(1)(f)–(i), 17.8.302(1)(a)–(c), 17.8.767(1)(c)–(d), 17.8.802(1)(c)–(d), 17.8.902(1)(a)–(b), and 17.8.1002(1)(a)–(b) from the SIP, because Montana has separately been delegated authority for parts 60, 61, and 63; and (5) Update ARM 17.8.102(1) to incorporate by reference the 2016 version of the CFR and the 2015 version of the U.S.C. In this rulemaking the EPA is taking final action to approve proposed revisions 1, 3, 4, and 5. The reasons for our approval are provided in the proposed rule.

The EPA proposed to modify Montana's SIP by correcting an internal reference in ARM 17.8.904 (revision #2 described earlier). However, since the affected section (17.8.904(7)) has not yet been approved into Montana's SIP, the correction cannot be finalized in this action. The EPA plans to approve the affected section with the correct internal reference in a future rulemaking.

Additionally, the EPA proposed removal of references to 40 CFR parts 60 and 61 within ARM section 17.8.767. This change was mistakenly described in the proposed rule as removing sections 17.8.767(1)(c)–(d), but the currently approved SIP defines those particular CFR references under sections 17.8.767(1)(d)–(e). Therefore, consistent with the intent of the State's rule change, the EPA will be removing the appropriate sections (17.8.767(1)(d)–(e)) from Montana's currently approved SIP in this final rule.

II. Response to Public Comments

The EPA received one anonymous comment letter on the EPA's proposed approval of SIP revisions submitted by the State of Montana.

Comment 1: The commenter remarks that the EPA states it is necessary and appropriate to incorporate NESHAP JJJJJ and KKKKK into the SIP, but the EPA does not say why it is necessary. Further, the commenter states that there should be no reason for a state to incorporate federal rules into their SIP as they are already federally enforceable, and the State does not need to get SIP approval for the State to get delegation for state enforcement.

Response 1: The EPA agrees that the State is not required to incorporate NESHAPs into its SIP and clarifies that by approving Montana's submitted SIP revisions to ARM 17.8.102(2), which would remove the exemptions for 40 CFR part 63, subparts JJJJJ and KKKKK from the SIP, these NESHAPs will not be part of Montana's SIP. The EPA's proposed approval of Montana's revisions to ARM 17.8.102(2) mistakenly stated that approval would ''effectively incorporat[e] the most recent federal rules covering emissions from brick and structural clay products manufacturing and clay ceramics manufacturing into Montana's SIP.'' However, the EPA clarifies that approval of Montana's revisions to ARM 17.8.102(2) will not result in 40 CFR part 63, subparts JJJJJ and KKKKK being included in Montana's SIP. This is because the EPA is approving other parts of Montana's SIP submission that request to remove the underlying incorporation by reference of all NESHAPs in its SIP, including but not limited to subparts JJJJJ and KKKKK. Specifically, Montana requested to remove from its SIP ARM 17.8.103(1)(i) and ARM 17.8.302(1)(c), which incorporate by reference all of 40 CFR part 63. Therefore, because the EPA is approving Montana's request to remove from its SIP the underlying incorporation by reference of all NESHAPs, the removal of the *exemption* of the NESHAPs in subparts JJJJJ and KKKKK from the SIP will not result in those two NESHAPs being included in the SIP. Lastly, it is important to note that although 40 CFR part 63, subparts JJJJJ and KKKKK are not included in Montana's SIP, they are nevertheless included in Montana's state administrative rules, and the EPA has delegated to Montana the authority to implement those NESHAPs. As a result, even though those NESHAPs are not part of Montana's SIP, they are part of a separate EPA delegation of authority to Montana, which allows Montana to implement and enforce those NESHAPs.

Comment 2: The commenter states that the EPA says it is necessary and appropriate to incorporate the 2016 CFR and the 2015 U.S.C. but does not address the fact that doing so would make all changes in the CFR since 2016 not applicable in the State and all changes in the statute since 2015 not applicable in the State. The commenter further suggests that the EPA must disapprove because incorporating old versions of the CFR or U.S.C. could be construed to mean that the 2019 CFR and U.S.C. do not apply until the State incorporates these sections by reference. By approving old versions of the CFR or U.S.C. into the SIP EPA is allowing the State to be more lenient than the federal government in terms of enforcing air pollution requirements.

Response 2: The EPA disagrees with the commenter's characterization of which versions of the CFR and U.S.C. should be adopted through this action, and of the consequences of not approving the most recent versions. Under CAA section 110(k), the EPA is required to act on a state's SIP revision package, which contains requested changes to their SIP, and to approve the revision to the extent it meets the requirements of the CAA. In this case, the State of Montana requested updates to its SIP's incorporation by reference references, which currently incorporate the 2013 version of the CFR and 2012 version of the U.S.C., so that these references would reflect the 2016 version of the CFR and 2015 version of the U.S.C. Such a gap is a normal part of the cooperative federalism inherent

in the SIP process—states must adopt SIP measures through state-level processes with specific procedural requirements and submit those revisions to the EPA (*see generally* 40 CFR 51.100 *et seq.,* including Appendix V), and then the EPA has up to 18 months in which to act on those submissions under CAA section 110(k). In this case, at the time Montana started its State rulemaking process, the 2016 and 2015 versions of the CFR and U.S.C. were the most recent versions available. If the State wishes to adopt more recent versions, it will be required to submit a SIP package requesting that the EPA update its SIP accordingly. Future State rulemaking and SIP update packages will continue to update the incorporation by reference dates as appropriate. Additionally, the commenter is incorrect in its assertion that the more recent versions of the CFR and U.S.C. will not apply. All current federal regulations and laws promulgated and published in the CFR and U.S.C. apply throughout the nation, including in Montana. So, approving these specific SIP revisions do not make the State's enforcement ''more lenient'' than under the current federal regulations and laws, even if those submissions incorporate since-revised versions of federal laws and regulations. Additionally, the commenter does not raise any specific differences between the 2016 and 2015 versions of the CFR and U.S.C. and the current versions of the CFR and U.S.C. that it believes would cause the State's SIP to be ''more lenient'' than current federal law and thus not approvable.

III. Final Action

For the reasons expressed in the proposed rule, and the reasons explained in the response to public comments, the EPA is approving the SIP submittal, containing recent amendments to the ARM, submitted by the State of Montana on August 6, 2018, as follows: (1) Amend ARM 17.8.103, 17.8.302, 17.8.602, 17.8.767, 17.8.802, 17.8.902, 17.8.1002, 17.8.1102, and 17.8.1402 to remove repetitive text describing the location of rule reference material and centralize and consolidate those reference citations into sections 17.8.102(3) and (4); (2) Amend ARM 17.8.102(2), to remove the exemptions of 40 CFR part 63, subparts JJJJJ and KKKKK; (3) Remove references to 40 CFR parts 60, 61, and 63 in ARM 17.8.102(2), 17.8.103(1)(f)–(i), 17.8.302(1)(a)–(c), 17.8.767(1)(d)–(e), 17.8.802(1)(c)–(d), 17.8.902(1)(a)–(b), and 17.8.1002(1)(a)–(b) from the SIP, because Montana has separately been delegated authority for parts 60, 61, and 63; and (4) Update ARM 17.8.102(1) to incorporate by reference the 2016 version of the CFR and the 2015 version of the U.S.C.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Administrative Rules of Montana described in the amendments set forth to 40 CFR part 52, below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Orders Review

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, 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, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 1, 2019. Filing a petition for reconsideration by

[1] 62 FR 27968 (May 22, 1997).

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

List of Subjects in 40 CFR Part 52

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

Dated: July 26, 2019.

Gregory Sopkin,

Regional Administrator, Region 8.

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 BB—Montana

■ 2. In § 52.1370, the table in paragraph (c) is amended by revising the table entries for ''17.8.102,'' ''17.8.103,'' ''17.8.302,'' ''17.8.602,'' ''17.8.767,'' ''17.8.802,'' ''17.8.902,'' ''17.8.1002,'' ''17.8.1102'' and ''17.8.1402''.

The revisions read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
*	*	*	*	*	*
(i) Administrative Rules of Montana, Subchapter 01, General Provisions					
*	*	*	*	*	*
17.8.102	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	Excluding (2).
17.8.103	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	Excluding (1)(f)–(i)
*	*	*	*	*	*
(ii) Administrative Rules of Montana, Subchapter 03, Emission Standards					
*	*	*	*	*	*
17.8.302	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	Excluding (1)(a)–(c).
*	*	*	*	*	*
(iv) Administrative Rules of Montana, Subchapter 06, Open Burning					
*	*	*	*	*	*
17.8.602	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	
*	*	*	*	*	*
(v) Administrative Rules of Montana, Subchapter 07, Permit Construction and Operation of Air Contaminant Sources					
*	*	*	*	*	*
17.8.767	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	Excluding (1)(c)–(d).
(vi) Administrative Rules of Montana, Subchapter 08, Prevention of Significant Deterioration of Air Quality					
*	*	*	*	*	*
17.8.802	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	Excluding (1)(c)–(d).
*	*	*	*	*	*
(vii) Administrative Rules of Montana, Subchapter 09, Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Nonattainment Areas					
*	*	*	*	*	*
17.8.902	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	Excluding (1)(a)–(b).

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
*	*	*	*	*	*
(viii) Administrative Rules of Montana, Subchapter 10, Preconstruction Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Attainment or Unclassified Areas					
*	*	*	*	*	*
17.8.1002	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	Excluding (1)(a)–(b).
*	*	*	*	*	*
(ix) Administrative Rules of Montana, Subchapter 11, Visibility Impact Assessment					
*	*	*	*	*	*
17.8.1102	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	
*	*	*	*	*	*
(xi) Administrative Rules of Montana, Subchapter 14, Conformity of General Federal Actions					
*	*	*	*	*	*
17.8.1402	Incorporation by Reference	2/23/2018	9/3/2019	[Insert **Federal Register** citation]. 8/2/2019.	
*	*	*	*	*	*

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[FR Doc. 2019–16382 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 190729–0006]

RIN 0648–XG657

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications

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

ACTION: Final rule.

SUMMARY: NMFS revises *Illex* squid specifications and maintains previously approved longfin squid and butterfish specifications for the 2019 fishing year. This action is necessary to specify catch levels for the *Illex* squid fishery based on updated information on allowable catch levels and to provide notice that NMFS is maintaining the previously approved longfin squid and butterfish specifications. These specifications are intended to promote the sustainable utilization and conservation of the squid and butterfish resources.

DATES: Effective August 1, 2019.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment (EA), the Supplemental Information Report (SIR), the Regulatory Impact Review (RIR), and the Regulatory Flexibility Act (RFA) analysis are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, telephone (302) 674–2331. The EA/RIR/RFA analysis is also accessible via the internet at *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0135.*

FOR FURTHER INFORMATION CONTACT: Douglas Christel, Fishery Policy Analyst, (978) 281–9141, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

The regulations implementing the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) require the Mid-Atlantic Fishery Management Council's Atlantic Mackerel, Squid, and Butterfish Monitoring Committee to develop specification recommendations for each species based upon the acceptable biological catch (ABC) advice of the Council's Scientific and Statistical Committee (SSC). The FMP regulations also require the specification of annual catch limits (ACL) and accountability measure (AM) provisions for butterfish. Both squid species are exempt from the ACL/AM requirements because they have a life cycle of less than one year. In addition, the regulations require the specification of domestic annual harvest (DAH), domestic annual processing (DAP), total allowable level of foreign fishing (TALFF), joint venture processing (JVP), commercial and recreational annual catch targets (ACT), the butterfish mortality cap in the longfin squid fishery, and initial optimum yield (IOY) for both squid species.

On May 1, 2019 (84 FR 18471), we published a proposed rule in the **Federal Register** seeking public comment on revising the previously approved 2019 *Illex* squid specifications and maintaining the longfin squid and butterfish specifications. The proposed rule for this action included additional background on specifications and the details of how the Council derived its recommended specifications for *Illex* and longfin squid and butterfish. Those details are not repeated here. For additional information, please refer to the proposed rule for this action.

This action does not consider revisions to existing specifications for Atlantic mackerel. On August 13, 2018, the Council approved Framework Adjustment 13 to the FMP, which included 2019 specifications for the Atlantic mackerel fishery. On June 7, 2019, we published a separate proposed rule in the **Federal Register** (84 FR 26634) to solicit public input on that action. Until new specifications are implemented, the existing Atlantic mackerel, *Illex* squid, longfin squid, and butterfish specifications will continue pursuant to 50 CFR 648.22(d)(1).

At its June 2019 meeting, the Council considered SSC input and updated data on the status of each species managed by the FMP as part of its annual specifications review. For fishing year 2020, the Council recommended maintaining the 2019 squid and butterfish specifications implemented by this final rule and the 2019 Atlantic mackerel specifications proposed under Framework Adjustment 13. We will publish a separate rule consistent with the Administrative Procedure Act (APA) to implement the final 2020 specifications for these species.

2019 Longfin Squid Specifications

This action maintains the existing longfin squid ABC of 23,400 mt for 2019, as implemented on March 1, 2018 (83 FR 8764). The IOY, DAH, and DAP are calculated by deducting an estimated discard rate (2.0 percent) from the ABC, resulting in a 2019 IOY, DAH, and DAP of 22,932 mt (Table 1). This action also maintains the existing allocation of longfin squid DAH among trimesters according to percentages specified in the FMP (Table 2). The Council will review these specifications during its annual specifications process following annual data updates each spring, and may change its recommendation for 2020 if new information is available.

TABLE 1—2019 LONGFIN SQUID SPECIFICATIONS IN METRIC TONS

[mt]

OFL	Unknown.
ABC	23,400.
IOY	22,932.
DAH/DAP	22,932.

TABLE 2—2019 LONGFIN QUOTA TRIMESTER ALLOCATIONS

Trimester	Percent	Allocation (mt)
I (Jan–Apr)	43	9,861
II (May–Aug)	17	3,898
III (Sep–Dec)	40	9,173

2019 Butterfish Specifications

This action maintains the previously approved 2019 butterfish specifications outlined in Table 3, as implemented on March 1, 2018 (83 FR 8764). This action also maintains the existing butterfish mortality cap in the longfin squid fishery (3,884 mt) and the existing allocation of the butterfish mortality cap among longfin squid trimesters (Table 4).

TABLE 3—2019 BUTTERFISH SPECIFICATIONS IN METRIC TONS

[mt]

OFL	37,637
ACL = ABC	27,108
Commercial ACT (ABC—management uncertainty buffers for each year)	25,075
DAH (ACT minus butterfish cap and discards)	20,061
Directed Fishery closure limit (DAH—1,000 mt incidental landings buffer)	19,061
Butterfish Cap (in the longfin squid fishery)	3,884

TABLE 4—TRIMESTER ALLOCATION OF BUTTERFISH MORTALITY CAP ON THE 2019 LONGFIN SQUID FISHERY

Trimester	Percent	Allocation (mt)
I (Jan–Apr)	43	1,670
II (May–Aug)	17	660
III (Sep–Dec)	40	1,554
Total	100	3,884

Final 2019 *Illex* Squid Specifications

Consistent with the Council's recommendation, this action increases the 2019 *Illex* ABC from 24,000 mt to 26,000 mt. The ABC is reduced by the previously calculated discard rate (4.52 percent), which results in a 2019 IOY, DAH, and DAP of 24,825 mt (Table 5), an increase of 8 percent compared to 2018 levels (22,915 mt).

TABLE 5—2019 *Illex* SQUID SPECIFICATIONS IN METRIC TONS

[mt]

OFL	Unknown.
ABC	26,000.
IOY	24,825.
DAH/DAP	24,825.

Comments and Responses

NMFS received three comments in response to the proposed rule for this action from commercial fishing industry groups. All comments supported all of the proposed measures, including the rationale used by the SSC to support the proposed *Illex* squid ABC increase. We agree, and have approved the proposed measures for implementation through this final rule.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Mackerel, Squid, and Butterfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

There is good cause under 5 U.S.C. 553(d)(3) to make this rule effective immediately upon filing with the Office of the Federal Register. As noted in the proposed rule for this action, the Council did not adopt final recommendations for 2019 squid and butterfish specifications until its October 2019 meeting, submitting the preliminary supporting analysis in December 2019. Due to the government shutdown in early January 2019, NMFS could not work on the development and review of the necessary analysis and rulemaking for the 2019 squid and butterfish specifications. Although NMFS began working on the action as soon as possible upon reopening of the government, the backlog of work prevented the proposed rule from being published until May 1, 2019. As a result, the final rule could not be published until the *Illex* squid fishery was well underway in 2019.

The current *Illex* squid ABC is set at 24,000 mt and would likely result in the early closure of the fishery based on catch rates in recent years. To date, the 2019 fishery is catching *Illex* squid at a rate similar to 2018 when the fishery was closed on August 14, 2018, after catching the available quota under a 24,000 mt ABC. A 30-day delayed effectiveness would increase the likelihood that the fishery would close prematurely based on the 24,000 mt ABC that will be replaced by this final rule. A premature closure under the existing lower ABC would obligate us to reopen the fishery under the increased higher ABC once this action becomes effective. A premature closure and subsequent reopening would disrupt the fishery and minimize potential benefits of the increased ABC if *Illex* squid are no longer available to the fishery. The 2,000-mt increase in the 2019 *Illex* squid ABC implemented by this action reduces the likelihood of a premature fishery closure and provides additional fishing opportunities for fishery participants, which may result in up to an additional $2 million in revenue to fishing vessels and associated communities. Because the *Illex* squid fishery mostly occurs during the summer, this increase enables the fishery to better achieve optimum yield and benefit from additional fishing opportunities and revenue while *Illex*

squid are available to the fishery. As noted above, the SSC concluded that previous landings of up to 26,000 mt has not resulted in harm to the stock and would not likely result in overfishing. An unnecessary delay in implementing this increase would forgo such benefits to affected entities without any conservation benefits to the stock. Therefore, it is in the public interest to implement this final action and associated increase in the 2019 *Illex* squid ABC as soon as possible to avoid an unnecessary closure of the *Illex* squid fishery, achieve optimum yield in the fishery, and maximize benefits to fishery participants.

This final rule is exempt from review under E.O. 12866. This final rule is not an Executive Order 13771 regulatory action because this final rule is exempt from E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification and no other information has been obtained that suggests any other conclusion. As a result, a regulatory flexibility analysis was not required and none was prepared.

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

Dated: July 29, 2019.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2019–16484 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 180625576–8999–02]

RIN 0648–BJ11

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2019–2020 Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures.

SUMMARY: This final rule announces routine inseason adjustments to management measures in commercial groundfish fisheries. This action is intended to allow commercial fishing vessels to access more abundant groundfish stocks while protecting overfished and depleted stocks.

DATES: This final rule is effective August 2, 2019.

FOR FURTHER INFORMATION CONTACT: Karen Palmigiano, phone: 206–526–4491 or email: *karen.palmigiano@noaa.gov.*

Electronic Access

This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information and documents are available at the Pacific Fishery Management Council's website at *http://www.pcouncil.org/.*

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast Groundfish Fishery Management Plan (PCGFMP) and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. The Pacific Fishery Management Council (Council) develops groundfish harvest specifications and management measures for two-year periods (*i.e.,* a biennium). NMFS published the final rule to implement harvest specifications and management measures for the 2019–2020 biennium for most species managed under the PCGFMP on December 12, 2018 (83 FR 63970). In general, the management measures set at the start of the biennial harvest specifications cycle help the various sectors of the fishery attain, but not exceed, the catch limits for each stock. The Council, in coordination with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, recommends adjustments to the management measures during the fishing year to achieve this goal.

At its June 19–25, 2019 meeting, the Council recommended four adjustments to the 2019 commercial groundfish fishery management measures, including: (1) Increasing the limited entry fixed gear (LEFG) trip limits for bocaccio between 40°10′ North latitude (N lat.) and 34°27′ N lat.; (2) increasing the shorebased individual fishing quota (IFQ) fishery trip limits for big skate; (3) increasing the open access (OA) trip limits for sablefish both north and south of 36° N lat., and (4) increasing the amount of Pacific halibut that vessels in the sablefish primary fishery north of Point Chehalis may take incidentally.

Pacific Coast groundfish fisheries are managed using harvest specifications or limits (*e.g.,* overfishing limits [OFL], acceptable biological catch [ABC], annual catch limits [ACL] and harvest guidelines [HG]) recommended biennially by the Council and based on the best scientific information available at that time (50 CFR 660.60(b)). During development of the harvest specifications, the Council also recommends mitigation measures (*e.g.,* trip limits, area closures, and bag limits) that are meant to mitigate catch so as not to exceed the harvest specifications. The harvest specifications and mitigation measures developed for the 2019–2020 biennium used data through the 2017 fishing year. Each of the adjustments to mitigation measures discussed below are based on updated fisheries information that was unavailable when the analysis for the current harvest specifications was completed. As new fisheries data becomes available, adjustments to mitigation measures are projected so as to help harvesters achieve but not exceed the harvest limits.

LEFG Trip Limits for Bocaccio Between 40°10′ N Lat. and 34°27′ N Lat.

Bocaccio is managed with stock-specific harvest specifications south of 40°10′ N lat. and within the Minor Shelf Rockfish complex north of 40°10′ N lat. NMFS declared bocaccio overfished in 1999, and implemented a rebuilding plan for the stock in 2000. NMFS declared bocaccio officially rebuilt in 2017. New, higher catch limits resulting from their rebuilt status were implemented for bocaccio for the first time in 2019. For example, the non-trawl allocation of bocaccio increased from 442.3 mt in 2018 to 1,250 mt in 2019.

For 2019, the bocaccio ACL south of 40°10′ N lat. is 2,097 mt with a fishery HG of 2,051 mt. The non-trawl allocation is 1,250 mt. The supporting analysis for the 2019–2020 harvest specifications used landings data through the 2017 fishing year to determine appropriate mitigation measures (*e.g.,* commercial trip limits and recreational bag limits) to ensure catch reaches but does not exceed the bocaccio ACL for south of 40°10′ N lat.

At the June 2019 Council meeting, members of the Groundfish Advisory SubPanel (GAP) notified the Council and the Groundfish Management Team (GMT) of increased interactions with bocaccio for vessels targeting chilipepper rockfish. The current trip limits for bocaccio between 40°10′ N lat. and 34°27′ N lat., coupled with these increased interactions, can result in higher bocaccio discard rates in the LEFG fishery. Because the most recent bocaccio attainment estimates for 2019 suggest that around 11 percent or 134.6 mt of bocaccio will be attained out of the 1,250 mt non-trawl allocation for south of 40°10′ N lat., the GAP requested the GMT examine potential increases to the bocaccio trip limits for the LEFG fishery only between 40°10′ N lat. and 34°27′ N lat. The GMT did not receive a request to examine trip limit increases for bocaccio south of 34°27′ N lat.

To assist the Council in evaluating potential trip limit increases for bocaccio between 40°10′ N lat. and 34°27′ N lat., the GMT analyzed projected attainment under the current status quo trip limit of 1,000 pounds (lb) (454 kilograms [kg]) per two months and under the proposed trip limit increase, 1,500 lb (680 kg) per two months, and compared it to the projected catch in the analysis for the 2019–20 harvest specifications. In 2018, when the bocaccio trip limits were established for the 2019–20 harvest specifications, bocaccio had only just been rebuilt and few data points existed to provide projected annual catch data under the current trip limits. Based on that limited data, at the time, boccacio catch in the non-trawl commercial fishery between 40°10′ N lat. and 34°27′ N lat. was projected to be around 4.5 mt of the 1,250-mt non-trawl allocation.

The GMT updated the projected attainments under the current status quo trip limits and examined potential impacts under alternative trip limits with additional catch data from the 2017 and 2018 fishing years. Based on updated model projections under the current status quo trip limit of 1,000 lb (454 kg) per two months, total coastwide bocaccio catch in the LEFG and OA fisheries is projected to be 134.6 mt, or 11 percent of the non-trawl HG and six percent of the bocaccio ACL for south of 40°10′ N lat. Increasing the trip limits to 1,500 lb (680 kg) per two months for the remainder of the fishing year for vessels fishing in the LEFG fishery in the area between 40°10′ N lat. and 34°27′ N lat., which would align them with the trip limits already in place south of 34°27′ N lat., is projected to increase total mortality by less than 0.1 mt, and the overall total mortality of bocaccio is projected to remain at around 11 percent of the non-trawl HG and four percent of the ACL south of 40°10′ N lat.

Trip limit increases for bocaccio are intended to allow for increased attainment of the non-trawl allocation (1,250 mt), while also providing the incentive for vessels targeting co-occurring species, such as chilipepper rockfish, to land their bocaccio catch instead of discarding. Therefore, the Council recommended and NMFS is implementing, by modifying Table 2 (South) to part 660, Subpart E, an increase to the bocaccio trip limits for the LEFG fishery between 40°10′ N lat. and 34°27′ N lat. The trip limits for bocaccio in this area will increase from ''1,000 lb (454 kg) per per two months'' to ''1,500 lb (680 kg) per two months'' beginning in period 4 (July–August) through the end of the year.

Shorebased IFQ Fishery Trip Limits for Big Skate

Previously managed as an ecosystem component species, big skate was moved ''into the fishery'' through the 2017–18 harvest specifications because large landings off Oregon suggested vessels in the Pacific Coast groundfish fishery are targeting big skate. Big skate is the only non-IFQ species managed coast-wide with bimonthly trip limits in the IFQ fishery. For 2019, the ACL for big skate is 494 mt with a fishery harvest guideline of 452 mt. The trawl allocation is 95 percent or 429.5 mt. An additional 41 mt was deducted from the trawl allocation to account for bycatch in the at-sea sector and shorebased IFQ discard mortality resulting in a landing target of 388.5 mt for the trawl sector. Current trip limits for big skate for vessels in the IFQ fishery can be found in Table 1.

TABLE 1—BIG SKATE TRIP LIMITS FOR THE 2019 FISHING YEAR

Jan–Feb	Mar–Apr	May–Jun	Jul–Aug	Sep–Oct	Nov–Dec
5,000 lb (2,258 kg)/2 months.	25,000 lb (11,340 kg))/2 months.	30,000 lb (13,608 kg)/2 months.	35,000 lb (15,876 kg)/2 months.	10,000 lb (4,536 kg)/ 2 months.	5,000 lb (2,258 kg)/2 months.

At the June 2019 Council meeting, the GAP requested the Council consider increasing the big skate trip limits due to lower than projected catch in 2019, which industry suggested is likely due to several fishermen who targeted big skate retiring in recent years. During development of the 2019–20 harvest specifications, the GMT analysis used relatively high 2016–2017 landings and projected attainment would be around 98 percent of the landings targets in 2019. However, landings decreased dramatically in 2018 (218 mt out of 494 mt ACL with the shorebased IFQ sector harvesting 128 mt) and the same trend has continued into 2019. Under the current trip limits (Table 1), landings as of late June 2019 were at 73.3 mt or 20 percent of the landing target (388.5 mt). If the current trend continues, landings are projected to be 160.4 mt of the 388.5 mt landing target by the end of the year due to continued low landings in the shorebased IFQ sector.

Therefore, the GMT analyzed two alternatives that would allow the Council to increase trip limits for vessels targeting big skate in the IFQ fishery. Under Alternative 1, the trip limits for periods 4 (July and August), 5 (September and October), and 6 (November and December) would each increase by 10,000 lb (4,565 kg) which is projected to increase landings of big skate by 21.3 mt from 160.4 mt under the current limits to 181.7 mt. Under Alternative 2, big skate trip limits in periods 4 and 5 would increase by 100 percent of the current limit for each period and would increase by 300 percent for period 6 resulting in a projected total attainment of 55 percent or 215.1 mt of the 388.5 mt target amount.

Therefore, in order to maximize opportunities for vessels targeting big skate in the shorebased IFQ fishery, the Council recommended, and NMFS is implementing, by modifying Tables 1 (North and South) to part 660, subpart D, the following trip limits for big skate in the IFQ program, for period 4: 70,000 lb (31,751 kg) per two months, period 5: 20,000 lb (9,072 kg) per two months, and period 6: 20,000 lb (9,072 kg) per two months.

OA Trip Limits for Sablefish North and South of 36° N Lat.

Sablefish is an important commercial species on the west coast with vessels targeting sablefish with both trawl and

fixed gear (longlines and pots/traps). Sablefish is managed with a coast-wide ACL that is apportioned north and south of 36° N lat. with 73.8 percent going to the north and 26.2 percent going to the south. In 2019, the portion of the ACL for sablefish north of 36° N lat. is 5,606 mt with a fishery HG of 5,007 mt. The fishery HG north of 40°10′ N lat. is further divided between the limited entry and OA sectors with 90.6 percent, or 4,537 mt, going to the limited entry sector and 9.4 percent, or 471 mt, going to the OA sector. The 2019 portion of ACL for sablefish south of 36° N lat. is 1,990 mt with a fishery HG of 1,986 mt. South of 36° N lat., the fishery HG is further divided between the trawl (limited entry) and non-trawl (LEFG and OA) sectors with 42 percent or 834 mt going to the trawl sector, and the remaining 58 percent or 1,152 mt going to the fixed gear sector.

At the June 2019 Council meeting, the GMT received requests from industry members and members of the GAP to examine the potential to increase sablefish trips limits for the OA fisheries north and south of 36° N lat. The intent of increasing trip limits is to increase harvest opportunities for vessels targeting sablefish in the OA fishery which have been trending low in recent years, particularly for OA south of 36° N lat. To evaluate potential increases to sablefish trip limits, the GMT made model-based landings projections under current regulations and alternative sablefish trip limits, including the limits ultimately recommended by the Council, for the OA fisheries through the remainder of the year. Table 2 shows the projected sablefish landings, the sablefish allocations, and the projected attainment percentage by fishery under both the current trip limits and the Council's recommended adjusted trip limits. These projections were based on the most recent catch information available through late June 2019. Industry did not request changes to sablefish trip limits for the LEFG fishery south of 36° N lat. Therefore, NMFS and the Council did not consider trip limit changes for this fishery at this time.

TABLE 2—PROJECTED LANDINGS OF SABLEFISH, SABLEFISH ALLOCATION, AND PROJECTED PERCENTAGE OF SABLEFISH ATTAINED THROUGH THE END OF THE YEAR BY TRIP LIMIT AND FISHERY

Fishery	Trip limits	Projected landings (round weight) (mt)	Allocation (mt)	Projected percentage attained
OA North of 36° N lat	Current: 300 lb (136 kg)/day, or 1 landing per week of up to 1,200 lb (544 kg), not to exceed 2,400 lb (1,089 kg)/2 months.	303.9–418.4	449	67.7–93.1
	Recommended: 300 lb (136 kg)/day, or 1 landing per week of up to 1,400 lb (635 kg), not to exceed 2,800 lb (1,179 kg)/2 months.	352.8–497.3		78.6–110.7
OA South of 36° N lat	Current: 300 lb (136 kg)/day, or 1 landing per week of up to 1,600 lb (726 kg), not to exceed 3,200 lb (1,451 kg)/2 months.	23.7	338	7.0
	Recommended: 300 lb (136 kg)/day, or 1 landing per week of up to 1,600 lb (726 kg), not to exceed 4,800 lb (2,177 kg)/2 months.	23.7		7.0

As shown in Table 2, under the current trip limits, the model predicts catches of sablefish will be at or below 94 percent for OA fishery north of 36° N lat. and around seven percent for OA south of 36° N lat. Under the Council's recommended trip limits, sablefish attainment is projected to increase in the OA fisheries north of 36° N lat. up to 110.7 percent. However, to date in 2019, the model has overestimated landings by an average of 38 percent. Assuming this trend continues for 2019, the percentage attainment would likely be closer to the lower bound (78.6 percent or 352.8 mt) for OA north of 36° N lat. Due to a lack of participation and variance in trip limits in the OA fishery south of 36° N lat., the model was unable to detect any estimated change in attainment for this fishery even with the proposed increase in trip limits.

Trip limit increases for sablefish are intended to increase attainment of the non-trawl HG. The proposed trip limit increases do not change projected impacts to co-occurring overfished species compared to the impacts anticipated in the 2019–20 harvest specifications because the projected impacts to those species assume that the entire sablefish ACL is harvested. Therefore, the Council recommended and NMFS is implementing, by modifying Table 3 (North) to part 660, subpart E, trip limit changes for the OA sablefish fishery north of 36° N lat. to increase the limits from ''300 lb (136 kg) per day, or one landing per week up to 1,200 lb (544 kg), not to exceed 2,400 lb (1,089 kg) per two months'' to ''300 lb (136 kg) per day, or one landing per week of up to 1,400 lb (590 kg), not to exceed 2,800 lb (1,179 kg) per two months'' starting with period 4 (July through August) through the end of the year. The trip limits for sablefish in the OA sablefish fishery south of 36° N lat. will increase from ''300 lb (136 kg) per day, or one landing per week of up to 1,600 lb (726 kg), not to exceed 3,200 lb (907 kg) per two months'' to ''300 lb (136 kg) per day, or one landing per week of up to 1,600 lb (726 kg), not to exceed 4,800 lb (1,179 kg) per two months'' beginning in period 4 (July through August) through the end of the year.

Increase Incidental Halibut Retention in the Limited Entry Fixed Gear Sablefish Primary Fishery

The Council developed a Catch Sharing Plan for the International Pacific Halibut Commission Regulatory Area 2A, as provided for in the Northern Pacific Halibut Act of 1982. The Catch Sharing Plan allocates the Area 2A annual total allowable catch (TAC) among fisheries off Washington, Oregon, and California. Pacific halibut is generally a prohibited species for vessels fishing in Pacific coast groundfish fisheries, unless explicitly allowed in groundfish regulations. In years where the Pacific halibut TAC is above 900,000 lb (408 mt), the Catch Sharing Plan recommends the sablefish primary fishery an incidental retention limit for Pacific halibut north of Point Chehalis, WA (46°53.30′ N lat.). On

April 29, 2019, NMFS implemented a 2019 Area 2A TAC of 1,500,000 lb (680.4 mt) the and a 2019 incidental catch limit of 70,000 lb (31.8 mt) for the limited entry fixed gear sablefish primary fishery north of Pt. Chehalis, WA (84 FR 17960; April 29, 2019).

Current regulations at § 660.231(b)(3)(iv) provide for halibut retention by vessels fishing in the sablefish primary fishery from April 1 through October 31 with a landing ratio of 200 lb (91 kg) dressed weight of halibut, for every 1,000 lb (454 kg) dressed weight of sablefish landed, and up to an additional two halibut in excess of this ratio. These limits, recommended by the Council at its September 2018 meeting, and subsequently implemented by NMFS on October 9, 2018 (83 FR 50510), were intended to allow the total catch of Pacific halibut to approach, but not exceed, the 2018 allocation for the sablefish primary fishery north of Pt. Chehalis, Washington (WA) and provide greater opportunity for industry to attain a higher percentage of the sablefish primary fishery allocation. Even after NMFS increased the halibut to sablefish ratio, the sablefish primary fishery only took 43,716 net weight (nt. wt.) lb (19,829 kg), or 87 percent of their Pacific halibut incidental catch limit in 2018.

As of the June 2019 Council meeting, the GMT was informed that the sablefish primary fishery north of Pt. Chehalis, WA had taken 5,881 nt. wt. lb of the 70,000 lb (31,751 kg) allowance for Pacific halibut. Under the current ratio, projected halibut landings in the sablefish primary fishery for 2019 are 47,878 nt. wt. lb, or 68.4 percent of the 70,000 lb (31,751 kg) allowance. Therefore, industry requested the GMT analyze the potential to increase the landing ratio for Pacific halibut in the sablefish primary fishery. The GMT analyzed two alternatives for the Council to consider. Alternative 1 would increase the ratio from 200 lb (91 kg) dressed weight of halibut, for every 1,000 lb (454 kg) dressed weight of sablefish landed to 220 lb (100 kg) dressed weight of halibut for every 1,000 lb (454 kg) dressed weight of sablefish landed and would maintain the same two halibut allowance beyond the ratio. Under alternative 1, projected attainment of Pacific halibut in the sablefish primary fishery would be 72.4 percent or 50,694 lb (22,994 kg); an increase of 4 percent or 2,816 lb (1,277 kg) of Pacific halibut. Under Alternative 2, the ratio would increase further to 250 lb (113 kg) dressed weight of halibut, for every 1,000 lb (454 kg) dressed weight of sablefish landed and would maintain the same two halibut allowance beyond the ratio, resulting in projected attainment of 54,214 lb (24,591 kg) or 77.4 percent of the 70,000 lb (31,751 kg) allocation.

Therefore, in order to allow increased incidental halibut catch in the sablefish primary fishery, the Council recommended and NMFS is revising incidental halibut retention regulations at § 660.231(b)(3)(iv) to increase the catch ratio to ''250 lb (113 kg) dressed weight of halibut for every 1,000 lb (454 kg) dressed weight of sablefish landed and up to two additional halibut in excess of the 250 lb (113 kg) per 1,000 lb (454 kg) ratio per landing.'' This increase would allow total catch of Pacific halibut to approach, but not exceed, the 2019 allocation for the sablefish primary fishery north of Pt. Chelais, WA (70,000 lb [31,751 kg] or 68.4 mt) and provide greater opportunity for industry to attain a higher percentage of the sablefish primary fishery allocation.

Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best scientific information available, consistent with the PCGFMP and its implementing regulations.

This action is taken under the authority of 50 CFR 660.60(c) and the Northern Pacific Halibut Act of 1982 and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based are available for public inspection by contacting Karen Palmigiano in NMFS West Coast Region (see **FOR FURTHER INFORMATION CONTACT**, above), or view at the NMFS West Coast Groundfish website: *http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish/index.html.*

Pursuant to 5 U.S.C. 553(b), NMFS finds good cause to waive prior public notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. The adjustments to management measures in this document ease restrictive trip limits and retention limits on commercial fisheries in Washington, Oregon, and California. No aspect of this action is controversial, and changes of this nature were anticipated in the final rule for the 2019–2020 harvest specifications and management measures which published on December 12, 2018 (83 FR 63970).

At its June 2019 meetings, the Council recommended increases to the commercial trip limits be implemented as soon as possible so that harvesters may be able to take advantage of these higher limits before the end of their fishing year, which for vessels in the primary sablefish fishery is October 31 and for other fisheries is the end of the calendar year. Each of the adjustments to commercial management measures in this rule will create more harvest opportunity and allow fishermen to better attain species that are currently under attained without causing any additional impacts to the fishery. Each of these recommended adjustments also rely on new catch data that were not available and thus not considered during the 2019–2020 biennial harvest specifications process. New catch information through the end of the 2018 fishing year shows that attainment of these target species (sablefish, Pacific halibut, bocaccio, and big skate) has been below their respective management points (*i.e.,* HG, ACL, and non-trawl allocation) in 2018 and would likely remain below their state catch targets under status quo limits in 2019 and 2020.

These adjustments to management measures could provide up to an additional $1 million in ex-vessel revenue to harvesters; the majority of which would come from increasing trip limits in the sablefish primary fishery (about $800,000). Increasing the big skate trip limits could provide an additional $48,000 in revenue to harvesters. Increasing Pacific halibut retention in the primary sablefish fishery is likely to provide an additional $34,000 in ex-vessel revenue, while an additional up to $11,000 in revenue is expected, dependent upon the price, for the increase in bocaccio trip limits. Additional economic benefits would also be seen for processors and the fishing support businesses; however, these are more difficult to quantify. Delaying implementation to allow for public comment would likely reduce the economic benefits to the commercial fishing industry and the businesses that rely on that industry because much of the fishing season would be over before the new regulations could be implemented. For example, the primary sablefish fishery takes place from April 15 to October 31. If the notice and comment rulemaking process took 90 days to complete, the increase in the Pacific halibut ratio would only be in place for 1–2 months not allowing for the full economic benefit of the proposed action. Therefore, providing a comment period for this action could significantly limit the economic benefits to the fishery, and would hamper the achievement of optimum yield from the affected fisheries.

Therefore, the NMFS finds reason to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) so that

this final rule may become effective upon publication in the **Federal Register**. The adjustments to management measures in this document affect commercial fisheries by increasing opportunity and relieving participants of the more restrictive trip limits. These adjustments were requested by the Council's advisory bodies, as well as members of industry during the Council's June 2019 meetings, and recommended unanimously by the Council. No aspect of this action is controversial, and changes of this nature were anticipated in the biennial harvest specifications and management measures established through a notice and comment rulemaking for 2019–2020 (82 FR 63970).

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian Fisheries.

Dated: July 30, 2019.

Alan D. Risenhoover,

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. Revise Tables 1 (North) and 1 (South) to part 660, subpart D to read as follows:

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Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 07/25/2019

TABLE 1 (North)

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 45°46' N. lat.	100 fm line[1/] - 150 fm line[1/]					
2	45°46' N. lat. - 40°10' N. lat.	100 fm line[1/] - modified[2/] 200 fm line[1/]					
	See provisions at § 660.130 for gear restrictions and requirements by area. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.						
	See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70 660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
3	**Minor Nearshore Rockfish, Washington Black rockfish & Oregon Black/blue/deacon rockfish**	300 lb/ month					
4	**Whiting[3/]**						
5	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.					
6	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					
7	**Oregon Cabezon/Kelp Greenling complex**	50 lb/ month					
8	**Cabezon in California**	50 lb/ month					
9	**Shortbelly rockfish**	Unlimited					
10	**Spiny dogfish**	60,000 lb/ month					
11	**Big skate**	5,000 lb/ 2 months	25,000 lb/ 2 months	30,000 lb/ 2 months	70,000 lb/ 2 months	20,000 lb/ 2 months	20,000 lb/ 2 months
12	**Longnose skate**	Unlimited					
13	**Other Fish [4/]**	Unlimited					

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.

3/ As specified at §660.131(d), when fishing in the Eureka Area, no more than 10,000 lb of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during the fishing trip, fished in the fishery management area shoreward of 100 fm contour.

4/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 1 (South) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting South of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 07/25/2019

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	South of 40°10' N. lat.	100 fm line[1/] - 150 fm line [1/ 2/]					
	See provisions at § 660.130 for gear restrictions and requirements by area. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.						
	See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70 660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
2	**Longspine thornyhead**						
3	South of 34°27' N. lat.	24,000 lb/ 2 months					
4	**Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish**	300 lb/ month					
5	**Whiting**						
6	midwater trawl	During the Primary whiting season: allowed seaward of the trawl RCA. Prohibited within and shoreward of the trawl RCA.					
7	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					
8	**Cabezon**	50 lb/ month					
9	**Shortbelly rockfish**	Unlimited					
10	**Spiny dogfish**	60,000 lb/ month					
11	**Big skate**	5,000 lb/ 2 months	25,000 lb/ 2 months	30,000 lb/ 2 months	70,000 lb/ 2 months	20,000 lb/ 2 months	20,000 lb/ 2 months
12	**Longnose skate**	Unlimited					
13	**California scorpionfish**	Unlimited					
14	**Other Fish [3/]**	Unlimited					

TABLE 1 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ South of 34°27' N. lat., the RCA is 100 fm line - 150 fm line along the mainland coast; shoreline - 150 fm line around islands.

3/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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■ 3. In § 660.231, revise paragraph (b)(3)(iv) to read as follows:

§ 660.231 Limited entry fixed gear sablefish primary fishery.

* * * * *

(b) * * *

(3) * * *

(iv) Incidental Pacific halibut retention north of Pt. Chehalis, WA (46°53.30′ N lat.). From April 1 through October 31, vessels authorized to participate in the sablefish primary fishery, licensed by the International Pacific Halibut Commission for commercial fishing in Area 2A (waters off Washington, Oregon, California), and fishing with longline gear north of Pt. Chehalis, WA (46°53.30′ N lat.) may possess and land up to the following cumulative limits: 250 pounds (113 kg) dressed weight of Pacific halibut for every 1,000 pounds (454 kg) dressed weight of sablefish landed and up to 2 additional Pacific halibut in excess of

the 250-pounds-per-1,000-pound ratio per landing. ''Dressed'' Pacific halibut in this area means halibut landed eviscerated with their heads on. Pacific halibut taken and retained in the sablefish primary fishery north of Pt. Chehalis may only be landed north of Pt. Chehalis and may not be possessed or landed south of Pt. Chehalis.

* * * * *

■ 4. Revise Tables 2 (North) and 2 (South) to part 660, subpart E to read as follows:

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Table 2 (North) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table

07/25/2019

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 46°16' N. lat.	shoreline - 100 fm line[1/]					
2	46°16' N. lat. - 42°00' N. lat.	30 fm line[1/] - 100 fm line[1/]					
3	42°00' N. lat. - 40°10' N. lat.	30 fm line[1/] - 100 fm line[1/]					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
4	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	4,000 lb/ 2 month					
5	**Pacific ocean perch**	1,800 lb/ 2 months					
6	**Sablefish**	1,300 lb/week, not to exceed 3,900 lb/ 2 months					
7	**Longspine thornyhead**	10,000 lb/ 2 months					
8	**Shortspine thornyhead**	2,000 lb/ 2 months			2,500 lb/ 2 months		
9 10 11 12 13 14	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	5,000 lb/ month South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs.					
15	**Whiting**	10,000 lb/ trip					
16	**Minor Shelf Rockfish[2/], Shortbelly, & Widow rockfish**	200 lb/ month					
17	**Yellowtail rockfish**	1,000 lb/ month					
18	**Canary rockfish**	300 lb/ 2 months					
19	**Yelloweye rockfish**	CLOSED					
20	**Minor Nearshore Rockfish, Washington Black rockfish & Oregon Black/blue/deacon rockfish**						
21	North of 42°00' N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish[4/]					
22	42°00' N. lat. - 40°10' N. lat.	8,500 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish		7,000 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish			
23	**Lingcod[5/]**						
24	North of 42°00' N. lat.	2,000 lb/ 2 months					
25	42°00' N. lat. - 40°10' N. lat.	1,400 lb/2 months					
26	**Pacific cod**	1,000 lb/ 2 months					
27	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
28	**Longnose skate**	Unlimited					
29	**Other Fish[6/] & Cabezon in California**	Unlimited					
30	**Oregon Cabezon/Kelp Greenling**	Unlimited					
31	**Big skate**	Unlimited					

TABLE 2 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod are included in the trip limits for Minor Shelf Rockfish and splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 2 (South) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 07/25/2019

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	40°10' N. lat. - 34°27' N. lat.	40 fm line[1/] - 125 fm line[1/]					
2	South of 34°27' N. lat.	75 fm line[1/] - 150 fm line[1/] (also applies around islands)					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
3	**Minor Slope rockfish[2/] & Darkblotched rockfish**	40,000 lb/ 2 months, of which no more than 1,375 lb may be blackgill rockfish		40,000 lb/ 2 months, of which no more than 4,000 lb may be blackgill rockfish			
4	**Splitnose rockfish**	40,000 lb/ 2 months					
5	**Sablefish**						
6	40°10' N. lat. - 36°00' N. lat.	1,300 lb/week, not to exceed 3,900 lb/ 2 months					
7	South of 36°00' N. lat.	2,000 lb/ week					
8	**Longspine thornyhead**	10,000 lb/ 2 months					
9	**Shortspine thornyhead**						
10	40°10' N. lat. - 34°27' N. lat.	2,000 lb/ 2 months			2,500 lb/ 2 months		
11	South of 34°27' N. lat.	3,000 lb/ 2 months					
12 13 14 15 16 17	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	5,000 lb/ month South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs.					
18	**Whiting**	10,000 lb/ trip					
19	**Minor Shelf Rockfish[2/], Shortbelly rockfish, Widow rockfish (including Chilipepper between 40°10' - 34°27' N. lat.)**						
20	40°10' N. lat. - 34°27' N. lat.	Minor shelf rockfish, shortbelly, widow rockfish, & chilipepper: 2,500 lb/ 2 months, of which no more than 500 lb may be any species other than chilipepper.					
21	South of 34°27' N. lat.	4,000 lb/ 2 months	CLOSED	4,000 lb/ 2 months			
22	**Chilipepper**						
23	40°10' N. lat. - 34°27' N. lat.	Chilipepper included under minor shelf rockfish, shortbelly and widow rockfish limits - - See above					
24	South of 34°27' N. lat.	2,000 lb/ 2 months, this opportunity only available seaward of the non-trawl RCA					
25	**Canary rockfish**						
26	40°10' N. lat. - 34°27' N. lat.	300 lb/ 2 months					
27	South of 34°27' N. lat.	300 lb/ 2 months	CLOSED	300 lb/ 2 months			
28	**Yelloweye rockfish**	CLOSED					
29	**Cowcod**	CLOSED					
30	**Bronzespotted rockfish**	CLOSED					
31	**Bocaccio**						
32	40°10' N. lat. - 34°27' N. lat.	1,000 lb/ 2 months			1,500 lb/ 2 months		
33	South of 34°27' N. lat.	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
34	**Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish**						
35	Shallow nearshore[4/]	1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
36	Deeper nearshore[5/]	1,000 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
37	**California Scorpionfish**	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
38	**Lingcod[6/]**	200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
39	**Pacific cod**	1,000 lb/ 2 months					
40	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
41	**Longnose skate**	Unlimited					
42	**Other Fish[7/] & Cabezon in California**	Unlimited					
43	**Big Skate**	Unlimited					

TABLE 2 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ POP is included in the trip limits for Minor Slope Rockfish. Blackgill rockfish have a species specific trip sub-limit within the Minor Slope Rockfish cumulative limit. Yellowtail rockfish are included in the trip limits for Minor Shelf Rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other Flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*1*).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*2*).

6/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

7/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 5. Revise Tables 3 (North) and 3 (South) to part 660, subpart F to read as follows:

Table 3 (North) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 07/10/2019

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area (RCA)[1/]:							
1	North of 46°16' N. lat.	shoreline - 100 fm line[1/]					
2	46°16' N. lat. - 42°00' N. lat.	30 fm line[1/] - 100 fm line[1/]					
3	42°00' N. lat. - 40°10' N. lat.	30 fm line[1/] - 100 fm line[1/]					
See §§660.60, 660.330 and 660.333 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Bank, and EFHCAs).							
State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.							
4	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	500 pounds/month					
5	**Pacific ocean perch**	100 lb/ month					
6	**Sablefish**	300 lb/ day; or one landing per week up to 1,200 lb, not to exceed 2,400 lb/ 2 months			300 lb/ day; or one landing per week up to 1,400 lb, not to exceed 2,800 lb/ 2 months		
7	**Shortpine thornyheads**	50 lb/ month					
8	**Longspine thornyheads**	50 lb/ month					
9	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs.					
10							
11		South of 42° N. lat., when fishing for "Other Flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
12							
13							
14							
15	**Whiting**	300 lb/ month					
16	**Minor Shelf Rockfish[2/], Shortbelly rockfish, & Widow rockfish**	200 lb/ month					
17	**Yellowtail rockfish**	500 lb/ month					
18	**Canary rockfish**	300 lb/ 2 months					
19	**Yelloweye rockfish**	CLOSED					
20	**Minor Nearshore Rockfish, Washington Black rockfish, & Oregon Black/Blue/Deacon rockfish**						
21	North of 42°00' N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish					
22	42°00' N. lat. - 40°10' N. lat.	8,500 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish		7,000 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish			
23	**Lingcod[5/]**						
24	North of 42°00' N. lat.	900 lb/ month					
25	42°00' N. lat. - 40°10' N. lat.	600 lb/ month					
26	**Pacific cod**	1,000 lb/ 2 months					
27	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
28	**Longnose skate**	Unlimited					
29	**Big skate**	Unlimited					
30	**Other Fish[6/] & Cabezon in California**	Unlimited					
31	**Oregon Cabezon/Kelp Greenling**	Unlimited					

TABLE 3 (North)

Table 3 (North). Continued 07/25/2019

TABLE 3 (North) cont'd

32	**SALMON TROLL** *(subject to RCAs when retaining all species of groundfish, except for yellowtail rockfish and lingcod, as described below)*	
33	North	Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. Salmon trollers may retain and land up to 1 lingcod per 5 Chinook per trip, plus 1 lingcod per trip, up to a trip limit of 10 lingcod, on a trip where any fishing occurs within the RCA. This limit only applies during times when lingcod retention is allowed, and is not "CLOSED." This limit is within the per month limit for lingcod described in the table above, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons, size limits and RCA restrictions listed in the table above, unless otherwise stated here.
34	**PINK SHRIMP NON-GROUNDFISH TRAWL** *(not subject to RCAs)*	
35	North	**Effective April 1 - October 31:** Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod rockfishes are included in the trip limits for Minor Shelf Rockfish. Splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3 (South) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 07/25/2019

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area (RCA)[1/]:							
1	40°10' N. lat. - 34°27' N. lat.	40 fm line[1/] - 125 fm line[1/]					
2	South of 34°27' N. lat.	75 fm line[1/] - 150 fm line[1/](also applies around islands)					
See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).							
State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.							
3	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	10,000 lb/ 2 months, of which no more than 475 lb may be blackgill rockfish		10,000 lb/ 2 months, of which no more than 800 lb may be blackgill rockfish			
4	**Splitnose rockfish**	200 lb/ month					
5	**Sablefish**						
6	40°10' N. lat. - 36°00' N. lat.	300 lb/ day; or one landing per week up to 1,200 lb, not to exceed 2,400 lb/ 2 months			300 lb/ day; or one landing per week up to 1,400 lb, not to exceed 2,800 lb/ 2 months		
7	South of 36°00' N. lat.	300 lb/ day, or one landing per week of up to 1,600 lb, not to exceed 3,200 lb/ 2 months			300 lb/ day, or one landing per week of up to 1,600 lb, not to exceed 4,800 lb/ 2 months		
8	**Shortpine thornyheads and longspine thornyheads**						
9	40°10' N. lat. - 34°27' N. lat.	CLOSED					
10	South of 34°27' N. lat.	50 lb/ day, no more than 1,000 lb/ 2 months					
11	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs.					
12							
13		South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
14							
15							
16							
17	**Whiting**	300 lb/ month					
18	**Minor Shelf Rockfish[2/], Shortbelly, Widow rockfish and Chilipepper**						
19	40°10' N. lat. - 34°27' N. lat.	400 lb/ 2 months	CLOSED	400 lb/ 2 months			
20	South of 34°27' N. lat.	1,500 lb/ 2 months		1,500 lb/ 2 months			
21	**Canary rockfish**	300 lb/ 2 months	CLOSED	300 lb/ 2 months			
22	**Yelloweye rockfish**	CLOSED					
23	**Cowcod**	CLOSED					
24	**Bronzespotted rockfish**	CLOSED					
25	**Bocaccio**	500 lb/ 2 months	CLOSED	500 lb/ 2 months			
26	**Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish**						
27	Shallow nearshore[4/]	1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
28	Deeper nearshore[5/]	1,000 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
29	**California scorpionfish**	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
30	**Lingcod[6/]**	300 lb/ month	CLOSED	500 lb/ month			
31	**Pacific cod**	1,000 lb/ 2 months					
32	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
33	**Longnose skate**	Unlimited					
34	**Big skate**	Unlimited					
35	**Other Fish[7/] & Cabezon in California**	Unlimited					

TABLE 3 (South)

Table 3 (South). Continued 07/25/2019

TABLE 3 (South) cont'd

			JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
36	**RIDGEBACK PRAWN AND, SOUTH OF 38°57.50' N. LAT., CA HALIBUT AND SEA CUCUMBER NON-GROUNDFISH TRAWL**							
37	**NON-GROUNDFISH TRAWL Rockfish Conservation Area (RCA) for CA Halibut, Sea Cucumber & Ridgeback Prawn:**							
38		*40° 10' N. lat. - 38° 00' N. lat.*	*100 fm line 1/ - 200 fm line 1/*	*100 fm line 1/ - 150 fm line 1/*				*100 fm line 1/ - 200 fm line 1/*
39		*38° 00' N. lat. - 34° 27' N. lat.*	*100 fm line 1/ - 150 fm line 1/*					
40		*South of 34° 27' N. lat.*	*100 fm line 1/ - 150 fm line 1/ along the mainland coast; shoreline - 150 fm line 1/ around islands*					
41			Groundfish: 300 lb/trip. Species-specific limits described in the table above also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57.50' N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 29).					
42	**PINK SHRIMP NON-GROUNDFISH TRAWL GEAR** *(not subject to RCAs)*							
43		South	Effective April 1 - October 31: Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary rockfish, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of all groundfish species count toward the per day, per trip or other species-specific sublimits described here and the species-specific limits described in the table above do not apply. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ POP is included in the trip limits for minor slope rockfish. Blackgill rockfish have a species specific trip sub-limit within the minor slope rockfish cumulative limits. Yellowtail rockfish is included in the trip limits for minor shelf rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*1*).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(2).

6/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

7/ "Other fish" are defined at § 660.11 and includes kelp greenling off California and leopard shark.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

[FR Doc. 2019–16554 Filed 7–30–19; 4:15 pm]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register

Vol. 84, No. 149

Friday, August 2, 2019

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

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2017–BT–STD–0014]

Energy Efficiency Program: Energy Conservation Standards for Residential Clothes Washers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'') is initiating an effort to determine whether to amend the current energy conservation standards for residential clothes washers (''RCWs''). This request for information (''RFI'') solicits information from the public to help DOE determine whether amended standards for RCWs would result in significant amount of additional energy savings and whether such standards would be technologically feasible and economically justified. As part of this RFI, DOE seeks comment on whether there have been sufficient technological or market changes since the most recent standards update that may justify a new rulemaking to consider more stringent standards. Specifically, DOE seeks data and information that could enable the agency to determine whether DOE should propose a ''no new standard'' determination because a more stringent standard: Would not result in a significant savings of energy; is not technologically feasible; is not economically justified; or any combination of foregoing. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI).

DATES: Written comments and information will be accepted on or before September 3, 2019.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–STD–0014, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: ConsumerClothesWasher2017STD0014@ee.doe.gov.* Include the docket number EERE–2017–BT–STD–0014 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2017-BT-STD-0014.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III of this document for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–7796. Email: *Elizabeth.Kohl@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

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I. Introduction

A. Authority and Background

The Energy Policy and Conservation Act of 1975, as amended (''EPCA''),[1] among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other

[1] All references to EPCA in this document refer to the statute as amended through America's Water Infrastructure Act of 2018, Public Law 115–270 (Oct. 23, 2018).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

Than Automobiles. These products include RCWs, the subject of this document. (42 U.S.C. 6292(a)(7))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption in limited instances for particular State laws or regulations, in accordance with the procedures and other provisions set forth under 42 U.S.C. 6297(d).

EPCA required that all rinse cycles of clothes washers manufactured after January 1, 1988 include an unheated water option, but stated that such clothes washers may have a heated water rinse option. (42 U.S.C. 6295(g)(2) EPCA directed DOE to conduct two cycles of rulemakings to determine whether to amend these standards. (42 U.S.C. 6295(g)(4)(A) and (B)) DOE completed the first rulemaking cycle for RCWs in 1991 by establishing performance-based energy conservation standards for top-loading compact and top-loading standard-size RCWs manufactured on or after May 14, 1994. 56 FR 22249 (May 14, 1991). DOE completed a second rulemaking cycle by publishing a final rule on January 12, 2001 (''January 2001 Final Rule''), which amended the standards for top-loading compact and standard-size RCWs and established performance-based standards for front-loading RCWs. 66 FR 3314. These amended standards were based on a joint proposal submitted to DOE by clothes washer manufacturers and energy conservation advocates. *Id.*

EPCA further amended the energy conservation standards for top-loading and front-loading standard-size RCWs manufactured on or after January 1, 2011.[3] (42 U.S.C. 6295(g)(9)(A)) EPCA further directed DOE to conduct a rulemaking to determine whether to amend the standards in effect for RCWs manufactured on or after January 1, 2015. (42 U.S.C. 6295(g)(9)(B)(i))

Most recently, DOE completed a third rulemaking cycle to amend the standards for RCWs by publishing a direct final rule on May 31, 2012 (''May 2012 Direct Final Rule''). 77 FR 32307. These amended standards were based on a joint proposal submitted to DOE by interested parties representing manufacturers, energy and environmental advocates, and consumer groups.

The current energy conservation standards are located in title 10 of the Code of Federal Regulations (''CFR'') part 430, section 32(g). The currently applicable DOE test procedures for RCWs appear at 10 CFR part 430, subpart B, appendix J2 (''Appendix J2'').

EPCA also requires that, not later than 6 years after the issuance of any final rule establishing or amending a standard, DOE evaluate the energy conservation standards for each type of covered product and publish either a notice of determination that the standards do not need to be amended or a notice of proposed rulemaking (''NOPR'') that includes new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m))

DOE is publishing this RFI to collect data and information to inform its decision consistent with its obligations under EPCA.

B. Rulemaking Process

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products. EPCA requires that any new or amended energy conservation standard be designed to achieve the maximum improvement in energy or water efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) To determine whether a standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on manufacturers and consumers of the affected products;

(2) The savings in operating costs throughout the estimated average life of the product compared to any increase in the initial cost or maintenance expenses;

(3) The total projected amount of energy and water (if applicable) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary of Energy (Secretary) considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I–1 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE I–1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy and Water Use Determination.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	
1. Economic impact on manufacturers and consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Life-Cycle Cost Subgroup Analysis. • Shipments Analysis.

[3] EPCA required that a top-loading or front-loading standard-size RCW manufactured on or after January 1, 2011, must have a Modified Energy Factor of at least 1.26, and a water factor of not more than 9.5.

TABLE I–1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS—Continued

EPCA requirement	Corresponding DOE analysis
2. Lifetime operating cost savings compared to increased cost for the product.	• Markups for Product Price Determination. • Energy and Water Use Determination. • Life-Cycle Cost and Payback Period Analysis.
3. Total projected energy and water savings	• Shipments Analysis. • National Impact Analysis.
4. Impact on utility or performance	• Screening Analysis. • Engineering Analysis.
5. Impact of any lessening of competition	• Manufacturer Impact Analysis.
6. Need for national energy and water conservation	• Shipments Analysis. • National Impact Analysis.
7. Other factors the Secretary considers relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emissions Reductions Benefits. • Regulatory Impact Analysis.

As detailed throughout this RFI, DOE is publishing this document seeking input and data from interested parties to aid in the development of the technical analyses on which DOE will ultimately rely to determine whether (and if so, how) to amend the standards for RCWs.

II. Request for Information and Comments

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether amended standards for RCWs may be warranted.

As an initial matter, DOE seeks comment on whether there have been sufficient technological or market changes since the most recent standards update that may justify a new rulemaking to consider more stringent standards. Specifically, DOE seeks data and information that could enable the agency to determine whether DOE should propose a ''no new standard'' determination because a more stringent standard: (1) Would not result in a significant savings of energy; (2) is not technologically feasible; (3) is not economically justified; or (4) any combination of foregoing.

Additionally, DOE welcomes comments on other issues relevant to the conduct of this rulemaking that may not specifically be identified in this document. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to comply with Federal regulations. See 82 FR 9339 (Feb. 3, 2017). Consistent with that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its energy conservation standards rulemakings, recordkeeping and reporting requirements, and compliance and certification requirements applicable to RCWs, while remaining consistent with the requirements of EPCA.

A. Products Covered by This Rulemaking

This RFI covers those products that meet the definitions for RCWs, as codified at 10 CFR 430.2:

EPCA does not define the term ''clothes washer''. DOE has defined a ''clothes washer'' as a consumer product designed to clean clothes, utilizing a water solution of soap and/or detergent and mechanical agitation or other movement, that must be one of the following classes: automatic clothes washers, semi-automatic clothes washers, and other clothes washers. 10 CFR 430.2

An ''automatic clothes washer'' is a class of clothes washer that has a control system that is capable of scheduling a preselected combination of operations, such as regulation of water temperature, regulation of the water fill level, and performance of wash, rinse, drain, and spin functions without the need for user intervention subsequent to the initiation of machine operation. Some models may require user intervention to initiate these different segments of the cycle after the machine has begun operation, but they do not require the user to intervene to regulate the water temperature by adjusting the external water faucet valves. *Id.*

A ''semi-automatic clothes washer'' is a class of clothes washer that is the same as an automatic clothes washer except that user intervention is required to regulate the water temperature by adjusting the external water faucet valves. *Id.*

''Other clothes washer'' means a class of clothes washer that is not an automatic or semi-automatic clothes washer. *Id.*

Issue II.A.1. DOE requests comment on whether the definitions for RCWs require any revisions—and if so, how those definitions should be revised.

B. Market and Technology Assessment

The market and technology assessment that DOE routinely conducts when analyzing the impacts of a potential new or amended energy conservation standard provides information about the RCW industry that will be used throughout the rulemaking process. DOE uses qualitative and quantitative information to characterize the structure of the industry and market. DOE identifies manufacturers, estimates market shares and trends, addresses regulatory and non-regulatory initiatives intended to improve energy efficiency or reduce energy consumption, and explores the potential for efficiency improvements in the design and manufacturing of RCWs. DOE also reviews product literature, industry publications, and company websites. Additionally, DOE conducts interviews with manufacturers to improve its assessment of the market and available technologies for RCWs.

1. Product Classes

When evaluating and establishing energy conservation standards, DOE may divide covered products into product classes by the type of energy used, or by capacity or other performance-related features that justify a different standard. (42 U.S.C. 6295(q)) In making a determination whether capacity or another performance-related feature justifies a different standard, DOE must consider such factors as the utility of the feature to the consumer and other factors DOE deems appropriate. *Id.*

For RCWs, the current energy conservation standards specified in 10 CFR 403.32(g) are based on four product classes, differentiated by capacity and method of loading clothes (*i.e.,* axis of loading):

- Top-loading, compact (less than 1.6 cubic feet (cu.ft.) capacity);
- Top-loading, standard (1.6 cu.ft. or greater capacity);
- Front-loading, compact (less than 1.6 cu.ft. capacity); and
- Front-loading, standard (1.6 cu.ft. or greater capacity).

10 CFR 430.32(g)(3).

In a previous rulemaking to amend standards applicable to commercial clothes washers, DOE determined specifically that the ''axis of loading'' constituted a feature that justified separate product classes for top loading and front loading clothes washers, and that ''the longer average cycle time of front-loading machines warrants consideration of separate [product] classes.'' 79 FR 74492, 74498 (Sept. 15, 2014). DOE stated that a split in preference between top loaders and front loaders would not indicate consumer indifference to the axis of loading, but rather that a certain percentage of the market expresses a preference for (*i.e.,* derives utility from) the top-loading configuration. DOE further noted that separation of clothes washer equipment classes by location of access is similar in nature to the equipment classes for residential refrigerator-freezers, which include separate product classes based on the access of location of the freezer compartment (*e.g.,* top-mounted, side-mounted, and bottom-mounted). The location of the freezer compartment on these products provides no additional performance-related utility other than consumer preference. In other words, the location of access itself provides distinct consumer utility. *Id.* 79 FR 74499. DOE also reasoned that top-loading residential clothes washers are available with the same efficiency levels, control panel features, and price points as front-loading residential clothes washers, and that given these equivalencies, purchase of top loaders indicates a preference among certain consumers for the top-loading configuration, *i.e.,* the top-loading configuration provides utility to those customers preferring one configuration over another, with all other product attributes being equal. *Id.*

Issue II.B.1. DOE requests feedback on the current RCW product classes and whether changes to these individual product classes and their descriptions should be made.

DOE is also aware that new configurations and features are available for RCWs that may not have been available at the time of the last energy conservation standards analysis. For example, DOE is aware of auxiliary or supplementary clothes washers designed to accompany a standard-size RCW from the same manufacturer, which may be integrated as a single product; RCWs that contain a built-in basin that can be used to pre-treat and soak clothing before the start of a wash cycle; and RCWs that provide drying functionality as an optional feature that can be added to the end of a wash cycle.

Issue II.B.2. DOE seeks to ensure that it does not inhibit the development of features, or eliminate from the market existing features, that provide utility to the consumer. DOE therefore requests information regarding such new configurations and features, including how prevalent they are in the market, the consumer utility of such features, and data detailing the corresponding impacts on energy use.

DOE recently granted a petition for rulemaking to propose a new product class for dishwashers with a normal cycle of 60 minutes or fewer.[4] DOE determined that under the product-class provision in EPCA (42 U.S.C. 6295(q)), cycle time is a performance-related feature for dishwashers that justifies a separate product class subject to a higher or lower standard than that currently applicable to dishwashers. In the context of dishwashers, DOE found that there is consumer utility in shorter cycle times to clean a normally-soiled load of dishes.

Issue II.B.3. DOE requests comment on the extent to which shorter cycles for RCWs could likewise affect consumer utility and whether creation of a separate product class would enable the availability of such products.

Additionally, as noted, EPCA identifies product capacity as a performance-related feature that may justify the establishment of a higher or lower standard than that which applies (or would apply) for such type or class for any group of covered products. 42 U.S.C. 6295(q)(1)(B). For clothes washers, products with a larger capacity are inherently able to achieve higher efficiency levels; conversely, products with smaller capacity are inherently unable to achieve as high efficiency levels, for two main reasons. First, a larger tub capacity can contribute to improved efficiency because a larger amount of clothing can be washed using an incremental increase in the quantity of water that is less than the incremental increase in capacity, therefore reducing the amount of water and energy per pound of clothing. Second, a larger drum diameter can exert a higher g-force on the clothing during the final-spin portion of the cycle, thus removing more water and reducing the drying energy component of the integrated modified energy factor (''IMEF'') metric (resulting in a better IMEF rating).

DOE notes that the front-loading clothes washer market is segmented based on product width (which inherently affects clothes washer capacity). A significant majority of front-loading RCWs currently on the market in the United States have a nominal cabinet width of 27 inches or greater. However, the front-loading market also includes narrower products with a nominal cabinet width of 24 inches. These products are designed to be installed in confined spaces such as small closets and under-counter installations. At the time of the rulemaking culminating in the May 2012 Direct Final Rule, the efficiency levels of both 27-inch and 24-inch RCWs overlapped sufficiently such that both types of products were available at the efficiency levels considered for the rulemaking analysis and at the amended standard level. However, in the current market, almost no overlap in efficiency exists between 24-inch and 27-inch RCWs (specifically, the 24-inch products have lower efficiency ratings than the 27-inch products, which may be due to the limitation on drum diameter and volume, as described above).

Similarly, while a significant majority of top-loading RCWs currently on the market have a nominal cabinet width of 27 inches or greater, the standard-size product class also includes smaller products that typically have clothes container capacities less than 3 cu.ft. and are designed to be portable. Due to size and installation limitations, such products may be less able to incorporate certain efficiency-related technologies such as larger drum volume or higher spin speeds compared to 27-inch stationary products.

Issue II.B.4. DOE requests information and data on the installation environments and consumer use of smaller-size front-loading and top-loading RCWs such as those designed for confined spaces and/or portable use.

2. Technology Assessment

In analyzing the feasibility of potential new or amended energy conservation standards, DOE uses

[4] A pre-publication version of the notice granting the petition is available at: *https://www.energy.gov/sites/prod/files/2019/07/f64/dishwasher-petition-nopr.pdf.*

information about existing technology options and prototype designs to help identify technologies that manufacturers could use to meet and/or exceed a given set of energy conservation standards under consideration. In consultation with interested parties, DOE intends to develop a list of technologies to consider in its analysis. That analysis will likely include a number of the technology options DOE considered during its most recent rulemaking for RCWs. A complete list of those options appears in Table II–1.

TABLE II–1—TECHNOLOGY OPTIONS FOR RESIDENTIAL CLOTHES WASHERS CONSIDERED IN DEVELOPMENT OF THE MAY 2012 DIRECT FINAL RULE

Adaptive control systems.
Added insulation.
Advanced agitation concepts for vertical-axis machines.
Automatic fill control.
Bubble action.
Capacity increase.
Direct-drive motor.
Electrolytic disassociation of water.
Horizontal-axis design.
Horizontal-axis design with recirculation.
Hot water circulation loop.
Improved fill control.
Improved horizontal-axis-washer drum design.
Improved water extraction to lower remaining moisture content.
Increased motor efficiency.
Low standby-power design.
Ozonated laundering.
Plastic particle cleaning.
Reduced thermal mass.
Silver ion injection.
Spray rinse or similar water-reducing rinse technology.
Thermostatically-controlled mixing valves.
Tighter tub tolerance.
Ultrasonic washing.

Issue II.B.5. DOE seeks information on the technologies listed in Table II–1 regarding their applicability to the current market and how these technologies may impact the efficiency of RCWs as measured according to the DOE test procedure. DOE also seeks information on how these technologies may have changed since they were considered in the May 2012 Direct Final Rule analysis. Specifically, DOE seeks information on the range of efficiencies or performance characteristics currently available for each technology option.

Issue II.B.6. DOE seeks comment on other technology options that it should consider for inclusion in its analysis and if these technologies may impact product features or consumer utility.

C. Screening Analysis

The purpose of the screening analysis is to evaluate the technologies that improve equipment efficiency to determine which technologies will be eliminated from further consideration and which will be passed to the engineering analysis for further consideration.

DOE determines whether to eliminate certain technology options from further consideration based on the following criteria:

(1) *Technological feasibility.* Technologies that are not incorporated in commercial products or in working prototypes will not be considered further.

(2) *Practicability to manufacture, install, and service.* If it is determined that mass production of a technology in commercial products and reliable installation and servicing of the technology could not be achieved on the scale necessary to serve the relevant market at the time of the effective date of the standard, then that technology will not be considered further.

(3) *Impacts on product utility or product availability.* If a technology is determined to have significant adverse impact on the utility of the product to significant subgroups of consumers, or result in the unavailability of any covered product type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as products generally available in the United States at the time, it will not be considered further.[5]

(4) *Adverse impacts on health or safety.* If it is determined that a technology will have significant adverse impacts on health or safety, it will not be considered further.

10 CFR part 430, subpart C, appendix A, 4(a)(4) and 5(b).

Technology options identified in the technology assessment are evaluated against these criteria using DOE analyses and inputs from interested parties (*e.g.,* manufacturers, trade organizations, and energy efficiency advocates). Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. Technology options that fail to meet one or more of the four criteria are eliminated from consideration.

Table II–2 summarizes the screened-out technology options, and the applicable screening criteria, from the May 2012 Direct Final Rule.

[5] For example, in the May 2012 Direct Final Rule, ultrasonic washing technology was screened out on the basis of adverse impacts on product utility. As described in Chapter 4 of the Technical Support Document accompanying the May 2012 Direct Final Rule, DOE concluded that ultrasonic washing technology would not adequately remove soil from clothing and would therefore reduce consumer utility. In addition, bubble cavitations caused by standing ultrasonic waves could potentially damage some fragile clothing or clothing fasteners, further reducing consumer utility.

TABLE II–2—PREVIOUSLY SCREENED OUT TECHNOLOGY OPTIONS FROM THE MAY 2012 DIRECT FINAL RULE

Screened technology option	EPCA criteria (X = basis for screening out)			
	Technological feasibility	Practicability to manufacture, install, and service	Adverse impact on product utility	Adverse impacts on health and safety
Added insulation	X			
Bubble action		X		
Electrolytic disassociation of water	X	X		
Ozonated laundering		X		
Plastic particle cleaning		X		
Ultrasonic washing			X	

Issue II.C.1. DOE requests feedback on what impact, if any, the four screening criteria described in this section would have on each of the technology options listed in Table II–1 with respect to RCWs. Similarly, DOE seeks information regarding how these same criteria would affect any other technology options not already identified in this document with respect to their potential use in RCWs.

Issue II.C.2. With respect to the screened out technology options listed in Table II–2, DOE seeks information on whether these options would, based on current and projected assessments regarding each of them, remain screened out under the four screening criteria described in this section. With respect to each of these technology options, DOE requests comment on what steps, if any, could be (or have already been) taken to facilitate the introduction of each option as a means to improve the energy performance of RCWs and the potential to impact consumer utility of RCWs. DOE also requests comment on whether any of the remaining technology options (*i.e.,* those not screened out) should be screened out under the four screening criteria.

D. Engineering Analysis

The engineering analysis estimates the cost-efficiency relationship of products at different levels of increased energy efficiency (''efficiency levels''). This relationship serves as the basis for the cost-benefit calculations for consumers, manufacturers, and the Nation. In determining the cost-efficiency relationship, DOE estimates the increase in manufacturer production cost (''MPC'') associated with increasing the efficiency of products above the baseline, up to the maximum technologically feasible (''max-tech'') efficiency level for each product class.

DOE has historically used the following three methodologies to generate incremental manufacturing costs and establish efficiency levels (''ELs'') for analysis: (1) The design-option approach, which provides the incremental costs of adding to a baseline model design options that will improve its efficiency; (2) the efficiency-level approach, which provides the relative costs of achieving increases in energy efficiency levels, without regard to the particular design options used to achieve such increases; and (3) the cost-assessment (or reverse-engineering) approach, which provides ''bottom-up'' manufacturing cost assessments for achieving various levels of increased efficiency, based on detailed data as to costs for parts and material, labor, shipping/packaging, and investment for models that operate at particular efficiency levels.

1. Baseline Efficiency Levels

For each established product class, DOE selects a baseline model as a reference point against which any changes resulting from energy conservation standards can be measured. The baseline model in each product class represents the characteristics of common or typical products in that class. Typically, a baseline model is one that meets the current minimum energy conservation standards and provides basic consumer utility. If DOE determines that a rulemaking is necessary, consistent with this analytical approach, for each product class, DOE tentatively plans to consider the current standard levels as the baseline efficiency levels.

The current standards for all four product classes are based on two metrics:

(1) IMEF, expressed as cu.ft. per kilowatt-hour per cycle (cu.ft/kWh/cycle), and calculated as the clothes container capacity in cu.ft. divided by the sum, expressed in kWh, of: (1) The total weighted per-cycle hot water energy consumption; (2) the total weighted per-cycle machine electrical energy consumption; (3) the per-cycle energy consumption for removing moisture from a test load; and (4) the per-cycle standby and off mode energy consumption; and

(2) Integrated Water Factor (''IWF''), expressed in gallons per cycle per cu.ft. (gal/cycle/cu.ft.), and calculated as the total weighted per-cycle water consumption for all wash cycles, expressed in gallons per cycle, divided by the clothes container capacity in cu.ft.

The current standards for RCWs are found in 10 CFR 430.32(g)(4).

Issue II.D.1. DOE requests feedback on whether using the potential baseline efficiency levels identified above for each product class would be appropriate for DOE to apply to each product class in evaluating whether to amend the current energy conservation standards for these products. DOE requests data and information to determine baseline efficiency levels to better evaluate amending energy conservation standards for these products.

2. Maximum Available and Maximum Technology Levels

As part of DOE's analysis, the maximum available efficiency level is the highest efficiency unit currently available on the market. Table II–3 in the next section shows the current maximum available IMEF efficiency levels for each existing RCW product class, based on information in DOE's Compliance Certification Database.[6]

DOE defines a max-tech efficiency level to represent the maximum possible efficiency for a given product. In the May 2012 Direct Final Rule, DOE determined that the maximum available efficiency levels for RCWs corresponded to the max-tech efficiency levels.

Issue II.D.2. DOE seeks input on whether the maximum available efficiency levels are appropriate and technologically feasible for consideration as possible energy conservation standards for the products at issue.

Issue II.D.3. DOE seeks input on whether the maximum available efficiency levels correspond to the max-tech efficiency levels, given the current

[6] DOE's Compliance Certification Database is available at *https://www.regulations.doe.gov/compliance-certification-database.* Last accessed April 2, 2019.

state of technology, or whether DOE should consider max-tech efficiency levels different than the current maximum available efficiency levels.

Issue II.D.4. DOE seeks feedback on what design options would be incorporated at a max-tech efficiency level, and the efficiencies associated with those levels. As part of this request, DOE also seeks information as to whether there are limitations on the use of certain combinations of design options.

3. Intermediate Efficiency Levels

DOE may also define intermediate efficiency levels in between the baseline and max-tech efficiency levels. Typically, DOE identifies intermediate efficiency levels, where appropriate, based on a variety of sources including, but not limited to: (1) Clusters of models currently on the market at intermediate efficiency levels; (2) efficiency levels defined by programs such as ENERGY STAR or the Consortium for Energy Efficiency's (''CEE'') Super-Efficient Home Appliances Initiative; or (3) ''gap-fill'' levels to bridge large divides between existing clusters in the market.

Table II–3 indicates potential intermediate efficiency levels, along with baseline and maximum available levels, that DOE could consider for each existing RCW product class, based on a preliminary review of the current market according to models listed in DOE's Compliance Certification Database.

TABLE II–3—EFFICIENCY LEVELS FOR EXISTING PRODUCT CLASSES

Product class	Efficiency level	Efficiency level description	IMEF *(cu.ft./kWh/cycle)*	IWF *(gal/cycle/cu.ft.)*
Top-Loading, Compact	Baseline	2018 DOE standard	1.15	12.0
	Max Available	Maximum currently certified to DOE	1.24	11.3
Top-Loading, Standard	Baseline	2018 DOE standard	1.57	6.5
	Intermediate	2018 ENERGY STAR	2.06	4.3
	Intermediate	2015 CEE Tier 1	2.38	3.7
	Max Available	2018 CEE Tier 1 (>2.5 cu.ft.), maximum currently certified to DOE.	2.76	3.2
Front-Loading, Compact	Baseline	2018 DOE standard	1.13	8.3
	Max Available	Maximum currently certified to DOE	1.17	6.8
Front-Loading, Standard	Baseline	2018 DOE standard	1.84	4.7
	Intermediate	2015 ENERGY STAR (>2.5 cu.ft.)	2.38	3.7
	Intermediate	2018 ENERGY STAR (>2.5 cu.ft.)	2.76	3.2
	Intermediate	2018 ENERGY STAR Most Efficient (>2.5 cu.ft.)	2.92	3.2
	Max Available	Maximum currently certified to DOE	3.10	2.7

Issue II.D.5. DOE seeks input on whether the potential efficiency level definitions shown in Table II–3 are appropriate for each product class. DOE also seeks input on whether DOE should consider any additional ''gap fill'' efficiency levels between any of the potential efficiency levels shown in the table.

4. Other Efficiency Level Considerations

As an alternative to the current RCW standards based on IMEF and IWF, DOE could consider defining an IMEF and/or IWF standard as an equation based on capacity. Such an approach would be consistent with the approach used by DOE for consumer refrigerator-freezer standards, for example. If DOE were to adopt such an approach, the efficiency levels considered in the analysis would represent variations from a baseline equation that DOE would establish. For example, if such an approach used a linear equation to define the standard, the higher efficiency levels considered in the analysis could represent equations with the same slope as the baseline equation but with a different y-intercept, or *vice-versa,* or some combination of both.

Issue II.D.6. DOE requests feedback on whether it should consider an IMEF and/or IWF standard as an equation based on capacity.

5. Manufacturer Production Costs and Manufacturing Selling Price

As described at the beginning of this section, the main outputs of the engineering analysis are cost-efficiency relationships that describe the estimated increases in MPC associated with higher-efficiency products for the analyzed product classes. For the May 2012 Direct Final Rule, DOE developed the cost-efficiency relationships for the top-loading standard and front-loading standard product classes using a combination of the reverse-engineering approach and the efficiency-level approach. DOE used the design-option approach to develop the cost-efficiency relationships for the top-loading compact and front-loading compact product classes, because less data was available for these product classes.

Issue II.D.7. DOE requests feedback on how manufacturers would incorporate any of the technology options listed in Table II–1 to increase energy efficiency in RCWs beyond the baseline within each product class. This includes information on the order in which manufacturers would incorporate the different technologies to incrementally improve the efficiencies of products. DOE also requests feedback on whether the increased energy efficiency would lead to other design changes that would not occur otherwise. DOE is also interested in information regarding any potential impact of design options on a manufacturer's ability to incorporate additional functions or attributes in response to consumer demand.

Issue II.D.8. DOE also seeks input on the increase in MPC associated with incorporating each particular design option. Specifically, DOE is interested in whether and how the costs estimated for design options in the May 2012 Direct Final Rule have changed since the time of that analysis. DOE also requests information on the investments necessary to incorporate specific design options, including, but not limited to, costs related to new or modified tooling (if any), materials, engineering and development efforts to implement each design option, and manufacturing/production impacts.

Issue II.D.9. DOE requests comment on whether certain design options may not be applicable to (or may be incompatible with) specific product classes.

To account for manufacturers' non-production costs and profit margin, DOE applies a non-production cost multiplier (the manufacturer markup) to the MPC.

The resulting manufacturer selling price (''MSP'') is the price at which the manufacturer distributes a unit into commerce. For the May 2012 Direct Final Rule, DOE used a baseline manufacturer markup of 1.22 for all product classes to convert MPC to MSP.

Issue II.D.10. DOE requests feedback on whether a baseline manufacturer markup of 1.22 remains appropriate for RCWs.

E. Markups Analysis

To carry out the life-cycle cost (''LCC'') and payback period (''PBP'') calculations, DOE would need to determine the cost to the residential consumer of baseline products, and the cost of more-efficient units the consumer would purchase under potential amended standards. By applying a multiplier called a ''markup'' to the MSP, DOE is able to estimate the residential consumer's price. In generating end-user price inputs, DOE must identify distribution channels (*i.e.,* how the products are distributed from the manufacturer to the consumer) and estimate relative sales volumes through each channel. In the May 2012 Direct Final Rule, DOE only accounted for the retail outlets distribution channel because data from the Association of Home Appliance Manufacturers (''AHAM'') 2005 *Fact Book* indicated that the overwhelming majority of residential appliances were sold through retail outlets, as described in chapter 6 of the technical support document accompanying the May 2012 Direct Final Rule. The main actors included were manufacturers and retailers.[7] The AHAM *2009 Fact Book* indicated a similar share for the products sold. Thus, DOE analyzed a manufacturer-to-consumer distribution channel consisting of three parties: (1) The manufacturers producing the products, (2) the retailers purchasing the products from manufacturers and selling them to consumers, and (3) the consumers who purchase the products. In the May 2012 Direct Final Rule, DOE did not include a separate distribution channel for RCWs included as part of a new home because DOE did not have enough information to characterize which of these products come pre-installed by builders in the new homes. Should sufficient information become available, DOE may consider including a separate distribution channel that includes a contractor in addition to the existing retail outlets distribution channel.

For a potential new analysis, DOE would determine an average manufacturer markup by examining the annual Securities and Exchange Commission (''SEC'') 10–K reports filed by publicly traded manufacturers of appliances whose product range includes RCWs. DOE will determine an average retailer markup by analyzing both economic census data from the U.S. Census Bureau and the annual SEC 10–K reports filed by publicly traded retailers.

In addition to developing manufacturer and retailer markups, DOE would develop and include sales taxes to calculate appliance retail prices. DOE would use an internet source, the Sales Tax Clearinghouse, to calculate applicable sales taxes.

Issue II.E.1. DOE requests information on the existence of any distribution channels other than the retail outlet distribution channel that should be included in a future analysis. DOE also requests data on the fraction of RCW sales that go through both, a wholesaler/retailer and a contractor, as well as the fraction of sales through any other identified channels.

F. Energy and Water Use Analysis

As part of the rulemaking process, DOE conducts an energy and water use analysis to identify how products are used by consumers, and thereby determine the energy and water savings potential of efficiency improvements. The energy and water use analysis seeks to capture the range of operating conditions for RCWs in U.S. homes. The energy and water use analysis is meant to represent typical energy and water consumption in the field.

To determine the field energy and water use of products that would meet possible standard levels, DOE would use data from the Energy Information Administration's (''EIA's'') 2015 Residential Energy Consumption Survey (''RECS''), the most recent survey available from EIA.[8] RECS is a national sample survey of housing units that collects statistical information on the consumption of and expenditures for energy in housing units along with data on energy-related characteristics of the housing units and occupants. RECS provides sufficient information to establish the type (product class) of RCW used in each household. As a result, DOE would be able to develop household samples for each of the considered product classes. RECS specifies the use cycles of RCWs, thereby allowing DOE to determine the RCW's annual energy and water consumption.

For each sample household, DOE would estimate the field-based annual energy and water use of front- and top-loading standard-capacity RCWs by multiplying the annual number of RCW cycles for each household by the per-cycle energy and water use values established by the engineering analysis (using the DOE test procedure) for each considered efficiency level. Per-cycle energy use is calculated in the test procedure as the sum of per-cycle machine energy use (including the energy used to heat water and remove moisture from clothing), and standby mode and off-mode energy use.

Issue II.F.1. DOE requests input from interested parties on approaches for specifying the typical values and variability in the annual energy consumption of RCWs.

For the purpose of its analysis, DOE would account for any rebound effect in its determination of annual energy and water consumption. The rebound effect occurs when a piece of equipment, made more efficient and used more intensively, does not yield the expected energy savings from the efficiency improvement. In the case of more efficient RCWs, research to date indicates no conclusive causality between increased efficiency and increased use.

Issue II.F.2. DOE seeks comments on any rebound effect associated with more efficient RCWs. In other words, DOE seeks input on what portion of the energy savings resulting from more efficient models may be offset due to increased usage of RCWs.

G. Life-Cycle Cost and Payback Period Analyses

The effects of more stringent energy conservation standards on a consumer of RCWs include changes in operating expenses (usually decreased) and changes in purchase prices (usually increased). DOE would analyze data input variability and uncertainty by performing the LCC and PBP calculations on a representative sample of households from RECS for the considered product classes using Monte Carlo simulation and probability distributions. The analysis results are a distribution of results showing the range of LCC savings and PBPs for a given efficiency level relative to the baseline level.

DOE would analyze the net effect on consumers by calculating the LCC and PBP using engineering performance data (section II.D of this document), energy and water consumption data (section II.F of this document), and equipment

[7] Available at *https://www.regulations.gov/document?D=EERE-2008-BT-STD-0019-0047.*

[8] For information on RECS, see *http://www.eia.doe.gov/emeu/recs/.*

retail prices (section II.E of this document). Inputs to the LCC and PBP calculation include the total installed cost to the consumer (purchase price plus installation cost) and operating cost (energy and water expenses, repair costs, and maintenance costs). Additional inputs to the LCC calculation include energy price forecasts, the lifetime of the RCW or other defined period of analysis, and discount rates.

To derive the installation costs, DOE would use the 2017 RSMeans Residential Cost Data on labor requirements to estimate installation costs for RCWs.[9] DOE would make adjustments to the costs if needed to account for changes in weight and/or dimensions of higher-efficiency products.

Issue II.G.1. DOE seeks input on whether RCW installation costs scale with equipment weight and/or dimensions.

In the May 2012 Direct Final Rule, DOE did not have any data to support increases in maintenance and repair costs associated with increases in efficiency levels within each of the product classes considered in the analysis. Therefore, DOE did not assume that more efficient RCWs in each product class would have greater repair or maintenance costs. 77 FR 32308, 32342.

Issue II.G.2. DOE requests feedback and data on whether or not maintenance costs differ by technology option for any of the options listed in Table II–1.

Issue II.G.3. DOE requests information and data on the frequency of repair and repair costs by product class.

DOE measures LCC and PBP impacts of potential standard levels relative to a no-standards case that reflects the market in the absence of amended standards. DOE would develop market-share efficiency data (*i.e.,* the distribution of product shipments by efficiency) for the product classes DOE is considering, for the year in which compliance with any amended standards would be required. By accounting for consumers who already purchase more efficient products, DOE would avoid overstating the potential benefits from potential standards.

Issue II.G.4. DOE seeks input and data on the fraction of RCWs currently sold with efficiencies greater than the minimum energy conservation standards, including the January 1, 2018, standards. DOE also requests information on expected trends in product efficiency over the next 5 years.

H. Shipments Analysis

DOE develops shipments forecasts of RCWs to calculate the national impacts of potential amended energy conservation standards on energy consumption, net present value (''NPV''), and future manufacturer cash flows. Typically, DOE shipments projections utilize available historical data broken out by product class, capacity, and efficiency. In the May 2012 Direct Final Rule, DOE developed a shipments model for RCWs driven by historical shipments data, which were used to build up a product stock and calibrate the shipments model. 77 FR 32308, 32344. The key drivers of the shipments model included the new owner and replacement markets. Current sales estimates would allow for a more accurate model that captures recent trends in the market.

Issue II.H.1. DOE requests annual sales data (*i.e.,* number of shipments) for top-loading standard, front-loading standard, top-loading compact, and front-loading compact RCW units. For each category, DOE also requests the fraction of sales that are ENERGY STAR qualified.

Table II–4 provides a summary table of the data requested in Issue II.H.1:

TABLE II–4—SUMMARY TABLE OF SHIPMENTS-RELATED DATA REQUESTS

Product class	Annual sales * (number sold)	Fraction of ENERGY STAR-rated annual sales (%)
Top-loading, compact	.....	.....
Top-loading, standard	.....	.....
Front-loading, compact	.....	.....
Front-loading, standard (all):		
24-inch products	.....	.....
27-inch products	.....	.....

* Sales for last 5 years, if available.

Issue II.H.2. DOE requests data and information on any trends in the RCW market that could be used to forecast expected trends in product class market share.

An initial analysis of market data indicates that consumers are purchasing more top-loading units in recent years, showing an upswing in the market share for this product class.

Issue II.H.3. DOE seeks data and information on whether the trend towards increased sales of top-loading units is expected to continue or level off.

I. National Impact Analysis

The purpose of the national impact analysis (''NIA'') is to estimate aggregate impacts of potential efficiency standards at the national level. Impacts reported by DOE include the national energy savings (''NES'') from potential standards and the national net present value (''NPV'') of the total consumer benefits. The NIA considers lifetime impacts of potential standards on RCWs shipped in a 30-year period that begins with the expected compliance date for new or amended standards.

Analyzing impacts of potential amended energy conservation standards for RCWs requires a comparison of projected U.S. energy consumption with and without the amended standards. The forecasts contain projections of annual appliance shipments (section II.H of this document), the annual energy and water consumption of new RCWs (section II.F of this document), and the purchase price of new RCWs (section II.E of this document).

A key component of DOE's estimates of NES and NPV would be the RCW energy efficiency forecasted over time for the no-standards case and each of the potential standards cases. In the May 2012 Direct Final Rule, DOE based projections of no-standards-case shipment-weighted efficiency (''SWEF'') for the RCW product classes on growth rates determined from historical data provided by AHAM. 77 FR 32308, 32342. For a potential future rulemaking, DOE would expect to consider recent trends in efficiency and input from interested parties to update product energy efficiency forecasts.

Issue II.I.1. DOE seeks historical SWEF (IMEF and IWF) data for RCWs by product class. DOE also seeks historical market share data showing the percentage of product shipments by efficiency level for as many product classes as possible.

J. Manufacturer Impact Analysis

The purpose of the manufacturer impact analysis (''MIA'') is to estimate the financial impact of any amended energy conservation standards on manufacturers of RCWs, and to evaluate the potential impact of such standards on direct employment and manufacturing capacity. The MIA includes both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (''GRIM''), an industry cash-flow model adapted for covered RCW product classes, with the key output of industry

[9] Residential Costs with RSMeans Data 2017 available at *http://www.rsmeans.com/products/books.aspx.*

net present value (''INPV''). The qualitative part of the MIA addresses the potential impacts of energy conservation standards on manufacturing capacity and industry competition, as well as factors such as product characteristics, impacts on particular subgroups of firms, and important market and product trends.

As part of the MIA, DOE intends to analyze the impacts of potential amended energy conservation standards on subgroups of manufacturers of RCWs, including small business manufacturers. DOE uses the Small Business Administration's (''SBA'') small business size standards to determine whether manufacturers qualify as small businesses, which are listed by the North American Industry Classification System (''NAICS'').[10] Manufacturing of RCWs is classified under NAICS 335220, ''Major Household Appliance Manufacturing,'' and the SBA sets a threshold of 1,500 employees of less for a domestic entity to be considered as a small business. This employee threshold includes all employees in the parent company and any other subsidiaries.

One aspect of assessing manufacturer burden involves looking at the cumulative impact of multiple DOE standards and the product-specific regulatory actions of other Federal agencies that affect the manufacturers of a covered product or equipment. While any one regulation may not impose a significant burden on manufacturers, the combined effects of several existing or impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. In addition to energy conservation standards, including previous standards affecting the same product, other regulations can significantly affect manufacturers' financial operations. Multiple regulations affecting the same manufacturer can strain profits and lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

Issue II.J.1. To the extent feasible, DOE seeks the names and contact information of any domestic or foreign-based manufacturers that distribute RCWs in the United States.

Issue II.J.2. DOE has identified small businesses as a subgroup of manufacturers that could be disproportionally impacted by future amended energy conservation standards. DOE requests the names and contact information of small business manufacturers, as defined by the SBA's size threshold for RCW manufacturers, that distribute products in the United States. In addition, DOE requests comment on any other manufacturer subgroups that potentially could be disproportionally impacted by amended energy conservation standards. DOE requests feedback on any potential approaches that could be considered to address impacts on manufacturers, including small businesses.

Issue II.J.3. DOE requests information regarding the impact of cumulative regulatory burden on manufacturers of RCWs associated with (1) other DOE standards applying to different products that these manufacturers may also make and import and (2) product-specific regulatory actions of other Federal agencies. DOE also requests comment on its methodology for computing cumulative regulatory burden and how DOE could reduce this burden while complying with the requirements of EPCA.

K. Other Energy Conservation Standards Topics

In the field of economics, a market failure is a situation in which the market outcome does not maximize societal welfare. Such an outcome would result in unrealized potential welfare. DOE welcomes comment on any aspect of market failures, especially those in the context of amended energy conservation standards for RCWs.

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of energy conservation standards for RCWs not already addressed by the specific areas identified in this document.

III. Submission of Comments

DOE invites all interested parties to submit in writing by September 3, 2019, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of amended energy conservation standards for RCWs. After the close of the comment period, DOE will review the public comments received and may begin collecting data, conducting the analyses discussed in this RFI.

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* web page requires you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies Office staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover

[10] Available online at: *https://www.sba.gov/document/support--table-size-standards.*

letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email to *Consumer ClothesWasher2017 STD0014@ee.doe.gov* or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of the rulemaking process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the rulemaking process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process or would like to request a public meeting should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signed in Washington, DC, on July 23, 2019.

Alexander N. Fitzsimmons,

Acting Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2019–16564 Filed 8–1–19; 8:45 am]

BILLING CODE 6450–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1003

[Docket No. CFPB–2019–0021]

RIN 3170–AA76

Home Mortgage Disclosure (Regulation C); Reopening of Comment Period

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Reopening of comment period with request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is reopening the comment period for specific aspects of the proposed rule published by the Bureau in the **Federal Register** on May 13, 2019 (May 2019 Proposal). The May 2019 Proposal proposed amendments to Regulation C relating to the coverage thresholds for reporting data on closed-end mortgage loans and open-end lines of credit and partial exemptions under the Home Mortgage Disclosure Act (HMDA). To facilitate the potential revisions of the thresholds that the Bureau proposed to take effect on January 1, 2020, the Bureau used a 30-day comment period, which ended on June 12, 2019. Later this summer, the national loan level dataset for 2018 and the Bureau's annual overview of residential mortgage lending based on that data (collectively, the 2018 HMDA Data) will be released. Stakeholders have asked to submit comments on the May 2019 Proposal that reflect the 2018 HMDA Data. To allow for the submission of such comments, the Bureau now reopens the comment period on certain aspects of the proposal until October 15, 2019.

DATES: The comment period for the proposed rule published May 13, 2019, at 84 FR 20972, is reopened with respect to the proposed changes relating to the permanent coverage thresholds for closed-end mortgage loans and open-end lines of credit in §§ 1003.2(g)(1)(v) and (g)(2)(ii) and 1003.3(c)(11) and (c)(12) and related commentary. Comments must be received by October 15, 2019.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2019–0021 or RIN 3170–AA76, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: 2019-NPRM-HMDAThresholds@cfpb.gov.* Include Docket No. CFPB–2019–0021 or RIN 3170–AA76 in the subject line of the message.
- *Mail:* Comment Intake, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment Intake, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Jaydee DiGiovanni or Shaakira Gold-Ramirez, Counsels; or Amanda Quester or Alexandra Reimelt, Senior Counsels, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 2, 2019, the Bureau issued a notice of proposed rulemaking at 84 FR 20972 (May 2019 Proposal) relating to Regulation C's coverage thresholds and the partial exemptions under HMDA and requested public comment.[1] The May 2019 Proposal was published in the **Federal Register** on May 13, 2019.

In the May 2019 Proposal, the Bureau proposed two alternatives to amend Regulation C to increase the current 25-loan coverage threshold for reporting data about closed-end mortgage loans so that institutions originating fewer than either 50 closed-end mortgage loans, or alternatively 100 closed-end mortgage loans, in either of the two preceding calendar years would not have to report such data. The May 2019 Proposal proposed an effective date of January 1, 2020 for any amendment to the closed-end coverage threshold. The May 2019 Proposal would also adjust the coverage threshold for reporting data about open-end lines of credit by (a) extending to January 1, 2022 the current temporary coverage threshold of 500 open-end lines of credit, and (b) setting the permanent coverage threshold at 200 open-end lines of credit upon the expiration of the proposed extension of the temporary coverage threshold. In the May 2019 Proposal, the Bureau also proposed to incorporate into Regulation C the interpretations and procedures from the interpretive and procedural rule that the Bureau issued on August 31, 2018 to implement and clarify section 104(a) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA),[2] and proposed to make other changes to effectuate section 104(a).

To facilitate the potential revisions of the thresholds that the Bureau proposed to take effect on January 1, 2020, the Bureau used a 30-day comment period for the May 2019 Proposal, which ended on June 12, 2019.[3] The Bureau received over 300 comments. Among the comments received were a number of letters expressing concern that the 2018 HMDA Data would not be available until after the close of the comment period for the May 2019 Proposal. These commenters noted that the 2018 HMDA Data includes data points that were reported for the first time under the Bureau's October 2015 HMDA final rule and stated that access to the 2018 HMDA Data would enable the public to comment more precisely on the data that would be lost if the proposed changes were finalized. For example, a group of 18 consumer advocacy and other non-profit organizations asked the Bureau to reissue the May 2019 Proposal and allow for a new 90-day comment period after the release of the 2018 HMDA Data.[4] A State attorney general expressed concern that the May 2019 Proposal asked the public to provide comment on the efficacy of data it has yet to see. An industry commenter stated that analysis of the 2018 HMDA Data was necessary so as to gain an accurate understanding of how changes to the coverage thresholds would affect regulators and current HMDA reporters.

II. Discussion and Request for Comment

The Bureau has balanced the potential benefits from allowing interested parties additional time to consider the 2018 HMDA Data in commenting on the May 2019 Proposal with the Bureau's desire to finalize certain aspects of the May 2019 Proposal expeditiously. The Bureau expects the 2018 HMDA Data to be released in late summer. In light of these factors, the Bureau has decided that reopening certain aspects of the May 2019 Proposal for a limited period of time to comment is appropriate, as discussed below.[5] The Bureau does not, however, believe it is necessary or appropriate to reissue the May 2019 Proposal with a new 90-day comment period as the letter from 18 non-profit organizations requested. Instead, the Bureau will reopen the comment period on certain aspects of the NPRM until October 15, 2019, so comments can reflect the 2018 HMDA Data without interposing substantial delay in the adoption of any new permanent thresholds.

A. Provisions the Bureau Is Reopening for Comment

The Bureau believes that it would be useful to have public comment on the 2018 HMDA Data in considering where to set the permanent coverage thresholds for closed-end mortgage loans and open-end lines of credit. For example, the new data may shed light on the number of institutions and percentage of market activity covered at different potential coverage thresholds and the value of the data that would not be reported if the thresholds were increased. The Bureau is therefore reopening the comment period and requesting comment on the Bureau's proposed changes to the permanent coverage thresholds for closed-end mortgage loans and open-end lines of credit. The relevant aspects are: (1) The proposed amendments to the permanent closed-end coverage threshold in §§ 1003.2(g)(1)(v)(A) and (g)(2)(ii)(A) and 1003.3(c)(11), and comments 2(g)–1, 2(g)–5, 3(c)(11)–1, and 3(c)(11)–2, that the Bureau proposed would take effect on January 1, 2020, and (2) the proposed amendments to the permanent open-end coverage threshold in §§ 1003.2(g)(1)(v)(B) and (g)(2)(ii)(B) and 1003.3(c)(12) and 2(g)–3 and 2(g)–5 and

[1] Home Mortgage Disclosure (Regulation C), 84 FR 20972 (May 13, 2019). On the same date, the Bureau also issued an advance notice of proposed rulemaking (ANPR) to solicit comment, data, and information from the public relating to the data points that the Bureau's October 2015 final rule added to Regulation C or revised to require additional information and Regulation C's coverage of certain business- or commercial-purpose transactions. Home Mortgage Disclosure (Regulation C) Data Points and Coverage, 89 FR 20049 (May 8, 2019); *see also* Home Mortgage Disclosure (Regulation C), 80 FR 66128 (Oct. 28, 2015). The ANPR was published in the **Federal Register** on May 8, 2019.

[2] Partial Exemptions from the Requirements of the Home Mortgage Disclosure Act Under the Economic Growth, Regulatory Relief, and Consumer Protection Act (Regulation C), 83 FR 45325 (Sept. 7, 2018).

[3] A separate comment period related to the Paperwork Reduction Act closed on July 12, 2019.

[4] In addition to asking that the NPRM be reissued with a 90-day comment period, the comment from 18 non-profit organizations further requested that the Bureau reissue the ANPR to allow for comment informed by the 2018 HMDA Data. A group of three industry trade associations separately asked that the Bureau extend the ANPR comment period from 60 to 90 days so that, among other things, they would have sufficient time to survey their members about the questions presented in the ANPR. On June 27, the Bureau extended the ANPR comment period to October 15, 2019. 84 FR 31746 (July 3, 2019). In doing so, the Bureau explained that it expects the 2018 HMDA Data to be released in late summer and that the extension of the ANPR comment period to October 15, 2019 would allow interested parties adequate time to consider the 2018 HMDA Data before submitting their comments on the ANPR.

[5] The Bureau has not received requests for additional time with regard to the separate comment period relating to the Paperwork Reduction Act, which closed on July 12, 2019, and is not reopening that aspect of the May 2019 Proposal for comment.

3(c)(12)–1 and 3(c)(12)–2 that the Bureau proposed would take effect January 1, 2022.

Due to the reopening of the comment period on the permanent closed-end coverage threshold, the Bureau will not be able to finalize any change to the closed-end coverage threshold in time to take effect on the Bureau's originally proposed effective date of January 1, 2020. The Bureau therefore requests additional comment on the appropriate effective date for any change to the closed-end coverage threshold, should the Bureau decide to finalize a change. Specifically, the Bureau requests comment on the costs and benefits of a mid-year effective date during 2020 (*e.g.,* May 2020) versus a January 1, 2021 effective date.[6] With respect to the alternative of a mid-year effective date during 2020, the Bureau also requests comment on the costs and benefits of specific days of the week or times of the month, quarter, or year for a new closed-end coverage threshold to take effect and whether there are any other considerations that the Bureau should address in a final rule if it were to adopt a mid-year effective date. Regarding the effective date for a permanent open-end coverage threshold, reopening the comment period will still allow the Bureau to issue a final rule to adjust the permanent open-end coverage threshold effective January 1, 2022, as the Bureau proposed in the May 2019 Proposal, should the Bureau choose to do so.

As discussed below, the Bureau has already received comment on the proposed two-year extension of the temporary coverage threshold for open-end lines of credit and the proposed amendments to incorporate the EGRRCPA's partial exemptions into Regulation C. The Bureau is not soliciting comment during the reopened comment period on these issues, and any further such comments will be considered outside of the scope of this request for public comment. The Bureau encourages commenters to limit their submissions accordingly to (1) the Bureau's proposed changes to the permanent coverage threshold for closed-end mortgage loans, (2) the Bureau's proposed changes to the permanent coverage threshold for open-end lines of credit, and (3) the appropriate effective date for any change to the closed-end coverage threshold. The reopened comment period will close on October 15, 2019, which will allow interested parties adequate time to consider the 2018 HMDA Data after its release in late summer. Comments on the proposed rule that were previously submitted during the initial comment period, which ended on June 12, 2019, remain part of the rulemaking docket and therefore do not need to be resubmitted for the Bureau to consider them.

B. Provisions the Bureau Is Not Reopening for Comment

The Bureau has decided not to reopen the comment period with respect to the May 2019 Proposal's proposed two-year extension of the temporary open-end threshold. As discussed in the May 2019 Proposal, the proposed extension would provide the Bureau with additional time to assess how a requirement to report open-end lines of credit would affect institutions whose origination volume falls just above the proposed threshold of 200 open-end lines of credit.[7] The proposed extension would also provide any newly covered institutions with sufficient time to revise and update policies and procedures, implement any necessary systems changes, and train staff before the proposed threshold of 200 lines of credit would take effect in 2022. The Bureau does not believe that additional comment on the 2018 HMDA Data is necessary for the Bureau to determine whether to finalize the proposed two-year extension of the open-end threshold. The Bureau expects to issue a final rule in the fall of 2019 indicating whether it will extend the temporary open-end coverage threshold so that, if finalized, the extension can take effect as proposed on January 1, 2020. Therefore, the Bureau is not reopening that portion of the proposal for further comment relating to the 2018 HMDA Data.

The Bureau also does not believe that additional comment on the 2018 HMDA Data is necessary for its consideration of the provisions in the May 2019 Proposal that would incorporate the EGRRCPA partial exemptions into Regulation C and further implement EGRRCPA section 104(a). The Bureau is proposing to implement the new statutory partial exemptions that Congress established in EGRRCPA section 104(a), and the Bureau does not believe that comment on the 2018 HMDA Data would assist it in determining how to implement the new statutory partial exemptions. To provide further clarity on the new partial exemptions as quickly as possible, the Bureau anticipates that it will address the proposed amendments relating to the partial exemptions in a final rule issued in the fall of 2019.

Dated: July 23, 2019.

Kathleen L. Kraninger,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2019–16190 Filed 8–1–19; 8:45 am]

BILLING CODE 4810–AM–P

[6] If the Bureau adopted a mid-year effective date during 2020, affected institutions would be required to collect closed-end mortgage loan data for only part of 2020, and the Bureau could make reporting of such data optional in early 2021.

[7] 84 FR 20972, 20982 (May 13, 2019).

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1006

[Docket No. CFPB–2019–0022]

RIN 3170–AA41

Debt Collection Practices (Regulation F); Extension of Comment Period

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On May 21, 2019, the Bureau of Consumer Financial Protection (Bureau) published in the **Federal Register** a Notice of Proposed Rulemaking (NPRM) requesting comment on the Bureau's proposed amendments to Regulation F which implements the Fair Debt Collection Practices Act (FDCPA). The proposed amendments would prescribe Federal rules governing the activities of debt collectors, as that term is defined in the FDCPA. The NPRM provided a 90-day comment period that was set to close on August 19, 2019. To allow interested persons more time to consider and submit their comments, the Bureau has determined that an extension of the comment period until September 18, 2019, is appropriate.

DATES: The comment period for the debt collection NPRM published May 21, 2019, at 84 FR 23274, is extended. Responses to the NPRM must now be received on or before September 18, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2019–0022 or RIN 3170–AA41, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: 2019-NPRM-DebtCollection@cfpb.gov.* Include Docket No. CFPB–2019–0022 or RIN 3170–AA41 in the subject line of the message.
- *Mail:* Comment Intake—Debt Collection, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment Intake—Debt Collection, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary or sensitive personal information, such as account numbers, Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Courtney Jean or Kristin McPartland, Senior Counsels, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: On May 7, 2019, the Bureau issued an NPRM proposing to amend Regulation F, 12 CFR part 1006, to prescribe Federal rules governing the activities of debt collectors, as that term is defined in the FDCPA. The NPRM was published in the **Federal Register** on May 21, 2019.[1] The NPRM would, among other things, address communications in connection with debt collection; interpret and apply prohibitions on harassment or abuse, false or misleading representations, and unfair practices in debt collection; and clarify requirements for certain consumer-facing debt collection disclosures. The NPRM requested public comment on each of those topics, among others.

The NPRM provided a 90-day public comment period that was set to close on August 19, 2019. The Bureau has received written requests asking that the Bureau extend the comment period. Two written requests from consumer advocates and an industry trade group asked that the Bureau extend the comment period by either 60 or 90 days. The requests indicate that the interested parties would use the time to conduct additional outreach to relevant constituencies and to properly address the many questions presented in the NPRM.

The Bureau has balanced interested parties' desire to have additional time to consider the issues raised in the NPRM, gather data, and prepare their responses, with the Bureau's interest in proceeding expeditiously with the debt collection rulemaking. In light of these factors, the Bureau believes that a 30-day extension of the NPRM comment period to September 18, 2019, is appropriate. This extension should allow interested parties more time to prepare responses to the NPRM without delaying the debt collection rulemaking. The NPRM comment period will now close September 18, 2019.

Dated: July 26, 2019.

Kathleen L. Kraninger,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2019–16476 Filed 8–1–19; 8:45 am]

BILLING CODE 4810–AM–P

[1] 84 FR 23274 (May 21, 2019).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–101828–19]

RIN 1545–BN80

Guidance Under Section 958 (Rules for Determining Stock Ownership) and Section 951A (Global Intangible Low-Taxed Income); Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to a notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking (REG–101828–19) that was published in the **Federal Register** on June 21, 2019. The proposed regulations provide guidance on the treatment of domestic partnerships for purposes of determining amounts included in the gross income of their partners with respect to foreign corporations.

DATES: Written or electronic comments and requests for a public hearing are still being accepted and must be received by September 19, 2019.

ADDRESSES: Send submissions to: Internal Revenue Service, CC:PA:LPD:PR (REG–101828–19), Room 5203, Post Office Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–101828–19), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20024, or sent electronically, via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–101828–19).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations under §§ 1.951–1, 1.956–1, and 1.958–1, Joshua P. Roffenbender at (202) 317–6934; concerning the proposed regulations under §§ 1.951A–0, 1.951A–2, 1.951A–7, and 1.954–1, Jorge M. Oben at (202) 317–6934; concerning the proposed regulations under § 1.1502–51, Katherine H. Zhang at (202) 317–6848 or Kevin M. Jacobs at (202) 317–5332; concerning submissions of comments or requests for a public hearing, Regina Johnson at (202) 317–6901 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of this correction are under section 951A of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed regulations (REG–101828–19) contains errors which may prove to be misleading and need to be clarified.

Correction of Publication

Accordingly, the notice of proposed rulemaking (REG–101828–19) that was the subject of FR Doc. 2019–12436, published at 84 FR 29114 (June 21, 2019), is corrected to read as follows:

§ 1.951A–2 [Corrected]

■ On page 29129, second column, the third line of paragraph (c)(6)(i), the language ''951 A(c)(2)(A)(i)(II)'' is corrected to read ''951A(c)(2)(A)(i)(III)''.

Martin V. Franks,

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

[FR Doc. 2019–16430 Filed 8–1–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2019–0508]

RIN 1625–AA08

Special Local Regulation; Battle of the Bridges, Intracoastal Waterway; Venice, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary special local regulation for certain waters of the Intracoastal Waterway. This action is necessary to provide for the safety of life on these navigable waters in Venice, FL, during the Battle of the Bridges on September 28, 2019. This proposed rulemaking would prohibit persons and vessels from being in the race area unless authorized by the Captain of the Port St. Petersburg (COTP) 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 September 3, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0508 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 Marine Science Technician First Class Michael Shackleford, U.S. Coast Guard; telephone 813–228–2191, email *Michael.D.Shackleford@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On February 2, 2019, the Sarasota Scullers Youth Rowing Program notified the Coast Guard that it would be conducting the Battle of the Bridges sculler race from 6 a.m. to 6 p.m. on September 28, 2019. The race will take place on portions of the Intracoastal Waterway in Venice, FL. The Captain of the Port St. Petersburg (COTP) has determined potential hazards associated with the race to be a safety concern for anyone within area where the race is taking place.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the regulated area during the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP proposes to establish a temporary special local regulation from 6 a.m. to 6 p.m. on September 28, 2019. The regulation would cover a race, which would take place on approximately 3.5 miles of the Intracoastal Waterway starting near the Shamrock Park and Nature Center and ending near the Tamiami Trail Bridge in Venice, FL. The duration of the regulation is intended to ensure the safety of vessels and these navigable waters during the scheduled race. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative. Persons or vessels receiving permission to enter the regulated area must comply with the instructions of 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 the size, location, duration, and time-of-day of the special local regulation. This regulation would impact approximately 3.5 miles of the Intracoastal Waterway in Venice, FL for twelve hours on one day. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulation, and the rule would allow vessels to seek permission to enter the race area. Advance notice of the regulation will be provide the local community with ample time to plan around the race event accordingly.

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 regulation area 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 special local regulation, which temporarily limits access to the portions of the Intracoastal Waterway in Venice, FL to race participants for twelve hours on one day. Normally such actions are categorically excluded from further review under paragraph L(61) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.35T07–0508 to read as follows:

§ 100.35T07–0508 Special Local Regulation; Battle of the Bridges, Intracoastal Waterway; Venice, FL.

(a) *Regulated Area.* A regulated area is established to include a race area located on all waters of the Intracoastal Waterway south of a line made connecting the following points: 27°06′15″ N, 082°26′43″ W, to position 27°06′12″ N, 082°26′43″ W, and all waters of the Intracoastal Waterway north of a line made connecting the following points: 27°03′21″ N, 082°26′17″ W, to position 27°03′19″ N, 082°26′15″ W. All coordinates are North American Datum 1983.

(b) *Definitions.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.*

(1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race area unless authorized by the Captain of the Port (COTP) St. Petersburg or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the race area may contact the COTP St. Petersburg by telephone at (727) 824–7506 or via VHF–FM radio Channel 16 to request authorization.

(3) If authorization to enter, transit through, anchor in, or remain within the race area is granted, all persons and vessels receiving such authorization shall comply with the instructions of the COTP or a designated representative.

(4) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, or by on-scene designated representatives.

(d) *Enforcement Period.* This rule will be enforced from 6 a.m. until 6 p.m. on September 28, 2019.

Dated: July 23, 2019.

Matthew A. Thompson,

Captain, U.S. Coast Guard, Captain of the Port Saint Petersburg.

[FR Doc. 2019–16543 Filed 8–1–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0729]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Fort Pierce, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the A1A North Causeway Bridge across the Atlantic Intracoastal Waterway (AICW), mile 964.8 at Fort Pierce, St Lucie County, FL. This proposed action would eliminate the on-demand drawbridge openings. This proposed action is intended to reduce vehicular traffic congestion and provide scheduled openings for the bridge.

DATES: Comments and related material must reach the Coast Guard on or before September 3, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0729 using Federal e-Rulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email LT Samuel Rodriguez-Gonzalez, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone 305–535–4307, email *Samuel.Rodriguez-Gonzalez@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
AICW Atlantic Intracoastal Waterway
FL Florida
FDOT Florida Department of Transportation

II. Background, Purpose and Legal Basis

The Florida Department of Transportation (FDOT), who owns and operates the A1A North Causeway Bridge, has requested a rule to allow for scheduled drawbridge openings. There has been an increase in vehicular traffic over the bridge in recent years due to residential development along the beach.

The exisiting A1A North Causeway Bridge across the AICW, mile 964.8 in Fort Pierce, St Lucie County, FL is a bascule bridge. It has a vertical clearance of 26 feet at mean high water in the closed position and a horizontal clearance of 90 feet. The bridge currently operates under 33 CFR 117.5.

On August 30, 2018, the Coast Guard published a Test Deviation entitled Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Fort Pierce, FL in the **Federal Register** (83 FR 44233). We received 113 comments.

During the test, the majority of comments received were in support of scheduled openings. However, most felt that the bridge was still opening too frequently. A review of the bridge tender logs did not support the claim that the bridge was opening too frequently. The logs did show, however, that openings tended to be twice per hour as opposed to three times per hour. In addition, the majority of comments recommended scheduled openings during the evening and on weekends.

In response to all of the comments from the original Test Deviation, on March 21, 2019, the Coast Guard published an alternate Test Deviation entitled Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Fort Pierce, FL in the **Federal Register** (84 FR 10411). This test deviation was issued to determine if an alternate operating schedule to the previous test deviation is appropriate to better balance the needs of marine and vehicle traffic. We received 33 comments.

During this test, all comments were in favor of the alternate operating schedule that included around the clock scheduled weekday and weekend openings.

III. Discussion of Proposed Rule

The proposed rule will allow the drawbridge to be placed on a regular operating schedule. Under this proposed regulation, the draw of the A1A North Causeway Bridge would open on the hour and half-hour.

This proposed change would still allow vessels that can transit under the bridge, without an opening, to do so at any time while taking into account the reasonable needs of other modes of transportation. Vessels in distress, public vessels of the United States, and tugs with tows must be passed at any time.

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 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 the ability that vessels can still transit the bridge twice an hour, and vessels that can transit under the bridge without an opening may do so at any time. Vessels in distress, public vessels of the United States and tugs with tows will be allowed to pass at any time.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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 bridge 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**, above. 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 call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

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 above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, U.S. Coast Guard Environmental Planning Policy COMDTINST 5090.1 (series) and U.S. Coast Guard Environmental Planning Implementation Procedures (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f). We 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 promulgates the operating regulations or procedures for drawbridges. Normally this action is categorically excluded from further review, under paragraph L49, of Chapter 3, Table3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this 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 *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacynotice.*

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; DHS Delegation No. 0170.1.

■ 2. Amend § 117.261 by adding paragraph (n) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(n) *A1A North Causeway Bridge, mile 964.8 at Fort Pierce.* The draw shall open on the hour and half-hour.

* * * * *

Dated: July 22, 2019.

Eric C. Jones,

Rear Admiral, U.S. Coast Guard, Commander Seventh Coast Guard District.

[FR Doc. 2019–16478 Filed 8–1–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2019–0221; FRL–9997–13–Region 1]

Air Plan Approval; Vermont; Reasonably Available Control Technology for the 2008 and 2015 Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a State Implementation Plan (SIP) revision submitted by the State of Vermont. The SIP revision consists of a demonstration that Vermont meets the requirements of reasonably available control technology (RACT) for the two precursors for ground-level ozone, oxides of nitrogen (NO_X) and volatile organic compounds (VOCs), set forth by the Clean Air Act (CAA or Act) with respect to the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQSs or standards). This action is being taken in accordance with the Act.

DATES: Written comments must be received on or before September 3, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2019–0221 at *https://www.regulations.gov,* or via email to *mackintosh.david@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, Air Quality Branch, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: David L. Mackintosh, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail Code 05–2), Boston, MA 02109–3912, tel. 617–918–1584, email *Mackintosh.David@epa.gov.*

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SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background

Vermont is part of the Ozone Transport Region (OTR) under Section 184(a) of the CAA. Sections 182(b)(2) and 184 of the CAA require states with ozone nonattainment areas that are classified as moderate or above, as well as areas in the OTR, to submit a SIP revision requiring the implementation of reasonably available control technology (RACT) for sources covered by a control techniques guideline (CTG) and for all major sources. A CTG is a document issued by EPA which establishes a ''presumptive norm'' for RACT for a specific VOC source category. RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.[1] The CTGs usually identify a particular control level which EPA recommends as being RACT. States are required to address RACT for the source categories covered by CTGs through adoption of rules as part of the SIP.

On October 5, 2006 (71 FR 58745), EPA issued four new CTGs, which applicable areas were required to address by October 5, 2007: Industrial Cleaning Solvents, Offset Lithographic Printing and Letterpress Printing; Flexible Package Printing; and Flat Wood Paneling Coatings. On October 9, 2007 (72 FR 57215), EPA issued three more CTGs, which applicable areas were required to address by October 9, 2008: Paper, Film, and Foil Coatings; Large Appliance Coatings; and Metal Furniture Coatings. On October 7, 2008 (73 FR 58841), EPA issued an additional four CTGs, which applicable areas were required to address by October 7, 2009: Miscellaneous Metal and Plastic Parts Coatings; Fiberglass Boat Manufacturing Materials; Miscellaneous Industrial Adhesives; and Automobile and Light-Duty Truck Assembly Coatings. Lastly, on Oct 27, 2016 (81 FR 74798), EPA issued the most recent CTG for the Oil and Natural Gas Industry, which applicable areas were required to address by October 27, 2018.

On March 27, 2008 (73 FR 16436), EPA revised the health-based NAAQS for ozone to 0.075 parts per million (ppm), averaged over an 8-hour timeframe. EPA determined that the revised 8-hour standard would be more protective of human health, especially with regard to children and adults who are active outdoors and individuals with a pre-existing respiratory diseases such as asthma.

On July 19, 2011 (76 FR 42560), EPA issued a Direct Final Rule Approving Vermont RACT for the 1997 8-Hour ozone NAAQS. In its approval, EPA conditionally approved permit conditions for Churchill Coatings Corporation and H.B.H. Prestain, Inc. into the Vermont SIP.

On March 6, 2015 (80 FR 12264), EPA published a final rule outlining RACT requirements and requiring states in the OTR to certify RACT requirements by July 20, 2014. This rule, referred to as the ''2008 Ozone Implementation Rule,'' contains a description of EPA's expectations for states with RACT obligations. The 2008 Ozone Implementation Rule gives states several options for meeting RACT requirements for the 2008 ozone standard. States may (1) establish new or more stringent rules that meet RACT control levels for the 2008 standard; (2) certify, where appropriate, that previously adopted RACT rules approved by EPA under a prior ozone standard represent adequate

[1] *See* Memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, U.S. EPA, to Regional Administrators, U.S. EPA, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas'' (Dec. 9, 1976); *see also* 44 FR 53761, 53762 (September 17, 1979).

RACT control levels for the 2008 ozone NAAQS; or (3) submit a negative declaration in instances where there are no sources in the state covered by a specific CTG source category. States may use these options alone or in combination to demonstrate compliance with RACT requirements.

On October 26, 2015 (80 FR 65291), EPA revised the health-based NAAQS for ozone, setting it at 0.070 ppm averaged over an 8-hour time frame. On December 6, 2018 (83 FR 62998), EPA published a final rule that outlines the obligations for areas in nonattainment with the 2015 ozone standard, as well as obligations for areas in the OTR. This rule, referred to as the ''2015 Ozone Implementation Rule,'' requires states in the OTR to certify RACT requirements by August 3, 2020.

On February 3, 2017 (82 FR 9158), EPA published a final rule finding that Vermont, as well as 14 other states and the District of Columbia, had failed to submit SIP revisions in a timely manner to satisfy certain requirements for the 2008 ozone NAAQS. With respect to Vermont, EPA found that the state had failed to submit three required SIP elements: NO_X RACT for Major Sources; Non-CTG VOC RACT for Major Sources; and CTG VOC RACT. *Id.* at 9162. This finding became effective March 6, 2017, and started a SIP sanctions clock, which required the missing SIP elements to be submitted and deemed complete before September 6, 2018. *Id.* at 9160–61.

II. Summary of Vermont's SIP Revision

On September 6, 2018, Vermont submitted a SIP revision to address its RACT requirements set forth by the CAA for the 2008 and 2015 8-hour ozone NAAQSs (*i.e.,* RACT Certification). Also, on September 6, 2018, EPA determined that Vermont's SIP submittal was administratively and technically complete. This determination stopped the 18-month sanctions clock for all three of Vermont's outstanding RACT SIP submittal elements. Because the sanctions clock stopped on September 6, 2018, sanctions had no effect in the state of Vermont for the February 2017 finding of failure to submit (82 FR 9158).

Vermont's RACT Certification submittal is based on the fact that (1) all required RACT controls, both major sources and those subject to CTGs, are being implemented in Vermont and will be part of the Vermont SIP upon final approval of this EPA action; (2) previously approved controls, not being revised herein, continue to represent RACT for the 2008 and 2015 ozone NAAQS; and (3) Vermont has no applicable sources for 29 CTG categories for which negative declarations are described in Section III.

Specifically, Vermont's September 2018 SIP revision contains: A certification that Vermont has met all RACT requirements for the 2008 and 2015 8-hour ozone NAAQS with negative declarations for 29 CTG categories; the addition of Vermont Air Pollution Control Regulations (APCRs) 5–253.8 Industrial Adhesives, 5–253.9 Offset Lithographic and Letterpress Printing, and 5–253.17 Industrial Solvent Cleaning to the Vermont SIP; revisions to Vermont APCRs 5–253.12 Coating of Flat Wood Paneling and 5–253.13 Coating of Miscellaneous Metal and Plastic; revisions to single-source requirements for ''Isovolta Inc. (Formerly U.S. Samica, Inc.) Operating Permit RACT provisions'', ''Killington/Pico Ski Resort Partners, LLC. Operating Permit RACT provisions,'' and ''Okemo Limited Liability Company Operating Permit RACT provisions''; and withdrawal of the single-source requirements for ''Churchill Coatings Corporation Operating Permit RACT conditions'' and ''H.B.H Prestain, Inc.''

III. EPA's Evaluation of the Submittal

A. NO_X RACT for Major Sources

Section 182 of the CAA requires RACT be applied to any major existing stationary source in the OTR with the potential to emit 100 tons or greater per year of NO_X. Vermont's NO_X RACT regulation applies to all sources with potential NO_X emissions of 100 tons per year, or greater, APCR 5–251(2)(a), unless they are already subject to a more stringent level of NO_X control (*i.e.,* new source review), *id.* 5–251(2)(c). Subsection 5–521(2)(a) does not set specific NO_X emission limitations or technology standards, but rather requires that sources have RACT defined on a case-by-case basis by VT ANR. Such case-specific RACT determinations must then be approved by EPA as revisions to Vermont's SIP. In 2011 (76 FR 42560), EPA approved APCR 5–251(2) as meeting NO_X RACT requirements for the 1997 ozone NAAQS. EPA proposes that APCR 5–251(2) continues to represent RACT for applicable major stationary sources of NO_X in Vermont for the 2008 and 2015 ozone standards.

Vermont has determined that it has only five operating sources with the potential to emit greater than 100 tons per year of NO_X, as described in Table 3a of Vermont's September 2018 SIP Revision. Of these five sources, only two are subject to NO_X RACT under APCR 5–251(2)(a). The source-specific requirements for these two facilities, Killington/Pico Ski Resort Partners, LLC and Okemo Limited Liability Company, were last approved into the Vermont SIP by EPA on July 19, 2011 (76 FR 42560). The relevant NO_X RACT requirements for these two facilities are included in this submittal and contain NO_X emission limits that have been further reduced. EPA proposes to adopt the revisions into Vermont's SIP as RACT. The other three sources, Joseph C. McNeil Generating Station, OMYA, Inc. Vermont Marble Power Division, and Ryegate Power Station, are each subject to major new source review permitting under APCR 5–502, ''Major Stationary Sources and Major Modifications,'' and thus are subject to most stringent emission rate (MSER), which exceed, or are no less stringent than, RACT.

After reviewing existing stationary NO_X sources in Vermont, the EPA agrees with Vermont's determination that requirements for major sources of NO_X meet, or are more stringent than, RACT requirements. Herein, EPA proposes that the above controls represent RACT for these NO_X sources in Vermont for the 2008 and 2015 ozone standards because no new control technologies are known to be reasonably available considering technological and economic feasibility for these sources since our last approval.

B. Non-CTG VOC RACT for Major Sources

Section 184(b)(2) of the CAA requires RACT be applied to any major existing stationary source with the potential to emit 50 tons or greater per year of VOCs. Vermont's APCR 5–253.20 applies to all sources with potential VOC emissions of 50 tons per year, or greater, that are not regulated under a CTG specific regulation. In 2011 (76 FR 42560), EPA approved APCR 5–253.20 as meeting RACT requirements for the 1997 ozone NAAQS. EPA proposes that APCR 5–253.20 continues to represent RACT for applicable major stationary sources of VOCs in Vermont for the 2008 and 2015 ozone standards.

Vermont has determined it has only five operating sources with the potential to emit greater than 50 tons per year of VOCs, as described in Table 2 of Vermont's September 2018 SIP Revision. Two of these sources (Ethan Allen Orleans and Ethan Allen Beecher Falls) are subject to the wood furniture CTG RACT in APCR 5–253.16, approved by EPA on July 19, 2011 (76 FR 42560). Two sources (Churchill Coatings Corporation and HBH Holdings LLC) were previously subject to source-specific RACT orders but are now subject to the revised Flat Wood

Paneling CTG RACT in APCR 5–253.12 and being proposed to be adopted in to the VT SIP in this action (discussed later in the ''CTG VOC RACT'' section of this notice). Thus, Vermont requests the prior single source RACT determinations for these two facilities be withdrawn and regulation 5–253.12 Coating of Flat Wood Paneling now constitutes RACT in lieu of the previous source-specific RACT conditions.

The remaining single-source RACT order facility, Isovolta, Inc. (formerly US Samica Corporation), had previously been approved by EPA on April 9, 1997. This order was updated on January 6, 2006, and Vermont has submitted the relative portions of the single-source requirements with its September 2018 RACT submittal. The provisions being added to the SIP contain specific compliance assurance requirements, such as, pollution control device monitoring and function testing, plus general recordkeeping and reporting requirements, all of which are required as part of an approvable RACT control.

After reviewing existing stationary VOC sources in Vermont, the EPA agrees with Vermont's determination that the requirements for major sources of VOC meet RACT requirements. EPA proposes that APCR 5–253.20 and the one remaining source-specific determination represent RACT for major VOC sources in Vermont for the 2008 and 2015 ozone standard because no new control technologies are known to be reasonably available considering technological and economic feasibility for these sources since our last approval.

C. CTG VOC RACT

Vermont's submittal requests that EPA approve three APCRs for CTG VOC RACT in to the VT SIP: 5–253.8 Industrial Adhesives; 5–253.9 Offset Lithographic and Letterpress Printing; and 5–253.17 Industrial Solvent Cleaning. The submittal also requests that two APCRs for CTG VOC RACT currently in the SIP be replaced with revised APCRs that Vermont has since promulgated: 5–253.12 Coating of Flat Wood Paneling; and 5–253.13 Coating of Miscellaneous Metal and Plastic Parts. Vermont certifies that the remining VOC RACT rules, previously approved by EPA on September 19, 2011 (76 FR 42560), continue to represent RACT for the 2008 and 2015 ozone NAAQSs.

The addition of APCR 5–253.8 Industrial Adhesives to the VT SIP generally applies to any person in Vermont that uses or supplies industrial adhesive or adhesive primer, with certain exceptions noted in the rule. The new rule is consistent with the recommendations for RACT found in EPA's CTG for Miscellaneous Industrial Adhesives (EPA–453/R–08–005, September 2008). Applicable persons are required to use low-VOC adhesives and primers or limit their VOC emissions by using add-on control equipment with an overall control efficiency of 90%. The new regulation also specifies application methods, as well as work practices for waste and cleaning materials, to further limit VOC emissions from industrial adhesive activities.

The addition of APCR 5–253.9 Offset Lithographic and Letterpress Printing to the VT SIP applies to graphic arts operations that use the offset lithographic printing process. The new rule is consistent with the recommendations for RACT found in EPA's CTG for Offset Lithographic Printing and Letterpress Printing (EPA–453/R–06–002, September 2006). The threshold applicability consists of 15 lbs/day for fountain solutions and cleaning materials and 25 tons per year for heat-set dryers. Applicable sources are required to limit the VOC content of inks, coatings, adhesives, and cleaning solvents or use VOC pollution control devices. These sources are also required to follow work practices for material application, storage, spill cleanup, and containment as well as maintain records of the regulated materials used.

Vermont's APCR 5–253.12 Coating of Flat Wood Paneling was previously approved by EPA on April 22, 1998 (63 FR 19829). The revised rule applies to flat wood paneling coating sources that emit at least 3 tons per 12-month rolling period of VOC before consideration of controls. Flat wood paneling coatings means wood paneling products that are any interior, exterior or tileboard (class I hardboard) panel to which a protective, decorative, or functional material or layer has been applied. The revised rule now includes coating of clapboards, for which Vermont has several applicable facilities. The new rule is generally consistent EPA's CTG for Flat Wood Paneling Coatings (EPA–453/R–06–004, September 2006), with the exception of coating of certain solid wood exterior siding, discussed in more detail below. Applicable sources are required to limit VOC emissions by adding on a pollution control device with 90% efficiency or by limiting VOC content in coatings to either: 2.9 lbs of VOC per gallon of coating for solid wood exterior siding of cedar, hemlock, mahogany and redwood species at a stationary source whose actual emissions from all coating operations are less than 50 tons of VOCs per 12-month rolling period, or an emission limit of 2.1 lbs of VOC per gallon of coating for all other flat wood paneling operations. The rule also requires record keeping and work practices for handling VOC-containing coatings, thinners, cleaning materials, and coatings-related waste materials. The revised rule reduces VOC emissions by lowering the maximum VOC content of most coatings, compared to Vermont's previously-approved APCR 5–253.12 and source specific requirements for applicable facilities. Therefore, the revised rule is expected to achieve equivalent or greater emissions reductions. Thus, revising the SIP to incorporate the revised rule will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act. See CAA § 110(l).

Vermont APCR 5–253.12 Coating of Flat Wood Paneling contains a transcription error whereby the metric equivalent of 2.9 lbs/gal is incorrectly stated as 325 grams/liter, when in fact the metric equivalent is 350 grams/liter. VT DEC confirmed in a letter to EPA dated June 28, 2019, that it is DEC's intention to limit solid wood exterior siding coatings, at facilities that emit less than 50 tons per year of VOCs, to 2.9 pounds/gallon and the metric equivalent 350 grams/liter. The discussion on page 3 of the ''Vermont RACT SIP—Responsiveness Summary'' further explains Vermont's intention for this category limit to be ''350 grams/liter (2.9 lbs/gal).'' Vermont set this exterior wood siding coating limit slightly higher than the EPA CTG recommendation of 2.1 lbs/gal based on: The limited number of impacted facilities (two); the relatively small size of the impacted operations (less than 50 tons per year of VOC coating emissions); this particular solid wood coating only constitutes a portion of the total VOC emissions at the impacted facilities; and the higher VOC content coating applied to solid wood is expected to last longer and, thus, reduce the need for additional coating applications. EPA agrees and proposes that for Vermont, the enforced limit of 350 grams/liter (2.9 lbs/gal) VOC content for solid wood exterior siding coatings at facilities where total VOC emissions from all coating lines is under 50 tons per year constitutes RACT.

Vermont's APCR 5–253.13 Coating of Miscellaneous Metal and Plastic Parts was previously approved by EPA on April 22, 1998 (63 FR 19829). The revised rule contains updated work practices, coating application methods, and recordkeeping requirements for all applicable facilities. While the rule lists multiple types of coating applications

methods, other coating application methods capable of achieving a transfer efficiency equivalent to, or better than, that provided by high-volume low-pressure (HVLP) spray application may also be used. Additional control options permit equivalent emissions limits expressed in terms of mass of VOC per volume of solids as applied or the use of add-on controls capable of achieving an overall VOC efficiency of 90 percent. The new coating limits generally follow the recommendations in EPA's CTG for Miscellaneous Metal and Plastic Parts Coating (EPA–453/R–08–003, September 2008), with three exceptions: Extreme high gloss topcoat, other substrate antifoulant coating, and antifouling sealer/tie. For these three categories, Vermont reviewed industry data and determined that for purposes of functionality, cost, and VOC emissions, the higher limits adopted for these three coating categories constitute RACT. Vermont's approach is consistent with the EPA guidance memorandum entitled ''Control Technique Guidelines for Miscellaneous Metal and Plastic Part Coatings—Industry Request for Reconsideration'' from Stephen Page to Air Branch Chiefs, Regions I–X, dated June 1, 2010. Vermont's new VOC coating limits are also lower than most of the previously SIP-approved limits. Although some specialty coatings limits are higher than previous limits, since the general use coating limit is lower and these coatings are more frequently used, coupled with the fact that the revised rule's applicability is broader, the revised rule reduces VOC emissions and will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act. *See* CAA § 110(*l*). This analysis is also consistent with the March 17, 2011, EPA guidance memorandum entitled ''Approving SIP Revisions Addressing VOC RACT Requirements for Certain Coating Categories.''

The addition of Vermont's APCR 5–253.17 Industrial Solvent Cleaning to the Vermont SIP will add to Vermont's solvent cleaning requirements, which are currently in the Vermont SIP under APCR 5–253.14 Solvent Metal Cleaning, which was last approved by EPA on April 22, 1998 (63 FR 19825). The added rule applies to industries that use organic solvent for cleaning unit operations such as mixing vessels (tanks), spray booths, and parts cleaners, who purchase for use at the premises at least 855 gallons of cleaning solvents, in aggregate, per rolling 12-month period. EPA proposes the purchase-for-use threshold of 855 gallons per rolling 12-month period is commensurate with the EPA recommended CTG applicability of 15 pounds per day of actual VOC emissions based on a solvent density of 7.36 pounds per gallon and up to 55 gallons of solvent used for exempt uses. The cleaning activities include actions such as wiping, flushing, and spraying. Vermont's Industrial Cleaning Solvents rule is consistent with the recommendations for RACT found in EPA's CTG for Industrial Cleaning Solvents (EPA–453/R–06–001, September 2006). Applicable sources are required to limit VOC emissions by using cleaning solvents that contain no more than 50 g VOC/l or have a composite vapor pressure of 8.0 millimeters of mercury (mm Hg) at 20 degrees Celsius or by using add-on controls capable of achieving an overall VOC reduction efficiency of 85%. The work practices in the rule minimize VOC emissions during the use, handling, storage, and disposal of cleaning solvents. The added rule reduces VOC emissions by lowering the VOC content of most solvent, or by applying add-on controls, and thus satisfies the anti-back sliding requirements in Section 110(l) of the CAA.

Vermont has determined that there are no applicable stationary sources of VOC in Vermont for 29 CTG categories: (1) Aerospace; (2) Auto and Light-Duty Truck Assembly Coatings (2008); (3) Equipment Leaks from Natural Gas/Gasoline Processing Plants; (4) Fiberglass Boat Manufacturing Materials (2008); (5) Flexible Packaging Printing Materials (2006); (6) Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing; Equipment; (7) Graphic Arts—Rotogravure and Flexography; (8) Large Appliance Coatings (2007); (9) Large Petroleum Dry Cleaners; (10) Leaks from Petroleum Refinery Equipment; (11) Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins; (12) Manufacture of Pneumatic Rubber Tires; (13) Manufacture of Synthesized Pharmaceutical Products; (14) Metal Furniture Coatings (2007); (15) Oil and Natural Gas Industry (2016); (16) Paper, Film, and Foil Coatings (2007); (17) Petroleum Liquid Storage in External Floating Roof Tanks; (18) Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds; (19) SOCMI Air Oxidation Processes; (20) SOCMI Distillation and Reactor Processes; (21) Shipbuilding/repair; (22) Surface Coating for Insulation of Magnet Wire; (23) Surface Coating of Automobiles and Light-Duty Trucks; (24) Surface Coating of Cans; (25) Surface Coating of Coils; (26) Surface Coating of Fabrics; (27) Surface Coating of Large Appliances; (28) Surface Coating of Metal Furniture; and (29) Surface Coating of Paper. These negative declarations mean that Vermont has no applicable stationary sources of VOC that are covered by these CTGs.

EPA has evaluated Vermont's CTG VOC regulations, which the state certifies as meeting RACT for the 2008 and 2015 ozone standards, and finds that they are sufficiently consistent with recommendations in the respective EPA CTGs and are based on currently available technologically and economically feasible controls. Therefore, EPA proposes that the regulations being added and revised in this action, along with the past approved VOC CTG regulations, represent RACT in Vermont for the 2008 and 2015 ozone standard.

IV. Proposed Action

EPA is proposing to approve Vermont's SIP revision as meeting the State's RACT obligations for the 2008 and 2015 8-hour ozone NAAQSs as set forth by sections 182(b) and 184(b)(2) of the CAA, and to add ''State Implementation Plan Revision Supporting Compliance with Requirements for Reasonably Available Control Technology (RACT) Under the 2008 and 2015 8-Hour ozone National Ambient Air Quality Standards, Final Submittal, September 6, 2018'' to the Vermont SIP. EPA is proposing to approve the addition of Vermont APCR 5–253.8 Industrial Adhesives, 5–253.9 Offset Lithographic and Letterpress Printing, and 5–253.17 Industrial Solvent Cleaning in to the Vermont SIP. EPA is proposing to revise APCR 5–253.12 Coating of Flat Wood Paneling and 5–253.13 Coating of Miscellaneous Metal and Plastic Parts currently in the Vermont SIP. EPA is also proposing to revise the single-source requirements for ''Isovolta Inc. (Formerly U.S. Samica, Inc.) Operating Permit RACT provisions,'' ''Killington/Pico Ski Resort Partners, LLC. Operating Permit RACT provisions,'' and ''Okemo Limited Liability Company Operating Permit RACT provisions'' currently in the Vermont SIP. EPA is proposing to withdraw the single-source requirements for ''Churchill Coatings Corporation Operating Permit RACT conditions'' and ''H.B.H Prestain, Inc. Operating Permit RACT provisions'' from the Vermont SIP. Lastly, EPA is proposing to convert our July 2011 conditional approval of RACT with

respect to the 1997 ozone standard to a full approval because the proposed addition of APCR 5–253.12 Coating of Flat Wood Paneling will constitute RACT in lieu of the previous source-specific RACT conditions for Churchill Coatings Corporation and H.B.H. Prestain, Inc. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

V. Incorporation by Reference

In this document, EPA is proposing to amend regulatory text that includes incorporation by reference. As described in the proposed action above, EPA is proposing to add and revise provisions of the Vermont APCR at 40 CFR 52.2370(c), ''EPA approved regulations'' in the Vermont State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. Also in this document, as described in the proposed action above, EPA is proposing to revise and remove provisions of the EPA-approved Vermont source specific requirements at 40 CFR 52.2370(d), ''EPA-approved State Source specific requirements'' in the Vermont State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. 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 Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed 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 proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, 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 EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 23, 2019.

Deborah A. Szaro,

Acting Regional Administrator, EPA Region 1.

[FR Doc. 2019–16204 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2019–0422; FRL–9997–67–Region 9]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO_X) from natural gas-fired water heaters. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by September 3, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2019–0422 at *https://www.regulations.gov*. For comments submitted at *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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on

making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Robert Schwartz, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3286 or by email at *schwartz.robert@epa.gov*.

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

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Revised	Submitted
VCAPCD	74.11	Natural Gas-Fired Water Heaters	5/11/2010	6/21/2011

On July 15, 2011, the EPA determined that the submittal for VCAPCD Rule 74.11 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 74.11 into the SIP on September 24, 1999 (64 FR 51688). The VCAPCD adopted revisions to the SIP-approved version on May 11, 2010, and CARB submitted them to us on June 21, 2011.

C. What is the purpose of the submitted rule revision?

Emissions of NO_X contribute to the production of ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control NO_X emissions. The current SIP-approved Rule 74.11 establishes NO_X emission limits, and certification, compliance, and testing requirements for residential natural gas-fired water heaters sold or installed by anyone in Ventura County. Revisions to the SIP-approved rule include broadening the applicability to any natural gas-fired water heater rated at less than 75,000 Btu/hr [1] (not just residential units), lower NO_X limits, the addition of NO_X limits for mobile homes (previously exempt from the rule), and the acceptance of water heaters certified, exclusively, by the South Coast Air Quality Management District (SCAQMD) (in accordance with SCAQMD Rule 1121) as certified for sale or installation in Ventura County. Other rule revisions include additional compliance report documentation related to certification, additional enforcement requirements, and the rearrangement of and additions to the definitions. The EPA's technical support document (TSD) has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require Reasonably Available Control Technology (RACT) for each major source of NO_X in ozone nonattainment areas classified as Moderate or above (see CAA sections 182(b)(2) and 182(f)). The VCAPCD regulates an ozone nonattainment area classified as Serious for the 2008 National Ambient Air Quality Standards (NAAQS) (40 CFR 81.305). However, because this rule does not affect major sources, it does not need to implement section 182(b)(2) RACT. While section 182(b)(2) RACT does not apply, the Ventura County ozone nonattainment area is subject to the SIP requirement to provide for the implementation of all reasonably available control measures (RACM) and for attainment of the NAAQS.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

4. ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement), 57 FR 55620, November 25, 1992.

5. ''Alternative Control Techniques Document—NO_X Emissions from Industrial/Commercial/Institutional (ICI) Boilers,'' EPA 453/R–94–022, March 1994.

6. ''Alternative Control Techniques Document—NO_X Emissions from Process Heaters (Revised),'' EPA–453/R–93–034, September 1993.

B. Does the rule meet the evaluation criteria?

We have reviewed VCAPCD Rule 74.11 and determined that it is consistent with CAA requirements and relevant guidance regarding enforceability, RACM, and SIP revisions. With respect to our evaluation for compliance of this SIP revision with CAA section 110(l), we note that the 2016 Ventura County Air Quality Management Plan relies on the emissions reductions from VCAPCD Rule 74.11, as amended in 2010, as part of the strategy to attain the 2008 ozone NAAQS by the applicable attainment date.[2] The TSD has more information on our evaluation.

[1] British thermal unit (Btu): The amount of heat required to raise the temperature of one pound of water from 59 °F to 60 °F at one atmosphere.

[2] See VCAPCD, Final 2016 Ventural County Air Quality Management Plan (February 14, 2017), table 3–1 on page 33.

C. EPA Recommendations To Further Improve the Rule

The TSD includes recommendations for the next time the local agency modifies the rule.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule because it fulfills all relevant requirements. We will accept comments from the public on this proposal until September 3, 2019. If we take final action to approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the VCAPCD rule described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. 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 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 proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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 disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: July 23, 2019.

Michael Stoker,

Regional Administrator, Region IX.

[FR Doc. 2019–16576 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2019–0041; FRL–9996–78]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities for June 2019

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before September 3, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* 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. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, 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 pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR [part 174 and/or part 180] for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

Amended Tolerance Exemptions for Inerts (Except PIPS)

PP IN–11271. (EPA–HQ–OPP–2019–0279). Spring Trading Company (203 Dogwood Trail Magnolia, TX 77354–5201) on behalf of BASF Corporation (100 Campus Drive, Florham Park NJ 07932), requests to amend an exemption from the requirement of a tolerance for residues of propanamide, 2-hydroxy-N, N-dimethyl- (CAS Reg. No. 35123–06–9) by increasing the limitation from 20% by weight to 50% by weight when used as a pesticide inert ingredient (solvent/co-solvent) in pesticide formulations applied in or on raw agricultural commodities and to growing crops under 40 CFR 180.910 and applied in/on animals under 40 CFR 180.930. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

Amended Tolerances for Non-Inerts

1. PP 9E8739. (EPA–HQ–OPP–2017–0694). The Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of the tolerance referenced above under ''New Tolerances'' to remove the existing tolerance in 40 CFR part 180.672 for residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[((methylamino)carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates in or on Strawberry at 1.0 ppm. Contact: RD.

2. PP 9E8743. (EPA–HQ–OPP–2019–0250). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, New Jersey 08540, proposes to amend 40 CFR part 180.613(a) for residues of the insecticide flonicamid, including its metabolites and degradates, to be determined by measuring only the sum of flonicamid, *N*-(cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide, and its metabolites, TFNA (4-trifluoromethylnicotinic acid), TFNA-AM (4-trifluoromethylnicotinamide), and TFNG, *N*-(4-trifluoromethylnicotinoyl)glycine, calculated as the stoichiometric equivalent of flonicamid, in or on Leafy greens subgroup 4–16A, except spinach by increasing the existing tolerance from 4.0 ppm to 8.0 ppm. Upon establishment of the amended tolerance above, the petitioner requests removal of the existing tolerance for flonicamid on Leafy greens subgroup 4–16A, except spinach at 4.0 ppm. The analytical method used to quantitate above designated flonicamid residues in plants incorporates a liquid chromatograph (LC) equipped with a reverse phase column and a triple quadruple mass spectrometer (MS/MS). Contact: RD.

3. PP 9E8755. (EPA–HQ–OPP–2019–0128). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced in this document under ''New Tolerances (for *PP 9E6755*)'' to remove the existing tolerances in 40 CFR part 180.685 for residues of the fungicide oxathiapiprolin, 1-[4-[4-[5-(2,6-difluorophenyl)-4,5-dihydro-3-isoxazolyl]-2-thiazolyl]-1-piperidinyl]-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl]-ethanone, in or on the

following commodities: Pea, edible-podded at 1.0 ppm and Pea, succulent shelled at 0.05 ppm. Contact: RD.

New Tolerance Exemptions for Inerts (Except PIPS)

PP IN–11264. (EPA–HQ–OPP- 2019–0327). Spring Trading Company (203 Dogwood Trail Magnolia, TX 77354–5201) on behalf of Stoller Enterprises, Inc. (9090 Katy Freeway, Suite 400 Houston, TX 77024), requests to establish an exemption from the requirement of a tolerance for residues of formic acid (CAS Reg. No. 64–18–6) when used as a pesticide inert ingredient (pH adjuster) in pesticide formulations applied in or on raw agricultural commodities and to growing crops under 40 CFR 180.910 and applied in/on animals under 40 CFR 180.930. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

New Tolerance Exemptions for Non-Inerts (Except PIPS)

1. PP 8F8713. (EPA–HQ–OPP–2019–0368). Acqua Concepts, Inc. (d/b/a Ag Water Chemical), 2665 S. Chestnut, Fresno, CA 93725, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the gopher repellent methyl mercaptan in or on all food commodities that use irrigation lines treated with methyl mercaptan. The analytical method ''ASTM D 5504–12 using a gas chromatograph equipped with a sulfur chemiluminescence detector (SCD)'' is available to EPA for the detection and measurement of the pesticide residues. Contact: BPPD.

2. PP 9F8735. (EPA–HQ–OPP–2019–0324). Biocontrol Technologies, S.L., Avgda. Madrid, 215–217, entresòl A, 08014 Barcelona, Spain (c/o Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide and bactericide *Trichoderma asperellum,* strain T34 in or on all food commodities. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. Contact: BPPD.

3. PP 9F8760. (EPA–HQ–OPP–2019–0367). Valent BioSciences LLC, 870 Technology Way, Libertyville, IL 60048, requests to establish a temporary exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the biochemical plant regulator (fruit thinner) 1-Aminocyclopropane-1-carboxylic acid (ACC) in or on apples and stone fruits. The petitioner believes no analytical method is needed because of low toxicity and minimal residues. Contact: BPPD.

New Tolerances for Non-Inerts

1. *PP* 8F8708. (EPA–HQ–OPP–2019–0384). E. I. du Pont de Nemours and Company, 974 Centre Road, Wilmington, Delaware 19805, requests to establish a tolerance for residues of the insecticide indoxacarb in or on corn, pop, grain at 0.02 parts per million (ppm) and corn, pop, stover at 15 ppm. The plant residue enforcement method detects and quantitates indoxacarb in various matrices including sweet corn, lettuce, tomato, broccoli, apple, grape, cottonseed, tomato, peanut and soybean commodity samples by HPLC UV. The limit of quantitation in the method allows monitoring of crops with KN128/KN127 residues at or above the levels proposed in these tolerances. Contact: RD.

2. PP 9E8739. (EPA–HQ–OPP–2017–0694). The Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180.672 for residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[((methylamino)carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates in or on Strawberry at 1.5 ppm. The high-pressure liquid chromatography with ESI- MS/MS detection is used to measure and evaluate cyantraniliprole. Contact: RD.

3. PP 9E8752. (EPA–HQ–OPP–2019–0281). IR–4, Rutgers, the State University of New Jersey. 500 College Road East, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180.446 for residues of the insecticide, clofentezine, 3,6-bis(2-chlorophenyl)-1,2,4,5-tetrazine in or on hops, dried cones at 6 parts per million (ppm). The high-performance liquid chromatography (HPLC) is available to enforce the tolerance expression. The limit of quantitation (LOQ) and limit of detection (LOD) were determined to be 0.01 ppm and 0.003 ppm, respectively. Contact: RD.

4. PP 9E8755. (EPA–HQ–OPP–2019–0128). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180.685 for residues of the fungicide oxathiapiprolin, 1-[4-[4-[5-(2,6-difluorophenyl)-4,5-dihydro-3-isoxazolyl]-2-thiazolyl]-1-piperidinyl]-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl]-ethanone, in or on the following commodities: Berry, low growing, subgroup 13–07G, except cranberry at 0.4 parts per million (ppm); Hop, dried cones at 5 ppm; and Tropical and subtropical, medium to large fruit, smooth, inedible peel, subgroup 24B at 0.1 ppm; individual crops of proposed crop subgroup 6–18B: Edible podded pea legume vegetable subgroup including: Chickpea, edible podded at 1 ppm; Dwarf pea, edible podded at 1 ppm; Edible podded pea at 1 ppm; Grass-pea, edible podded at 1 ppm; Green pea, edible podded at 1 ppm; Lentil, edible podded at 1 ppm; Pigeon pea, edible podded at 1 ppm; Snap pea, edible podded at 1 ppm; Snow pea, edible podded at 1 ppm; and Sugar snap pea, edible podded at 1 ppm; and individual crops of proposed crop subgroup 6–18D: Succulent shelled pea subgroup including: Chickpea, succulent shelled at 0.05 ppm; English pea, succulent shelled at 0.05 ppm; Garden pea, succulent shelled at 0.05 ppm; Green pea, succulent shelled at 0.05 ppm; Lentil, succulent shelled at 0.05 ppm; and Pigeon pea, succulent shelled at 0.05 ppm. Adequate analytical methodology, high-pressure liquid chromatography with MS/MS detection, is available to enforce the oxathiapiprolin tolerance expression. Contact: RD.

5. PP 9E8763. (EPA–HQ–OPP–2019–0388). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, New Jersey 08540, requests to establish tolerances in 40 CFR part 180.613(a) for residues of the herbicide saflufenacil, including its metabolites and degradates, determined by measuring only the sum of saflufenacil, 2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluoro-*N*-[[methyl(1-methylethyl)amino]sulfonyl]benzamide, and its metabolites *N*-[2-chloro-5-(2,6-dioxo-4-(trifluoromethyl)-3,6-dihydro-1(2*H*)-pyrimidinyl)-4-fluorobenzoyl]-*N*′-isopropylsulfamide and *N*-[4-chloro-2-fluoro-5-({ (isopropylamino)sulfonyl amino}carbonyl)phenyl]urea, calculated as the stoichiometric equivalent of saflufenacil, in or on the following raw agricultural commodities: Caneberry subgroup 13–07A at 0.03 parts per million (ppm), Chia, seed at 1 ppm, Chia, straw at 15 ppm, Fig at 0.03 ppm, and Fig, dried at 0.05 ppm. Adequate enforcement analytical methodology (liquid chromatography/tandem mass spectrometry (LC/MS/MS) for plant and livestock commodities is available to

enforce the saflufenacil tolerance expression. Contact RD.

6. PP 9F8747. (EPA–HQ–OPP–2019–0230). Valent U.S.A. LLC, P.O. Box 8025, Walnut Creek, CA 94596–8025, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, ethaboxam ((*RS*)-*N*-(α-cyano-2-thenyl)-4-ethyl-2-(ethylamino)-1,3-thiazole-5-carboxamide) in or on beet, sugar, root at 0.01 parts per million (ppm). The analytical method uses high-performance liquid chromatography (HPLC) with tandem mass spectrometry (LC/MS–MS), with turbo-ion spray ionization in positive ion mode for ethaboxam and metabolites EEO, and negative ion mode for EEHO. A linear forced-origin calibration curve was used to quantify ethaboxam in the sample extracts. Contact: RD.

Authority: 21 U.S.C. 346a.

Dated: July 10, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–16389 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1001

RIN 0991–AB16

Withdrawal of Proposed Rule "Medicare and State Health Care Programs: Fraud and Abuse; Safe Harbor Under the Anti-Kickback Statute for Waiver of Beneficiary Coinsurance and Deductible Amounts"

AGENCY: Office of Inspector General (OIG), Department of Health and Human Services (HHS).

ACTION: Withdrawal of Proposed Rule.

SUMMARY: This document informs the public that OIG has determined not to pursue a proposed rule published in the **Federal Register** and, as a result, is withdrawing it. OIG is taking this action to avoid any confusion that could be caused by having this proposal in the public domain.

DATES: The Proposed Rule described under **SUPPLEMENTARY INFORMATION** is withdrawn as of August 1, 2019.

ADDRESSES: Office of Counsel to the Inspector General, Cohen Building, 330 Independence Ave. SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Aaron Zajic, Supervisory Project Manager, Office of Counsel to the Inspector General, Cohen Building, 330 Independence Ave. SW, Washington, DC 20201, 202–619–0335.

SUPPLEMENTARY INFORMATION:

I. Background

A. OIG's Review of Proposed Rules

Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (82 FR 12285), instructs agencies to review regulations which should be repealed, replaced, or modified. As a result of a review undertaken after the issuance of Executive Order 13777, OIG identified a Proposed Rule (described below), which we do not intend to finalize. Accordingly, OIG is withdrawing the Proposed Rule from the **Federal Register**.

B. OIG's Withdrawal of the Proposed Rule

The Proposed Rule that OIG is withdrawing was published in 2002. OIG neither applied nor enforced the position stated therein, nor does it now intend to do so. If OIG were to finalize this proposal, we would require updated comments from the public, as reimbursement methods and other aspects of the healthcare industry have changed in the interim. As a result, OIG is withdrawing the following Proposed Rule to eliminate any confusion that could result from its presence in the public domain:

The Proposed Rule, Medicare and State Health Care Programs: Fraud and Abuse; Safe Harbor Under the Anti-Kickback Statute for Waiver of Beneficiary Coinsurance and Deductible Amounts (67 FR 60202, September 25, 2002), would have expanded an existing safe harbor at 42 CFR 1001.952(k) to include waivers of cost sharing amounts for Part A and B services for holders of Medicare SELECT policies (a type of Medicare supplement (Medigap) plan).

II. Regulatory Impact

We expect minimal regulatory impact and reaction because of the passage of time since the Proposed Rule was published and because, to our knowledge, the public is not currently relying on, and may be unaware of, it.

Joanne M. Chiedi,

Acting Inspector General.

Dated: July 25, 2019.

Alex M. Azar II,

Secretary.

[FR Doc. 2019–16346 Filed 8–1–19; 8:45 am]

BILLING CODE 4152–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1003

RIN 0991–AA45

Withdrawal of Proposed Rule "Health Care Programs: Fraud and Abuse; Civil Money Penalties for Hospital Physician Incentive Plans"

AGENCY: Office of Inspector General (OIG), Department of Health and Human Services (HHS).

ACTION: Withdrawal of Proposed Rule.

SUMMARY: This document informs the public that OIG has determined not to pursue a proposed rule published in the **Federal Register** and, as a result, is withdrawing it. OIG is taking this action to avoid any confusion that could be caused by having this proposal in the public domain.

DATES: The Proposed Rule listed under **SUPPLEMENTARY INFORMATION** is withdrawn as of August 1, 2019.

ADDRESSES: Office of Counsel to the Inspector General, Cohen Building, 330 Independence Ave. SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Aaron Zajic, Supervisory Project Manager, Office of Counsel to the Inspector General, Cohen Building, 330 Independence Ave. SW, Washington, DC 20201, 202–619–0335.

SUPPLEMENTARY INFORMATION:

I. Background

A. OIG's Review of Proposed Rules

Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (82 FR 12285), instructs agencies to review regulations which should be repealed, replaced, or modified. As a result of a review undertaken after the issuance of Executive Order 13777, OIG identified a Proposed Rule (described below), which we do not intend to finalize. Accordingly, OIG is withdrawing the proposed rule from the **Federal Register**.

B. OIG's Withdrawal of the Proposed Rule

The Proposed Rule that OIG is withdrawing was published in 1994. OIG neither applied nor enforced the positions stated therein, nor does it now intend to do so. If OIG were to finalize this proposal, we would require updated comments from the public, as reimbursement methods and other aspects of the healthcare industry have

changed in the interim. As a result, OIG is withdrawing the following Proposed Rule to eliminate any confusion that could result from their presence in the public domain:

The Proposed Rule, Health Care Programs: Fraud and Abuse; Civil Money Penalties for Hospital Physician Incentive Plans (59 FR 61571, December 1, 1994), would have codified in regulations OIG's authority to levy CMPs when a hospital knowingly makes incentive payments to a physician as an inducement for reducing services to Medicare or Medicaid beneficiaries).

II. Regulatory Impact

We expect minimal regulatory impact and reaction because of the passage of time since the Proposed Rule was published and because, to our knowledge, the public is not currently relying on, and may be unaware of, it.

Joanne M. Chiedi,

Acting Inspector General.

Dated: July 25, 2019.

Alex M. Azar II,

Secretary.

[FR Doc. 2019–16343 Filed 8–1–19; 8:45 am]

BILLING CODE 4152–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

RIN 0648–XX003

Atlantic Large Whale Take Reduction Plan Modifications To Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast

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

ACTION: Notice of intent to prepare environmental impact statement, request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) intends to begin a rulemaking process that will amend the Atlantic Large Whale Take Reduction Plan (Plan) to reduce the risk of serious injuries and mortalities to North Atlantic right whales (*Eubalaena glacialis*) and other large whales caused by entanglement in commercial trap/pot fisheries along the U.S. East Coast. An Environmental Impact Statement (EIS) will be prepared in accordance with the National Environmental Policy Act (NEPA) to analyze the impacts to the environment of alternatives to amend the Plan.

This notice informs the public of upcoming scoping meetings to solicit public comments on ways to reduce the risk of entanglement in trap and pot fisheries for right, humpback, and finback whales.

NMFS requests comments on management options for this action, particularly including information about operational challenges, time, and costs required to modify gear by changing configurations such as traps per trawl to reduce endline numbers, installing new line or sleeves, and by expanding gear marking requirements. Team recommendations and additional risk reduction measures identified during Team discussions and during this scoping period will form the basis of the alternatives that will be analyzed through the EIS process.

DATES: Written or electronic scoping comments must be received at the appropriate address or email mailbox (see **ADDRESSES**) September 16, 2019.

ADDRESSES: You may submit comments on this document by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments by sending an email to *nmfs.gar.ALWTRT2019@noaa.gov* using the subject line ''Comments on Atlantic Large Whale Take Reduction Plan Scoping.''
- *Mail:* Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930–2276. Mark the outside of the envelope: ''Comments on Atlantic Large Whale Take Reduction Plan Scoping.''

Comments can also be provided in person during scoping meetings, listed below.

FOR FURTHER INFORMATION CONTACT: Colleen Coogan, Take Reduction Team Coordinator, Greater Atlantic Region. Telephone: 978 281–9181. Address: 55 Great Republic Drive, Gloucester, MA 01930. Email: *colleen.coogan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Dates, Times and Locations

The dates, times, and locations of scoping meetings are scheduled as follows:

1. Thursday, August 8, 2019—Narragansett, RI, 6 p.m. to 9 p.m.
URI Graduate School of Oceanography, Corless Auditorium, 215 South Ferry Road, Narragansett, RI 02882
2. Monday, August 12, 2019—Machias, ME, 6 p.m. to 9 p.m.
University of Maine at Machias, Performing Arts Center, 116 O'Brien Avenue, Machias, ME 04654
3. Tuesday, August 13, 2019—Ellsworth, ME, 6 p.m. to 9 p.m.
Ellsworth High School Performing Arts Center, 24 Lejok Street, Ellsworth, ME 04605
4. Wednesday, August 14, 2019—Waldoboro, ME, 6 p.m. to 9 p.m.
Medomak Valley High School, 320 Manktown Road, Waldoboro, Maine 04572
5. Thursday, August 15, 2019—Portland, ME, 6 p.m. to 9 p.m.
South Portland High School, 637 Highland Ave., South Portland ME, 04106
6. Monday, August 19, 2019—Portsmouth, NH, 6 p.m. to 9 p.m.
Urban Forestry Center, 45 Elwyn Road, Portsmouth, NH 03801
7. Tuesday, August 20, 2019—Gloucester, MA, 6 p.m. to 9 p.m.
NOAA Fisheries Greater Atlantic Region, 55 Great Republic Drive, Gloucester, MA 01930
8. Wednesday, August 21, 2019—Bourne, MA, 6 p.m. to 9 p.m.
Upper Cape Cod Regional Technical School, 220 Sandwich Rd., Bourne, MA 02352

Background

The North Atlantic right whale population has been declining since 2010, and the most recent estimate indicates a population of no more than 411 individuals at the end of 2017. The decline has been exacerbated by an Unusual Mortality Event in 2017, following a calving season (2016–2017) with only five documented births and coinciding with the first calving season since monitoring began in 1990 with no new births documented (2017–2018). While climate change and the availability and redistribution of prey appear to be contributing to the population's declining fitness, a primary cause of significant injury and mortality of North Atlantic right whales is entanglement in fishing gear. With mortalities continuing to outpace births, the population decline is continuing, and further mitigation of entanglements that cause serious injury or mortality is needed.

The Marine Mammal Protection Act (MMPA) mandates that NMFS develop and implement Take Reduction Plans for preventing the depletion and assisting in the recovery of certain marine mammal stocks that are seriously injured or killed in commercial fisheries. Pursuant to the MMPA, NMFS convenes Take Reduction Teams, composed of stakeholders that make

recommendations for reducing serious injuries and deaths to acceptable levels. The teams design each plan to reduce bycatch within a specific timeframe through a combination of voluntary and regulatory measures implemented by NMFS.

Right whales are listed as endangered under the Endangered Species Act and considered depleted under the MMPA. NMFS formed the Team in 1997 to consider serious injuries and mortalities caused by incidental take in commercial fisheries of right whales as well as humpback and fin whales. The Team develops and recommends measures to reduce the impact of commercial fisheries on large whales in the Atlantic to achieve the Potential Biological Removal (PBR) level. This level is defined by the MMPA as the maximum number of animals, not including natural mortalities that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.

The Team has previously implemented several regulations to reduce the impacts of fishing gear on large whales in the region, such as area closures, gear configuration requirements, and gear marking rules. The most recent rule in 2014, amended in 2015, was implemented to reduce the risk of entanglement by decreasing the number of buoy lines, vertical lines in the water column that identify where fishing gear is set and allow fishermen to retrieve the gear.

During a meeting in April 2019, the Team provided near-consensus recommendations to NMFS to reduce entanglements that cause right whale serious injuries and mortalities in trap/pot gear in New England waters by more than half to achieve the PBR level of less than one right whale per year in New England trap/pot fisheries. At the 2019 meeting, the Team discussed several management options to decrease the risk and severity of entanglements in these fisheries including: Vertical line reduction through trap or line limits and ropeless fishing technologies, gear modifications to reduce the breaking strength of ropes so entangled whales could break free, and area closures where right whales can be predicted to aggregate seasonally. Ultimately, all but one Team member present recommended jurisdiction-specific vertical line reductions and gear modifications.

TABLE 1—APRIL 2019 TAKE REDUCTION FRAMEWORK

April 2019 take reduction framework			
State/jurisdiction	Vertical line reduction	Gear modification	Est. % risk reduction
Maine permitted vessels through LMA1.	50% vertical line reduction through LMA1 (50% risk reduction).	LMA 1—Weak rope outside of 3 miles on ¾ length of buoy line (toppers) (11.6% risk reduction).	61.6.
NH LMA1	30% vertical line reduction (30% risk reduction)	1700 lb. breaking strength or sleeves (28.5% risk reduction).	58.5.
Massachusetts LMA1 and Outer Cape.	Mass Bay Restricted Area Closure (24% risk reduction). 30% vertical line reduction, not including MBRA fishermen (−5%) (25% risk reduction).	Sleeves or 1700 lb. breaking strength or equivalent. (11% risk reduction).	60.
LMA 2—Massachusetts and Rhode Island.	18% (2018–2020) vertical line reduction (18% risk reduction).	1700 lb. or equivalent	60.
LMA ⅔ Overlap—Massachusetts, Rhode Island.	Trawling up to 30 traps (from 20) (30% risk reduction for that area).	(42% risk reduction).	
LMA 3	Accelerate planned line reduction (18% risk reduction).	Rapid research on alternatives to introduce weak rope or weak link elements in to offshore line.	18% + TBD Commit to 60%.

In addition to changes in line numbers and strength, the Team strongly supported amplification of gear marking requirements to reduce uncertainty about where and in what fisheries large whales are entangled. During a June 2019 teleconference, the Team supported consideration of expanding the markings on buoy lines to all U.S. fixed gear fisheries including previously exempted waters, increasing spatial resolution in nearshore New England fisheries (''red'' areas), adding a three-foot long mark within one fathom of the surface buoy system, and increasing the frequency of marks on buoy lines. Further information regarding that discussion can be found here: *https://go.usa.gov/xmSS3.*

Further information about the Atlantic Large Whale Take Reduction Plan can be found at the website: *https://go.usa.gov/xmSKh.* Further information about the April 2019 Team meeting that resulted in the recommendations to modify the Take Reduction Plan can be found here: *https://go.usa.gov/xmSk3.*

Environmental Impact Statement

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. NMFS has determined that an EIS should be prepared under NEPA for the purpose of informing rulemaking to modify the Atlantic Large Whale Take Reduction Plan. We will prepare an EIS in accordance with NEPA requirements, as amended (42 U.S.C. 4321 *et seq.*); NEPA implementing regulations (40 CFR 1500–1508); and other Federal laws, regulations, and policies.

The Proposed Action for analysis in the Final EIS is NMFS rulemaking to modify the Atlantic Large Whale Take Reduction Plan. NMFS' purpose for the proposed action is to fulfill the mandates of the MMPA to reduce impacts of fisheries on large whale species below their PBR level.

The EIS will consider the Team's recommendations to reduce vertical lines by changing gear reconfigurations and/or trap allocations to reduce buoy lines and to modify gear to require rope that whales can break. Additional buoy line marking will likely also be considered as part of this rulemaking. Additions or modifications to areas closed to trap/pot fishing may also be considered. Measures to be considered will respect the framework adopted by the Team to include area-specific measures that are operationally feasible for the varying gear configurations and

lobster fishing conditions across New England. Measures will be created in collaboration with New England states and will take into account any measures states propose as they respond to Team recommendations.

Public Comments

Everyone potentially impacted by or interested in changes to the Atlantic Large Whale Take Reduction Plan, and particularly, management of trap/pot fisheries in New England, is invited to participate in the public scoping process by submitting written comments or attending public scoping meetings. This scoping process aims to gather input regarding the scope of actions to be proposed for rulemaking, the development of alternatives to analyze in the EIS, and the potential impact of management actions. NMFS particularly requests comments and input on the operational challenges of gear modifications likely to be considered. In addition to direct costs of replacing new gear, input is requested on indirect cost of gear modification measure alternatives, such as costs in time required to install sleeves, install weak rope, and mark gear and costs related to fewer vertical lines or seasonal closures.

Comments and suggestions that are within the scope of the proposed actions to reduce risk of serious injury and mortality of large whales due to entanglements and to improve gear marking to reduce uncertainty about where entanglements occur will be considered when developing the alternatives for analysis in the draft EIS. Previous comments that have already been received regarding a proposed rule are already being considered and do not need to be resubmitted.

Dated: July 29, 2019.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–16487 Filed 7–31–19; 11:15 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 84, No. 149

Friday, August 2, 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 30, 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; ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 3, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such person are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of the Chief Financial Officer

Title: Supplier Credit Audit Recovery.

OMB Control Number: 0505–0026.

Summary of Collection: On March 10, 2010, the President signed a presidential memorandum directing all federal departments and agencies to expand and intensify their use of payment recapture audits. These are audits which offer specialized private auditors financial incentives to root out improper payments, and have been demonstrated through pilot programs to be highly effective. The Office of Management and Budget's Circular A123 Appendix C (2018), offers guidance to implement the requirements of the Improper Payments Elimination and Recovery Act of 2010, which requires agencies to conduct payment recapture audits for each program that expends more than $1 million annually. The authority for this collection can be found under the Improper Payments Elimination and Recovery Act of 2010 (124 Statute 2229, Pub. L. 111–204), under Section C, Recovery Audit Contracts.

Need and Use of the Information: The Office of the Chief Financial Officer (OCFO) sends out a letter to USDA vendors on an annual basis requesting account and payment information as to whether the vendor currently has a credit on their books due back to USDA. If the information is not collected, OCFO would not be able to identify the root cause of improper payments and would not be able to accomplishment this without verification of suspected overpayments to suppliers or vendors.

Description of Respondents: Business or other for-profit.

Number of Respondents: 10,514.

Frequency of Responses: Third party disclosure; Reporting: Semi-annually.

Total Burden Hours: 21,028.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–16494 Filed 8–1–19; 8:45 am]

BILLING CODE 3410–KS–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0002]

Notice of Availability of an Environmental Assessment for the Release of Aphalara Itadori for the Biological Control of Japanese, Giant, and Bohemian Knotweeds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability; reopening of comment period.

SUMMARY: We are reopening the comment period for an environmental assessment relative to permitting the release of *Aphalara itadori* for the biological control of Japanese, Giant, and Bohemian knotweeds (*Fallopia japonica, F. sachalinensis,* and *F.* x *bohemica*), significant invasive weeds, within the contiguous United States. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the notice published on May 28, 2019 (84 FR 24463) is reopened. We will consider all comments that we receive on or before August 26, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0002.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0002, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0002* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 7997039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Colin D. Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits, Permitting and Compliance

Coordination, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2237; email: *Colin.Stewart@usda.gov.*

SUPPLEMENTARY INFORMATION: On May 28, 2019, we published in the **Federal Register** (84 FR 24463, Docket No. APHIS–2019–0002) a notice of availability for an environmental assessment relative to permitting the release of *Aphalara itadori* for the biological control of Japanese, Giant, and Bohemian knotweeds (*Fallopia japonica, F. sachalinensis,* and *F.* x *bohemica*), significant invasive weeds, within the contiguous United States.

Comments on the notice were required to be received on or before June 27, 2019. We are reopening the comment period on Docket No. APHIS–2019–0002 for an additional 60 days. This action will allow interested persons additional time to prepare and submit comments.

We will also consider all comments received between June 28, 2019 (the day after the close of the original comment period) and the date of this notice.

Done in Washington, DC, this 30th day of July 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–16581 Filed 8–1–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0043]

Availability of an Environmental Assessment for Field Testing of a Pseudogymnoascus destructans Vaccine, Live Raccoon Poxvirus Vector (RCN–CAL/SP)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed *Pseudogymnoascus destructans* Vaccine, Live Raccoon Poxvirus Vector (RCN–CAL/SP). The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensing.

DATES: We will consider all comments that we receive on or before September 3, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2019-0043.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0043, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail; D=APHIS-2019-0043* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 7997039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Barbara J. Sheppard, Senior Staff Veterinary Medical Officer, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 1920 Dayton Avenue, Ames, IA 50010; phone (515) 337–6100; fax (515) 337–6120.

For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment (as well as the risk analysis with confidential business information removed), contact Dr. Mathew Erdman, Senior Staff Veterinary Medical Officer, Center for Veterinary Biologics, Policy, Evaluation, and Licensing VS, APHIS, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 337–6100, fax (515) 337–6120.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: U.S. Geological Survey, National Wildlife Health Center.

Product: Pseudogymnoascus destructans Vaccine, Live Raccoon Poxvirus Vector (RCN–CAL/SP).

Possible Field Test Locations: Colorado, Iowa, Minnesota, Nebraska, Oklahoma, Texas, or Wisconsin, among others.

The above-mentioned product consists of a live recombinant raccoon poxvirus vector expressing two *Pseudogymnoascus destructans* proteins. The vaccine is for the oral vaccination of bats as an aid in the prevention and control of White-Nose Syndrome.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the

EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 30th day of July 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–16580 Filed 8–1–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0044]

Availability of an Environmental Assessment for Field Testing of a Pseudogymnoascus destructans Vaccine, Live Raccoon Poxvirus Vector (RCN–CAL/SP/ASPF2/PD–ENG2)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed *Pseudogymnoascus destructans* Vaccine, Live Raccoon Poxvirus Vector (RCN–CAL/SP/ASPF2/PD–ENG2). The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensing.

DATES: We will consider all comments that we receive on or before September 3, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2019-0044.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0044, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0044* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 7997039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Barbara J. Sheppard, Senior Staff Veterinary Medical Officer, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 1920 Dayton Avenue, Ames, IA 50010; phone (515) 337–6100; fax (515) 337–6120.

For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment (as well as the risk analysis with confidential business information removed), contact Dr. Mathew Erdman, Senior Staff Veterinary Medical Officer, Center for Veterinary Biologics, Policy, Evaluation, and Licensing VS, APHIS, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 337–6100; fax (515) 337–6120.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: U.S. Geological Survey, National Wildlife Health Center.

Product: Pseudogymnoascus destructans Vaccine, Live Raccoon Poxvirus Vector (RCN–CAL/SP/ASPF2/PD–ENG2).

Possible Field Test Locations: Colorado, Iowa, Minnesota, Nebraska, Oklahoma, Texas, or Wisconsin, among others.

The above-mentioned product consists of a live recombinant raccoon poxvirus vector expressing four *Pseudogymnoascus destructans* proteins. The vaccine is for the oral vaccination of bats as an aid in the prevention and control of White-Nose Syndrome.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the

issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 30th day of July 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–16579 Filed 8–1–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Senior Farmers' Market Nutrition Program (SFMNP)

AGENCY: Food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection of information relating to the reporting and recordkeeping burden associated with the Senior Farmers' Market Nutrition Program (SFMNP).

DATES: Written comments must be received on or before October 1, 2019.

ADDRESSES: Comments may be sent to: Kurtria Watson, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 524, Alexandria, VA 22302. Comments may also be submitted via email to *kurtria.watson@usda.gov*. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Kurtria Watson at (703) 605–4387.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Senior Farmers' Market Nutrition Program (SFMNP).

Form Number: Annual Financial and Program Data Report, FNS–683A.

OMB Number: 0584–0541.

Expiration Date: October 31, 2019.

Type of Request: Revision of a currently approved collection.

Abstract: The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), created the Senior Farmers' Market Nutrition Program (SFMNP) in 2000 as a pilot program awarding grants to State agencies (including geographic States, U.S. Territories, and federally recognized Indian Tribal Organizations (ITOs)) on a competitive basis. The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill), Public Law 107–171, authorized the SFMNP, beginning Fiscal Year (FY) 2003, and gave USDA the authority to develop regulations for the SFMNP. These regulations are published at 7 Code of Federal Regulations (CFR) part 249. The Agriculture Improvement Act of 2018 (2018 Farm Bill), Public Law 115–334, reauthorized the SFMNP through fiscal year 2023.

The purpose of the SFMNP is to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs, and honey from farmers' markets, roadside stands, and community supported agriculture (CSA) programs to low income seniors; to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers' markets, roadside stands, and CSA programs; and to develop or aid in the development of new and additional farmers' markets, roadside stands, and CSA programs.

The 2018 Farm Bill and SFMNP regulations at 7 CFR part 249 require that certain program-related information be collected and that full and complete records concerning SFMNP operations are maintained. The information reporting and recordkeeping requirements are necessary to ensure appropriate and efficient management of the SFMNP program. Information reporting and recordkeeping includes, but is not limited to, the authorization and monitoring of State agencies; the certification of SFMNP recipients; nutrition education that is provided to recipients; farmer, farmers' market, roadside stand, and CSA program authorization, monitoring, and management; and reporting on the financial management and operational aspects of program administration. This information collection is used by USDA to manage, plan, evaluate, and provide oversight to SFMNP program operations. Likewise, this information is used for reporting to Congress, as needed.

This information collection is requesting a revision to the previously approved burden hours due to program adjustments that primarily reflect expected changes in the number of SFMNP State agencies, individual/households (program recipients), and the number of farmers, farmers' markets, roadside stands, and CSA programs, from year to year. Additionally, the burden hours associated with State agency financial and program recipient reporting on the Annual Financial and Program Data Report (FNS–683A), are now included in the information collection for the Food Programs Reporting System (FPRS), OMB #0584–0594, expiration date of 9/30/2019. As such, with this revision we are removing the burden associated with the FNS–683A from this information collection, a decrease of 2,080 hours. Overall, program adjustments have increased the net annual burden from 427,280 to 449,090 burden hours (difference of 21,810 burden hours). Likewise, there is an increase in the total annual responses from 2,408,659 to 2,549,454 (difference of 140,795 annual responses).

Affected Public Respondents Include: State agencies (including geographic States, U.S. Territories, and Indian Tribal Organizations (ITOs)); local agencies; individuals/households (program recipients); and authorized farmers, farmers' markets, roadside stands, and CSA programs participating in the SFMNP.

Estimated Number of Respondents: The total estimated number of respondents is 867,028. This includes: State agencies, local agencies, individuals/households (program recipients), and authorized farmers, farmers' markets, roadside stands, and CSA programs.

Estimated Number of Responses per Respondent: The total estimated number of responses per respondent for this collection is 3, rounded up.

Estimated Total Annual Responses: 2,549,454. The estimated total for reporting is 1,709,189 while the estimated total for recordkeeping is 840,265.

Estimated Time per Response: The estimated time per response averages .18 hours, rounded up for all participants. For the reporting and recordkeeping burden, the estimated time of response varies from 15 minutes to 40 hours depending on the respondent group.

Estimated Total Annual Burden on Respondents: 449,090 hours. The estimated total for reporting burden is 236,599 while the estimated total for recordkeeping is 212,491 burden hours.

See the respondent burden table (Table 1) below for estimated total annual burden for each type of respondent.

Dated: July 26, 2019.

Brandon Lipps,

Administrator, Food and Nutrition Service.

TABLE 1—RESPONDENT BURDEN

Regulatory section	Information collected	Form(s)	Estimated number of respondents	Annual responses per respondent	Total annual responses	Hours per response	Total annual burden hours	Previous submission: Total annual burden hours
REPORTING BURDEN ESTIMATES								
Affected Public: State & Local Agencies (Including U.S. Territories and Indian Tribal Organizations)								
249.3(d)	Local agency applications		1,060	0.5	530	2	1,060	1,040
249.4	State Plan of Operations		53	1	53	40	2,120	2,080
249.6(a)(3)	Certification data for seniors		53	15,849	840,000	0.25	210,000	200,000
249.10(b)	Review of farmer, farmers' market, roadside stand and CSA program applications.		12,924	1	12,924	0.25	3,231	3,622
249.10(e)	Monitoring and review of at least 10 percent of authorized farmers, farmers' markets, roadside stands, and CSA programs.		53	49	2,585	1.5	3,877	543
249.10(f)	Coupon/CSA management system		53	1	53	5	265	260
249.10(h)	Coupon reconciliation		53	1	53	3	159	156
249.11	Financial management system		53	1	53	10	530	520
249.12	Prior approval for cost items per 2 CFR part 200, subpart E, and 2 CFR parts 400 and 415.		5	1	5	40	200	800
249.17(b)(2)	State agency corrective action plans		8	1	8	10	80	70
249.18(b)	Audit responses		1	1	1	15	15	15
249.23(b)	Financial/recipient reports	FNS–683A						2,080
Subtotal Reporting: State and Local Agencies			14,051	60.9397765	856,265	0.2587251	221,537	211,186
Affected Public: Individuals/Households (Applicants for Program Benefits)								
249.6	Certification data for seniors		840,000	1.00	840,000	0.0167	14,028	13,360
Subtotal Reporting: Individuals/Households			840,000		840,000		14,028	13,360
Affected Public: Authorized Farmers, Farmers' Markets, Roadside Stands, CSA Programs								
249.10(b)	Authorized farmer, farmers' market, roadside stand and CSA program applications.		12,924	1.00	12,924	0.08	1,034	290
Subtotal Reporting: Authorized farmers, farmers' markets, roadside stands and CSA programs.			12,924		12,924		1,034	290
Grand Subtotal: Reporting			866,975		1,709,189		236,599	224,836
RECORDKEEPING BURDEN ESTIMATES								
Affected Public: State & Local Agencies (Including U.S. Territories and Indian Tribal Organizations)								
249.9	Nutrition education		53	15,849	840,000	0.25	210,000	200,000
249.10(b)	Authorized farmers, farmers' markets, roadside stands and CSA program agreements.		53	1	53	2	106	104
249.10(e)	Monitoring and review of at least 10 percent of authorized farmers, farmers' markets, roadside stands, and CSA programs.		53	1	53	2	106	104
249.11	Record of financial expenditures		53	1	53	2	106	104
249.16(a)	Fair hearings		53	1	53	1	53	52
249.23(a)	Record of Program operations		53	1	53	40	2,120	2,080
Grand Subtotal: Recordkeeping			53		840,265		212,491	202,444

TABLE 1—RESPONDENT BURDEN—Continued

Regulatory section	Information collected	Form(s)	Estimated number of respondents	Annual responses per respondent	Total annual responses	Hours per response	Total annual burden hours	Previous submission: Total annual burden hours
Grand Subtotal Reporting and Recordkeeping			867,028		2,549,454		449,090	427,280

[FR Doc. 2019–16541 Filed 8–1–19; 8:45 am]
BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Rio Grande National Forest; Colorado; Revision of the Land Management Plan for the Rio Grande National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of opportunity to object to the Revised Land Management Plan for the Rio Grande National Forest.

SUMMARY: The Forest Service is revising the Rio Grande National Forest's Land Management Plan (Forest Plan). The Forest Service has prepared a Final Environmental Impact Statement (FEIS) for its revised Forest Plan and a draft Record of Decision (ROD). This notice is to inform the public that the Rio Grande National Forest is initiating a 60-day period where individuals or entities with specific concerns about the Rio Grande National Forest's revised Forest Plan and the associated FEIS may file objections for Forest Service review prior to the approval of the revised Forest Plan. This is also an opportunity to object to the Regional Forester's list of species of conservation concern (SCC) for the Rio Grande National Forest.

DATES: The Rio Grande National Forest's revised Forest Plan, FEIS, draft ROD, Rocky Mountain Region species of conservation concern list, and other supporting information will be available for review at: *https://www.fs.usda.gov/project/?project=46078.* The publication date of the legal notice in the Rio Grande National Forest's newspaper of record, *The Valley Courier* (Alamosa, CO), initiates the 60-day objection period and is the exclusive means for calculating the time to file an objection (36 CFR 219.52(c)(5)). An electronic scan of the legal notice with the publication date will be posted at the link above.

ADDRESSES: Copies of the Rio Grande National Forest's revised Forest Plan, FEIS, draft ROD, and Rocky Mountain Region species of conservation concern list can be obtained online at: *https://www.fs.usda.gov/project/?project=46078,* or at the following office: Rio Grande National Forest Supervisor's Office, 1803 W Highway 160, Monte Vista, CO 81144, Phone: (719) 852–5941. Objections must be submitted to the Objection Reviewing Officer by one of the following methods:

- Via regular mail, carrier, or hand delivery to the following address: USDA Forest Service, Attn: Objection Reviewing Officer, Rocky Mountain Region, 1617 Cole Boulevard, Building 17, Lakewood, CO 80401. Note that the office hours for submitting a hand-delivered objection are 8:00 a.m. to 4:30 p.m., Mountain Time, Monday through Friday, excluding Federal holidays.
- Via fax to (303) 275–5134. Faxes must be addressed to ''Objection Reviewing Officer.'' The fax coversheet should specify the number of pages being submitted.
- Via email to *r02admin_review@fs.fed.us* with the subject line: ''Rio Grande Forest Plan Revision Objection.'' Electronic objections must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc).

FOR FURTHER INFORMATION CONTACT: Rio Grande National Forest's Forest Planner, Judi Perez at (719) 852–6240 or *judi.perez@usda.gov.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The decision to approve the revised Forest Plan for the Rio Grande National Forest and the Regional Forester's list of SCC will be subject to the objection process identified in 36 CFR part 219 subpart B (219.50 to 219.62). An objection must include the following (36 CFR 219.54(c)):

(1) The objector's name and address along with a telephone number or email address if available—in cases where no identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;

(4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;

(5) A statement of the issues and/or parts of the plan, plan amendment, or plan revision to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the draft plan decision may be improved. If the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy, an explanation should be included;

(7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment; and

(8) All documents referenced in the objection (a bibliography is not sufficient), except the following need not be provided:

a. All or any part of a Federal law or regulation,

b. Forest Service Directive System documents and land management plans or other published Forest Service documents,

c. Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection, and

d. Formal comments previously provided to the Forest Service by the objector during the proposed plan, plan amendment, or plan revision comment period.

It is the responsibility of the objector to ensure that the reviewing officer receives the objection in a timely manner. The regulations prohibit extending the length of the objection filing period.

Responsible Official

The responsible official who will approve the ROD and the revised Forest Plan for the Rio Grande National Forest is Dan Dallas, Forest Supervisor, Rio Grande National Forest, 1803 W Highway 160, Monte Vista, CO 81144. The responsible official for the SCC list is Brian Ferebee, Regional Forester, USDA Forest Service Rocky Mountain Region, 1617 Cole Boulevard, Building 17, Lakewood, CO 80401.

The Regional Forester is the reviewing officer for the revised Forest Plan since the Forest Supervisor is the responsible official (36 CFR 219.56(e)(2)). The Regional Forester will consider comments received and respond in the FEIS and ROD. The decision to approve the SCC list will be subject to a separate objection process. The Chief of the Forest Service is the reviewing officer for SCC identification since the Regional Forester is the responsible official (36 CFR 219.56(e)(2)).

Dated: June 28, 2019.

Frank R. Beum,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2019–16287 Filed 8–1–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 190709556–9556–01]

RIN 0691–XC103

Notice of Advisory Committee Renewal

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Notice.

SUMMARY: The Charter for the Bureau of Economic Analysis Advisory Committee is renewed for an additional two-year period, as a necessary committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

FOR FURTHER INFORMATION CONTACT: Gianna Marrone, Program Analyst, U.S. Department of Commerce, Bureau of Economic Analysis, Suitland, MD 20746; telephone number: (301) 278–9282; email: *gianna.marrone@bea.gov.*

SUPPLEMENTARY INFORMATION: The BEA Advisory Committee advises the Director of BEA on matters related to the development and improvement of BEA's national, regional, industry, and international economic accounts, with a focus on new and rapidly growing areas of the U.S. economy. The committee provides recommendations from the perspectives of academia, business, and government.

On June 7, 2019, the Secretary of Commerce approved the renewal of the BEA Advisory Committee charter. The new charter was made effective and filed with the appropriate Congressional committees and the Library of Congress on the same day. Renewal of the Committee's charter gives authorization for the Committee to continue to operate until June 7, 2021.

A copy of the BEA Advisory Committee charter is available on the Committee's website at *https://www.bea.gov/about/bea-advisory-committee.* A copy of the charter can also be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The website address for the FACA database is *www.facadatabase.gov.*

Dated: July 11, 2019.

Shaunda Villones,

Chief of Budget and Planning, Office of the Director, Bureau of Economic Analysis.

[FR Doc. 2019–16516 Filed 8–1–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–47–2019]

Foreign-Trade Zone (FTZ) 201—Holyoke, Massachusetts; Notification of Proposed Production Activity; ProAmpac Holdings, Inc. (Flexible Packaging Applications); Westfield, Massachusetts

The Holyoke Economic Development and Industrial Corporation, grantee of FTZ 201, submitted a notification of proposed production activity to the FTZ Board on behalf of ProAmpac Holdings, Inc. (ProAmpac), located in Westfield, Massachusetts. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 25, 2019.

The applicant indicates that it will be submitting a separate application for FTZ designation at the company's facilities under FTZ 201. The facilities are used for the production of flexible packaging for food, medical, pharmaceutical, and other consumer and industrial applications. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status material/component and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt ProAmpac from customs duty payments on the foreign-status material/component used in export production (estimated 5% percent of production). On its domestic sales, for the foreign-status materials/components noted below, ProAmpac would be able to choose the duty rates during customs entry procedures that apply to plastic pouch/packaging stock, paper can liner and pouch/packaging stock, aluminum laminated packaging stock, and aluminum lidding stock (duty rate ranges from duty-free to 4.2%). ProAmpac would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The material/component sourced from abroad is aluminum foil (with gauges not exceeding 0.051 mm) (duty rate ranges from 5.3 to 5.8%). The request indicates that aluminum foil is subject to an antidumping/countervailing duty (AD/CVD) order if imported from China. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to FTZs in privileged foreign status (19 CFR 146.41). The request also indicates that aluminum foil is subject to special duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) depending on the country of origin. The applicable Section 232 decisions require subject merchandise to be admitted to FTZs in privileged foreign status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 11, 2019.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: July 29, 2019.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2019–16552 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–149–2019]

Foreign-Trade Zone 22—Chicago, Illinois; Application for Subzone Expansion; Abbott Laboratories, Elk Grove Village, Illinois

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Illinois International Port District, grantee of FTZ 22, requesting an expansion of Subzone 22F on behalf of Abbott Laboratories (Abbott), located in Elk Grove Village, Illinois. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on July 29, 2019.

Subzone 22F currently consists of the following sites: Site 2 (480 acres) One Abbott Park Road, North Chicago; Site 3 (129 acres) Atkinson Road, North Chicago; Site 4 (42 acres) 22nd Street, North Chicago; Site 5 (17 acres) 1300 East Touhy, Des Plaines; and, Site 7 (0.7 acres) 800 Brummel Avenue, Elk Grove Village.

The proposed expansion would include an additional 0.7 acres within existing Site 7 of the subzone. No authorization for expanded production activity has been requested at this time. The subzone will be subject to the existing activation limit of FTZ 22.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 11, 2019. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 26, 2019.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: July 29, 2019.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2019–16553 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on August 20, 2019, 9 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussions on results from last, and proposals from last Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10 (a) (1) and 10 (a) (3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than August 13, 2019.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 19, 2019, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with matters the premature disclosure of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a) (1) and 10(a) (3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2019–16470 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Notice of Court Decision Not in Harmony With the Final Results of the Antidumping Duty Administrative Review, 2015–2016; and Notice of Amended Final Results of the Antidumping Duty Administrative Review, 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On July 23, 2019, the United States Court of International Trade (CIT) issued its final judgment sustaining the final results of redetermination pertaining to the 2015–2016 antidumping duty (AD) administrative review of polyethylene terephthalate film, sheet, and strip (PET Film) from India. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the final results of the AD administrative review, and that Commerce is amending the final results with respect to the weighted-average dumping margin assigned to Jindal Poly Films Limited of India.

DATES: Applicable July 23, 2019.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations, Office IV, Enforcement and Compliance—International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On February 13, 2018, Commerce published the *Final Results.*[1] Subsequently, Jindal Poly Films Limited of India (Jindal), a mandatory respondent in the underlying proceeding, filed suit at the CIT to challenge certain aspects of the *Final Results.* On March 11, 2019, the CIT remanded the *Final Results* to Commerce, to further explain its decision to deny Jindal's claimed Financing Charges Discount and the Exclusive Dealer Discount post-sale adjustments, finding that Commerce had failed to articulate its reasoning for denying the adjustments.[2] On July 10, 2019, Commerce issued its *Remand Results,* in which it granted post-sale price adjustments for Jindal's Financing Charges Discount and Exclusive Dealer Discount.[3] On July 23, 2019, the CIT sustained Commerce's *Remand Results,* and entered final judgment.[4]

Timken Notice

In its decision in *Timken,*[5] as clarified by *Diamond Sawblades,*[6] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's July 23, 2019, judgment sustaining Commerce's *Remand Results* constitutes a final decision of that court that is not in harmony with Commerce's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, Commerce is amending its *Final Results* with respect to Jindal's weighted-average dumping margin. The revised weighted-average dumping margin for Jindal for the July 1, 2015, through June 30, 2016, period of review is as follows:

Producer or exporter	Weighted-average dumping margin (percent)
Jindal Poly Films Limited of India[7]	0.87

In the event the CIT's ruling is not appealed or, if appealed, is upheld by a final and conclusive court decision, Commerce will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the revised rates calculated by Commerce in the *Remand Results* and listed above.

Cash Deposit Requirements

Because the cash deposit rate for the company listed above, has been superseded by a cash deposit rate calculated in an intervening administrative review of the antidumping duty order on PET Film from India,[8] we will not alter the cash deposit rate currently in effect for these respondents based on these amended final results. Effective March 13, 2019, the cash deposit rate applicable to entries of subject merchandise exported by Jindal is 5.95 percent.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 751(a)(1) and 777(i)(1) of the Act.

Dated: July 30, 2019.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–16656 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for September 2019

Pursuant to section 751(c) of the Act, the following Sunset Review is scheduled for initiation in September 2019 and will appear in that month's *Notice of Initiation of Five-Year (Sunset) Review* (Sunset Review).

	Department contact
Antidumping Duty Proceedings	
Refined Brown Aluminum Oxide from China (A–570–882) (3rd Review)	Joshua Poole (202) 482–1293.
Countervailing Duty Proceedings	
No Sunset Review of countervailing duty orders is scheduled for initiation in September 2019.	

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Antidumping Duty Administrative Review; 2015–2016,* 83 FR 6162 (February 13, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

[2] *See Jindal Poly Films Limited of India* v. *United States,* Court No. 18–00038, Slip Op. 19–31 (CIT 2019).

[3] *See Final Results of Redetermination Pursuant to Court Remand, Jindal Poly Films Limited of India* v. *United States,* Court No. 18–00038 (July 10, 2019) (*Remand Results*).

[4] *See Jindal Poly Films Limited of India* v. *United States,* Court No. 18–00038, Slip Op. 19–91 (CIT 2019).

[5] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[6] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[7] The Initiation Notice also lists the company as Jindal Poly Films Ltd. (India). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 62720, (September 12, 2016). As noted in the Preliminary Decision Memoranda, dated concurrently with the **Federal Register** notice, the Department has determined that Jindal Poly Films Limited of India is the same company as Jindal Poly Films Ltd. (India). *See Polyethylene Terephthalate Film, Sheet, and Strip from India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2015–2016* 82 FR 36735 (August 7, 2017).

[8] *See Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 84 FR 9092 (March 13, 2019), and accompanying IDM.

	Department contact
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in September 2019.	

Commerce's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year* (*Sunset) Review* provides further information regarding what is required of all parties to participate in the Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: July 22, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–16550 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

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

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

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 period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

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:

In general, Commerce finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* 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 a 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 (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a 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 a Quantity and Value 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 a proceeding where Commerce considered collapsing that entity, complete quantity and value 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 requests 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.[1] 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 Section D responses.

Opportunity To Request a Review: Not later than the last day of August 2019,[2] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in August for the following periods:

	Period of review
Antidumping Duty Proceedings	
GERMANY:	
Seamless Line and Pressure Pipe, A–428–820	8/1/18–7/31/19
Sodium Nitrite, A–428–841	8/1/18–7/31/19
INDIA: Finished Carbon Steel Flanges, A–533–871	8/1/18–7/31/19
ITALY: Finished Carbon Steel Flanges, A–475–835	8/1/18–7/31/19
JAPAN:	
Brass Sheet & Strip, A–588–704	8/1/18–7/31/19
Tin Mill Products, A–588–854	8/1/18–7/31/19
MALAYSIA: Polyethylene Retail Carrier Bags, A–557–813	8/1/18–7/31/19
MEXICO: Light-Walled Rectangular Pipe and Tube, A–201–836	8/1/18–7/31/19
REPUBLIC OF KOREA:	
Dioctyl Terephthalate, A–580–889	8/1/18–7/31/19
Large Power Transformers, A–580–867	8/1/18–7/31/19
Light-Walled Rectangular Pipe and Tube, A–580–859	8/1/18–7/31/19
Low Melt Polyester Staple Fiber, A–580–895	2/1/18–7/31/19
ROMANIA: Carbon and Alloy Seamless Standard, Line, and Pressure Pipe, A–428–805 (Under 4½ Inches)	8/1/18–7/31/19
SPAIN: Ripe Olives, A–469–817	1/26/18–7/31/19
SOCIALIST REPUBLIC OF VIETMAN: Frozen Fish Fillets, A–552–801	8/1/18–7/31/19
TAIWAN: Low Melt Polyester Staple, A–583–861	2/1/18–7/31/19
THAILAND: Polyethylene Retail Carrier Bags, A–549–821	8/1/18–7/31/19
THE PEOPLE'S REPUBLIC OF CHINA:	
Cast Iron Soil Pipe Fittings, A–570–062	2/20/18–7/31/19
Floor-Standing, Metal-Top Ironing Tables and Parts Thereof, A–570–888	8/1/18–7/31/19
Hydrofluorocarbon Blends and Components Thereof, A–570–028	8/1/18–7/31/19
Laminated Woven Sacks, A–570–916	8/1/18–7/31/19
Light-Walled Rectangular Pipe and Tube, A–570–914	8/1/18–7/31/19
Passenger Vehicle and Light Truck Tires, A–570–016	8/1/18–7/31/19
Petroleum Wax Candles, A–570–504	8/1/18–7/31/19
Polyethylene Retail Carrier Bags, A–570–886	8/1/18–7/31/19
Sodium Nitrite, A–570–925	8/1/18–7/31/19
Steel Nails, A–570–909	8/1/18–7/31/19
Stainless Steel Flanges, A–570–064	3/28/18–7/31/19
Sulfanilic Acid, A–570–815	8/1/18–7/31/19
Tetrahydrofurfuryl Alcohol, A–570–887	8/1/18–7/31/19
Tow-Behind Lawn Groomers and Parts Thereof, A–570–939	8/1/18–7/31/19
UKRAINE: Silicomanganese, A–823–805	8/1/18–7/31/19
Countervailing Duty Proceedings	
INDIA: Finished Carbon Steel Flanges, C–533–872	1/1/18–12/31/18
REPUBLIC OF KOREA: Stainless Steel Sheet and Strip in Coils, C–580–835	1/1/18–12/31/18
SPAIN: Ripe Olives, C–469–818	11/28/2017–12/31/2018
THE PEOPLE'S REPUBLIC OF CHINA:	
Cast Iron Soil Pipe Fittings, C–570–063	12/19/17–12/31/18
Laminated Woven Sacks, C–570–917	1/1/18–12/31/18
Light-Walled Rectangular Pipe and Tube, C–570–915	1/1/18–12/31/18
Passenger Vehicle and Light Truck Tires, C–570–017	1/1/18–12/31/18
Sodium Nitrite, C–570–926	1/1/18–12/31/18

Suspension Agreements

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[3]

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[4] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.[5] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at *http://access.trade.gov.*[6] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

Commerce will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of August 2019. If Commerce does not receive, by the last day of August 2019, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

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 period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: July 22, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–16549 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See also* the Enforcement and Compliance website at *http://trade.gov/enforcement/.*

[4] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[5] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[6] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–853]

Certain Crystalline Silicon Photovoltaic Products From Taiwan: Notice of Final Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On June 10, 2019, the Department of Commerce (Commerce) published the preliminary results of the changed circumstances review of the antidumping duty order on certain crystalline silicon photovoltaic products (solar products) from Taiwan. For these final results, Commerce continues to find that United Renewable Energy Co., Ltd. (URE) is the successor-in-interest to Gintech Energy Corporation (Gintech), Neo Solar Power Corporation (Neo Solar), and Solartech Energy Corporation (Solartech).

DATES: Applicable August 2, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Galantucci, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2923.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 2015, Commerce published in the **Federal Register** an antidumping duty order on solar

products from Taiwan.[1] On February 1, 2019, Commerce received a request on behalf of URE for an expedited changed circumstances review (CCR) to determine whether URE is the successor-in-interest to Gintech, Neo Solar, and Solartech.[2] On March 26, 2019, we initiated a CCR and published a notice in the **Federal Register**.[3]

On June 10, 2019, we published the *Preliminary Results* of this review, in which we determined that URE is the successor-in-interest to Gintech, Neo Solar, and Solartech.[4] In the *Preliminary Results,* we provided all interested parties with an opportunity to comment and request a public hearing regarding our preliminary finding.[5] We received no comments or requests for a public hearing from interested parties.

Scope of the *Order*

The merchandise covered by the *Order* is crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.

Merchandise covered by the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the order is dispositive. For a full description of the scope of the order, please refer to the Preliminary Decision Memorandum.[6]

Final Results of Changed Circumstances Review

For the reasons stated in the *Preliminary Results,* and because we received no comments from interested parties to the contrary, Commerce continues to find that URE is the successor-in-interest to Gintech, Neo Solar, and Solartech.[7] As a result of this determination and consistent with established practice, we find that URE should receive the cash deposit rate previously assigned to Gintech, Neo Solar, and Solartech in the most recently completed review of the *Order.* The cash deposit rate assigned to Gintech, Neo Solar, and Solartech in the most recently completed review was 1.33 percent.[8] Consequently, Commerce will instruct U.S. Customs and Border Protection to suspend liquidation of all shipments of subject merchandise produced or exported by URE and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at 1.33 percent, which is the current antidumping duty cash deposit rate for Gintech, Neo Solar, and Solartech. This cash deposit requirement shall remain in effect until further notice.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing this determination and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 351.221(c)(3).

Dated: July 19, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–16551 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Crystalline Silicon Photovoltaic Products from Taiwan: Antidumping Duty Order,* 80 FR 8596 (February 18, 2015) (*Order*).

[2] *See* URE's Letter, ''Certain Crystalline Silicon Photovoltaic Products from Taiwan: Request for Changed Circumstances Review and Successor-in-Interest Determination,'' dated February 1, 2019.

[3] *See Certain Crystalline Silicon Photovoltaic Products from Taiwan: Initiation of Antidumping Duty Changed Circumstances Review,* 84 FR 11284 (March 26, 2019).

[4] *See Certain Crystalline Silicon Photovoltaic Products from Taiwan: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review,* 84 FR 26816 (June 10, 2019) (*Preliminary Results*).

[5] *Id.* at 26817.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Changed Circumstances Review: Certain Crystalline Silicon Photovoltaic Products from Taiwan,'' dated June 4, 2019 (Preliminary Decision Memorandum).

[7] *See Preliminary Results,* 84 FR at 26817.

[8] *See Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 30401, 30402 (June 28, 2018).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 181019964–9283–01]

RIN 0648–XG584

Announcement of Change in Hearing Date Regarding Proposed Waiver and Regulations Governing the Taking of Marine Mammals

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

ACTION: Notice of change to the hearing date and related deadlines.

SUMMARY: The hearing date previously announced in the **Federal Register** for a proposed waiver under the Marine Mammal Protection Act (MMPA) and proposed regulations governing the hunting of eastern North Pacific (ENP) gray whales by the Makah Indian Tribe in northwest Washington State, and the related deadlines for submission of testimony and motions, is being changed as noted below.

DATES: Administrative Law Judge George J. Jordan will convene a hearing on the proposed waiver and regulations on Thursday, November 14, 2019 at 1:00 p.m. PDT in the Henry M. Jackson Federal Building, 915 Second Avenue, 4th Floor Auditorium, Seattle, WA 98174.

Filing Deadlines: The presiding officer has changed certain filing deadlines from those previously published in the notice of final agenda (June 26, 2019; 84 FR 30088). The final date to submit direct testimony to rebut testimony previously submitted is now August 6, 2019. The final date for submission of direct testimony on issues of fact not included in the notice of hearing (April 5, 2019; 84 FR 13639) is August 6, 2019, and the final date for rebuttal to such testimony is September 11, 2019. The parties may file motions to exclude any issues listed in the Final Hearing Agenda (June 26, 2019; 84 FR 30088) by August 9, 2019. Motions to exclude based on any rebuttal evidence the parties submit must be filed by August 16, 2019. The parties to this proceeding will have ten days to respond to any such motions, and additional replies will be authorized only on a showing of good cause.

ADDRESSES: The hearing will be held before Administrative Law Judge George J. Jordan of the United States Coast Guard at the Henry M. Jackson Federal Building, 915 Second Avenue, 4th Floor Auditorium, Seattle, WA 98174.

FOR FURTHER INFORMATION CONTACT: Michael Milstein, NMFS West Coast Region, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274; 503–231–6268.

SUPPLEMENTARY INFORMATION: On February 14, 2005, NMFS received a request from the Makah Indian Tribe for a waiver of the MMPA moratorium on the take of marine mammals to allow for take of ENP gray whales (*Eschrichtius robustus*). The Tribe requested that NMFS authorize a tribal hunt for ENP gray whales in the coastal portion of the Tribe's usual and accustomed fishing area for ceremonial and subsistence purposes and the making and sale of handicrafts. The MMPA imposes a general moratorium on the taking of marine mammals but authorizes the Secretary of Commerce to waive the moratorium and issue regulations governing the take if certain statutory criteria are met.

On April 5, 2019, NMFS published a Notice of Hearing and the associated proposed regulations in the **Federal Register** (84 FR 13639 and 84 FR 13604). Pursuant to an interagency agreement, a Coast Guard Administrative Law Judge was assigned to conduct the formal hearing and issue a recommended decision in this matter under the procedures set forth at 50 CFR part 228.

A prehearing conference took place on June 17, 2019 at the Jackson Federal Building, Seattle, WA. In compliance with 50 CFR 228.12, Judge George J. Jordan issued a notice of final agenda for publication in the **Federal Register** (June 26, 2019; 84 FR 30088). The final agenda set out the issues of fact for the hearing and identified one new issue of fact which had not previously been included in the notice of hearing (April 5, 2019; 84 FR 13639).

At the prehearing conference, several parties requested a change in the date of the proceeding due to issues concerning the availability of witnesses and counsel. The presiding officer ordered a briefing on this issue and, after thoroughly considering all the parties' arguments, determined a continuance was warranted. After consulting with the parties during a second prehearing conference on July 23, 2019, the presiding officer set the hearing to begin on Thursday, November 14, 2019 at 1:00 p.m.

The presiding officer, Administrative Law Judge George J. Jordan, prepared the contents of this notice. A copy of the draft notice Judge Jordan submitted to the NMFS Regulations Unit for filing with the Office of the Federal Register (OFR) was made available to all parties to this proceeding. The NMFS Regulations Unit reviewed the notice to ensure consistency with the OFR filing requirements. NMFS was otherwise not involved in the review of the contents of the notice. The signature of NMFS West Coast Regional Administrator Barry Thom is required to authorize the filing of the notice with the OFR.

Dated: July 30, 2019.

Barry A. Thom,

Regional Administrator, West Coast Region, National Marine Fisheries Service.

[FR Doc. 2019–16559 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR028

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability; Applications for seven new scientific research permits, three permit renewals, and one permit modification.

SUMMARY: Notice is hereby given that NMFS has received 11 scientific research permit application requests relating to Pacific salmon and steelhead, rockfish, and eulachon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5p.m. Pacific standard time on September 3, 2019.

ADDRESSES: Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Comments may also be sent via fax to 503–230–5441 or by email to *nmfs.wcr-apps@noaa.gov* (include the permit number in the subject line of the fax or email).

FOR FURTHER INFORMATION CONTACT: Rob Clapp, Portland, OR (ph.: 503–231–2314), Fax: 503–230–5441, email: *Robert.Clapp@noaa.gov*). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened Puget Sound (PS); threatened lower Columbia River (LCR); threatened Upper Willamette River (UWR); endangered upper Columbia River (UCR); threatened Snake River (SR) spring/summer (spr/sum); threatened SR fall.

Steelhead (*O. mykiss*): Threatened PS; threatened UCR; threatened middle Columbia River (MCR); threatened SR, threatened LCR; threatened UWR; threatened Central California Coast (CCC); South-Central California Coast (SCCC).

Coho salmon (*O. kisutch*): Threatened Oregon Coast (OC); threatened LCR, endangered Central California Coast (CCC).

Sockeye salmon (*O. nerka*): Endangered SR.

Chum salmon (*O. keta*): Threatened Hood Canal Summer-run (HCS); threatened Columbia River (CR).

Eulachon (*Thaleichthys pacificus*): Threatened southern (S).

Rockfish (*Sebastes spp.*): Endangered Puget Sound/Georgia Basin (PS/GB) bocaccio (*Sebastes paucispinis*); threatened PS/GB yelloweye rockfish (*S. ruberrimus*).

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 1560–5R

The United States Geological Survey (USGS) is seeking to renew for five years a permit that allows them to annually take juvenile and adult LCR Chinook

and coho, CR chum, and MCR steelhead while conducting research designed to (1) determine the diversity and distribution of fish species in the White Salmon River (Washington State) and its tributaries, (2) compare populations of salmonids in the White Salmon and tributaries to pre-dam removal levels, (3) contribute to complimentary efforts by the Washington Department of Fish and Wildlife to characterize life history, genetics, and fish health of Chinook stocks in the lower White Salmon River. The study would benefit listed salmonids by providing information on the effects dam removal may have on important fish species such as Chinook, coho, steelhead, Pacific lamprey, bull trout, and sea-run cutthroat trout.

The USGS would capture fish by using a screw trap, backpack electrofishing equipment, and fyke and minnow traps. Captured fish would be anesthetized, measured, weighed, and externally inspected for diseases. Researchers would take fin clips of some captured fish in order to collect genetic tissues. Some juvenile fish would be tagged with passive integrated transponders (PIT) to determine smolt trap efficiency and provide life history information through recaptures and detections at Bonneville Dam as juveniles or adults. The researchers would avoid adult salmonids, but some may be encountered. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

Permit 16298–4R

The Shoshone-Bannock Tribes (SBT) are seeking to renew for five years a permit that has been in place since 2011. Under the renewed permit, they would annually take juvenile and adult SR spr/sum Chinook and SR steelhead in Bear Valley Creek, Idaho. The purpose of the research is to estimate fish abundance, smolt-to-adult return rates, and adult productivity in Bear Valley Creek with a high degree of accuracy. The researchers are seeking to generate information that may be used widely throughout the Salmon River subbasin. This monitoring project was recommended as part of a larger monitoring effort that developed through the Columbia Basin Coordinated Anadromous Monitoring Workshop. The work would benefit fish by giving managers key information about population status in the Salmon River subbasin which, in turn, would be used to inform recovery plans and land-management activities. The SBT would count and monitor adult spr/sum Chinook at a video station, and they would handle, measure, tag, and tissue sample juvenile SR spr/sum Chinook and steelhead at a screw trap. They would also do some harvest monitoring (creel surveys) and spawning ground surveys. The researchers do not intend to kill any listed salmonids, but a small number may die as an unintended result of the activities. In addition to this permit, the U.S. Forest Service would issue a special use permit for the SBT to conduct the work.

Permit 19263–2R

The Idaho Department of Fish and Game (IDFG) is seeking to renew a five-year permit to take juvenile SR steelhead, sockeye, and spr/sum Chinook during the course of three research tasks in the upper Salmon River of Idaho State. They would (a) conduct a general fish population inventory, (b) monitor fish population responses to habitat improvement and restoration activities, and (c) document juvenile Chinook salmon rearing and winter habitat use in the Salmon River. The researchers would use drift boat and raft-mounted electrofishing gear to capture fish and estimate trout abundances in up to five monitoring reaches of the Salmon River during the fall.

Captured fish would be identified by species, measured (total length & fork length), and weighed to the nearest gram. During marking runs, captured target species (rainbow trout, westslope cutthroat trout, bull trout, and mountain whitefish) would be marked with a hole punch in the caudal fin. Any juvenile Chinook salmon the researchers encounter would be identified, measured (fork length), weighed, and examined for tags/marks. Unmarked juvenile Chinook salmon would be implanted with PIT tags. Some captured fish may be anesthetized to minimize stress. In all cases, adult salmonids would be avoided and none would be captured. To help with this, the researchers would operate at times and in locations where no adults are likely to be present. The research activities would benefit the fish by providing information on a suite of factors—population abundance and response to restoration actions, predator and competitor abundance and interactions, and life history and behavior characteristics—all of which would be used to inform management, restoration, and recovery decisions in the Salmon River. The researchers do not intend to kill any fish, but a small number may die as a consequence of the planned activities.

Permit 16318–3M

Hagar Environmental Science (HES) is seeking to modify a five-year permit that currently allows them to take juvenile and smolt CCC coho salmon, CCC steelhead, and SCCC steelhead in the San Lorenzo River (including Newell Creek, Zayante Creek, and Mountain Charlie Creek), Liddell Creek, Laguna Creek, and Majors Creek in Santa Cruz County, and in the Salinas River (including Arroyo Seco River, Nacimiento River, San Antonio River, and upper tributaries) in Monterey and San Luis Obispo Counties, CA. The research is designed to (1) provide ESA-listed salmonid population, distribution, and habitat assessment data to inform watershed management, and (2) establish baseline population abundances preceding the implementation of habitat conservation measures. The researchers propose to capture fish with beach seines and backpack electrofishing. Fish would be enumerated, measured, and observed for external condition. A subset of the captured fish would be anesthetized, measured, weighed, PIT-tagged, have a tissue sample taken, allowed to recover, and released. The researchers would also observe fish during snorkel/dive surveys. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research. This modification is being requested to increase the number of juvenile CCC steelhead allowed under the permit because, in previous years, the researchers encountered greater numbers of CCC steelhead than were originally expected.

Permit 22319

Herrera Environmental Consultants (HEC) is seeking a five-year research permit to annually take juvenile PS Chinook salmon and PS steelhead while conducting a study in streams near Redmond, Washington. The purpose of the research is to conduct a paired watershed study monitoring stream health by collecting benthic macroinvertebrates in urban and nearby relatively pristine streams. Due to the collection methods, there is a possibility of capturing juvenile salmonids. The research would benefit listed fish by determining the effectiveness of stormwater management in urban streams which can lead directly to water quality and habitat improvement. The HEC proposes capturing fish using a D-frame kick net. Any fish captured would be identified to species and released. The researchers do not intend to kill any of the fish being captured, but a small

number may die as an unintended consequence of the proposed activities.

Permit 22596

The United States Geological Survey (USGS) is seeking a five-year research permit to annually take juvenile and adult OC coho salmon downstream of Lake Creek Falls in Lane Creek in the Siuslaw River watershed (Lane County, OR). The purpose of the research is to evaluate timing, duration, and probability of successful passage through the fish passage structures over Lake Creek Falls. The research would benefit the recovery of the OC coho salmon in this basin by providing information to help guide decisions regarding the need to either maintain or modify passage structures at Lake Creek Falls which allows for access to high quality, upstream spawning habitat in Lake Creek. The USGS proposes capturing fish using hook-and-line angling, beach seines, and net traps. Adult coho salmon would be captured, anesthetized with MS–222, gastrically implanted with an internal radio-telemetry tag, allowed to recover, and released. Fish would be tracked on at least a daily basis. All other captured fish would be identified to species and released. The USGS does not intend to kill any of the fish being captured, but a small number may die as an unintended consequence of the proposed activities.

Permit 22865

The United States Forest Service (USFS) is seeking a five-year permit that would allow them to annually take juvenile endangered UCR Chinook salmon, juvenile threatened UCR steelhead, and juvenile threatened MCR steelhead during research activities taking place at various points in the Yakima, Methow, Entiat, and Wenatchee River drainages in Washington State. The USFS conducted has previously conducted this research under another permit (1422), but that permit was allowed to expire and they are seeking to start again. Under the new permit, the fish would be captured (using minnow traps, hook-and-line angling, and electrofishing equipment), identified, and immediately released. The purpose of the research is to determine fish distribution in the subbasins listed above. The research would benefit the fish by giving land managers information they need in order to design forest management activities (*e.g.,* timber sales, grazing plans, road building) so that they have the least possible effect on listed species. The USFS does not intend to kill any of the listed fish being captured, but a small number may die as an unintended result of the research activities.

Permit 22929

The USFS is seeking a five-year research permit to annually take juvenile and adult UWR Chinook salmon in the South Fork McKenzie River (Lane County, OR). The purposes of the study is to determine how food webs change through time following Stage-0 stream restoration by quantifying (1) the secondary production of aquatic invertebrates, (2) the proportion of different food items in fish and invertebrate diets, and (3) the food web pathways that support fish. Stage-0 restoration restores fluvial processes at the valley scale, and then letting the river valley shape itself in response to environmental and biological drivers. Stage-0 restoration has now been implemented at 20 sites in Oregon. The research would benefit the affected species by determining if this type of stream and habitat restoration is beneficial to listed salmon by comparing these stage-0 sites to control sites. The USFS proposes to capture fish using backpack electrofishing equipment, beach seines, minnow traps, and hook and line angling. Any adult Chinook salmon would be immediately released. All other fish would be moved to an aerated bucket, anesthetized with AQUI–S, identified to species, measured for length, and weighed. Annually, up to 120 juvenile Chinook salmon would undergo gastric lavage for diet analysis and be fin clipped (caudal) for isotope analysis. After handling, fish would be placed in a recovery bucket and released when ready. The USFS does not intend to kill any of the fish being captured, but a small number may die as an unintended consequence of the proposed activities.

Permit 22944

The Northwest Fisheries Science Center (NWFSC) is seeking a five-year permit that would allow it to annually take listed salmonids while collecting data from a suite of reference sites in the Lower Columbia River. The NWFSC is requesting to take SR spring/summer Chinook salmon, SR fall Chinook salmon, SR sockeye, SR steelhead, UCR Chinook salmon, UCR steelhead, MCR steelhead, LCR Chinook salmon, LCR coho salmon, LCR steelhead, UWR Chinook salmon, UWR steelhead, and CR chum salmon. The purposes of the study are to (1) document patterns of habitat occurrence in juvenile salmon stocks in tidal freshwater habitats in the Columbia River below Bonneville Dam, (2) collect salmon data on diets and prey availability; (3) collect information on indicators of salmon health and growth; and (4) monitor effectiveness of salmonid habitat restoration activities. The study would benefit listed fish by providing information on how habitat degradation may be affecting listed stocks, and helping managers take steps to improve habitat quality. The NWFSC would use beach- and pole seines to collect the fish. Most of the collected juveniles would be identified, counted, weighed, measured, and checked for tags and fin clips. A subset of salmon species may be selected for non-lethal tissue take for genetics analysis. A further subset of Chinook salmon would be sacrificed to determine lipid content and collect otoliths (for health and growth assessment), collect stomach contents for diet analyses, and collect tissue samples for genetic stock identification. The great majority of the captured fish are expected to be released unharmed.

Permit 22998

The United States Fish and Wildlife Service (FWS) is seeking a two-year research permit to annually take juvenile and adult PS Chinook salmon, HCS chum salmon, and PS steelhead in streams and waterbodies on the Kitsap Peninsula (Kitsap County, WA). The purpose of the study is to determine if ESA-listed salmonids are present which would help guide future land use management and fulfill requirements in the Navy Base Kitsap's Natural Resource Management Plan. This research would benefit the affected species by helping guide habitat restoration and providing baseline information on species distribution. Currently, there is no information about the distribution of ESA-listed salmonids on Navy Base Kitsap lands. The FWS proposes to capture fish using backpack electrofishing equipment, beach seines, and dip nets. For electrofishing, fish would be anesthetized (MS–222), identified to species, measured for length, weighed, and released after recovery. For beach seines and dip netting, captured fish would be identified to species and released. Snorkel and spawner surveys would also be conducted. The FWS does not intend to kill any of the fish being captured, but a small number may die as an unintended consequence of the proposed activities.

Permit 23029

The NWFSC is seeking a two-year research permit to annually take juvenile and adult PS Chinook salmon and juvenile PS steelhead and PS/GB

bocaccio in multiple Puget Sound river estuaries and bays (Washington State). The NWFSC research may also cause them to take juvenile PS/GB yelloweye rockfish and adult and juvenile S eulachon—species for which there are currently no ESA take prohibitions. The primary study site would be the lower Duwamish River while secondary Puget Sound reference sites would include (but are not exclusive to) the Skagit, Stillaguamish, Puyallup, Nisqually, Snohomish, and Deschutes river estuaries and associated bays.

The purpose of the study is to collect juvenile English sole (*Parophrys vetulus*) to determine contaminant exposure and the impacts from these contaminants upon the species. Due to their benthic life history and relatively protracted residency in shallow estuarine habitats, juvenile English sole serve well as an indicator species for environmental contaminant exposure. This research would benefit the affected species by identifying the environmental contaminants present that can impact the ESA-listed species, their prey, and their habitat. The NWFSC proposes to capture fish using a beach seine and an otter trawl. Juvenile English sole would be bagged and frozen for whole body and contaminant analyses (*i.e.,* otoliths, stomach contents, and livers). All other species, including ESA-listed species, would be identified to species, checked for tags and fin clips, and immediately released. The NWFSC does not intend to kill any of the fish being captured, but a small number may die as an unintended consequence of the proposed activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: July 29, 2019.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–16469 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG956

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the South Quay Wall Recapitalization Project, Mayport, Florida

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Naval Facilities Engineering Command Southeast and Naval Facilities Engineering Command Atlantic (the Navy) to incidentally harass, by Level B harassment only, marine mammals during construction activities associated with the South Quay Wall Recapitalization Project at Naval Station Mayport (NAVSTA), Jacksonville, Florida.

DATES: This Authorization is effective from February 15, 2020, through February 14, 2021.

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

The NDAA (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as it applies to a ''military readiness activity.'' The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On December 4, 2018, NMFS received a request from the Navy for an IHA to take marine mammals incidental to pile driving at the South Quay wall, NAVSTA Mayport, Florida. The application was deemed adequate and complete on April 16, 2019. The Navy's request is for take of a small number of bottlenose dolphins, by Level B harassment only. Neither the Navy nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued several IHAs to the Navy for similar work at NAVSTA Mayport, specifically at Bravo Wharf (81 FR 52637, August 9, 2018; 83 FR 9287, March 5, 2019) and Wharf C–2 (78 FR 71566, November 29, 2013; 80 FR 55598, September 16, 2015). The Navy complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHAs and information regarding their monitoring results may be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Description of the Activity

The Navy proposes to install 240 24-inch (in) steel sheet piles within 5 feet (ft) of the existing South Quay bulkhead

located at the end of a channel within the NAVSTA Mayport turning basin along the St. Johns River, Florida. The purpose of the project is to support the existing bulkhead wall that has been weakened by the formation of voids within the wall. To construct the new wall, the Navy will install 240 individual sheet piles over the course of 35 days, averaging 7 to 10 sheet piles installed per day, with a maximum of 15 individual piles installed per day. Of the 35 total days of installation, 30 days were reserved for vibratory driving and the remaining 5 days were reserved for contingency impact driving. The Navy estimates each pile will require three minutes of active driving per pile (maximum of 45 minutes per day). When impact driving, the Navy estimates they will install one pile per day, with each pile requiring 20 hammer strikes. The use of impact driving would be restricted to when vibratory driving is insufficient. The Navy anticipates the entire project will take up to one year; however, in-water pile driving work would be limited to 35 days. The IHA is valid from February 15, 2020, to February 14, 2021.

A detailed description of the South Quay Wall Recapitalization Project is provided in the **Federal Register** notice for the proposed IHA (84 FR 23024; 21 May 2019). Since that time, no changes have been made to the planned activities reflected in the proposed IHA. Therefore, we refer the reader to the aforementioned **Federal Register** notice for a detailed description of the project.

Comments and Responses

We published a notice of receipt of the Navy's application and proposed IHA in the **Federal Register** on May 21, 2019 (84 FR 23024). We received one comment letter from the Marine Mammal Commission (Commission).

Comment 1: The Commission concurs with NMFS's preliminary finding and recommends that NMFS issue the incidental harassment authorization, subject to the inclusion of the proposed mitigation, monitoring, and reporting measures. However, they recommended we increased the number of takes to 140 based on previous monitoring reports.

NMFS Response: The Navy requested 58 takes of bottlenose dolphins based on the same method and densities used for two other pile driving projects at NAVSTA Mayport: Bravo Wharf and Wharf-C. The Navy did not reach or exceed take for any of those projects which are now completed. However, in an abundance of caution NMFS has increased the number of takes authorized to 70 based on previous monitoring reports (see Estimated Take section) and believes the Commission's 140 recommended takes is a gross overestimate based on the fact the harassment zones are confined to the limited portion of the Mayport basin due to the location of the South Quay wall and that pile driving would occur for a limited amount of time per day, minimizing potential exposure.

Comment 2: The Commission questioned whether the public notice provisions for IHA renewals fully satisfy the public notice and comment provision in the MMPA and discussed the potential burden on reviewers of reviewing key documents and developing comments quickly. Additionally, the Commission recommended that NMFS use the IHA Renewal process sparingly and selectively for activities expected to have the lowest levels of impacts to marine mammals and that require less complex analysis.

NMFS Response: The Commission has raised this concern before and NMFS refers readers to our full response, which may be found in the notice of issuance of an IHA to Avangrid Renewables (84 FR 31035, June 28, 2019).

Description of Marine Mammals in the Area of Specified Activities

There are four marine mammal species which may inhabit or transit near NAVSTA Mayport at the mouth of the St. Johns River and in nearby nearshore Atlantic Ocean. These include the bottlenose dolphin, Atlantic spotted dolphin (*Stenella frontalis*), North Atlantic right whale (*Eubalaena glacialis*), and humpback whale (*Megaptera novaeangliae*). Please refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts and to the Navy's Marine Resource Assessment for the Charleston/Jacksonville Operating Area, which documents and describes the marine resources that occur in Navy operating areas of the Southeast (Navy, 2008; available at *www.navfac.navy.mil/products_and_services/ev/products_and_services/marine_resources/marine_resource_assessments.html*). All species other than the bottlenose dolphin are not included for further analysis due to extreme rarity within close proximity to NAVSTA Mayport and lack of sightings within NAVSTA Mayport. Unlike previous pile driving projects at NAVSTA Mayport where harassment thresholds extended into the mouth of the St. Johns River and nearby coastal ocean waters, the South Quay wall is positioned such that pile driving noise is not anticipated to propagate outside the turning basin. Therefore, we limit our discussion to bottlenose dolphins.

A detailed description of the species and stocks likely to be affected by pile driving at Bravo Wharf, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (84 FR 55990; 21 May 2019). Since that time, no new information has been made available; therefore, our account of the species and stocks have not changed.

Table 1 lists bottlenose dolphin stocks with expected potential for occurrence at NAVSTA Mayport and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2016). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. 2018 Draft SARs (Hayes *et al.,* 2018). All values presented in Table 1 are the most recent available at the time of publication.

TABLE 1—BOTTLENOSE DOLPHIN STOCKS POTENTIALLY PRESENT AT NAVSTA MAYPORT

Species	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR [3]	Annual M/SI [4]	Relative occurrence; season of occurrence
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Bottlenose dolphin	Western North Atlantic, southern migratory coastal.	-/D; Y	9,173 (0.46; 6,326; 2010–11)	63	0–12	Possibly common; [8] Jan–Mar.
	Western North Atlantic, northern Florida coastal.	-/D; Y	1,219 (0.67; 730; 2010–11) ...	7	0.4	Possibly common; [8] year-round.
	Jacksonville Estuarine System.[6].	-; Y	412 [7] (0.06; unk; 1994–97)	undet	1.2	Possibly common; [8] year-round.

[1] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR (see footnote 3) or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks, abundance estimates are actual counts of animals and there is no associated CV. The most recent abundance survey that is reflected in the abundance estimate is presented; there may be more recent surveys that have not yet been incorporated into the estimate.

[3] Potential biological removal, defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population size (OSP).

[4] These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, subsistence hunting, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value. All values presented here are from the draft 2015 SARs (*www.nmfs.noaa.gov/pr/sars/draft.htm*).

[5] Abundance estimates (and resulting PBR values) for these stocks are new values presented in the draft 2015 SARs. This information was made available for public comment and is currently under review and therefore may be revised prior to finalizing the 2015 SARs. However, we consider this information to be the best available for use in this document.

[6] Abundance estimates for this stock are greater than eight years old and are therefore not considered current. PBR is considered undetermined for these stocks, as there is no current minimum abundance estimate for use in calculation. We nevertheless present the most recent abundance estimates and PBR values, as these represent the best available information for use in this document.

[7] This abundance estimate is considered an overestimate because it includes non- and seasonally-resident animals.

[8] Bottlenose dolphins in general are common in the project area, but it is not possible to readily identify them to stock. Therefore, these three stocks are listed as possibly common as we have no information about which stock commonly only occurs.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS

[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.,* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009). For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. One cetacean species is expected to potentially be affected by the specified activity. Bottlenose dolphins are classified as mid-frequency cetaceans.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The *Estimated Take by Incidental Harassment* section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The *Negligible Impact Analysis and Determination* section considers the content of this section, the *Estimated Take by Incidental Harassment* section, and the *Mitigation* section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

The effects of sounds from pile driving might result in one or more of the following: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2003; Nowacek *et al.,* 2007; Southall *et al.,* 2007). The effects of pile driving on marine mammals are dependent on several factors, including the size, type, and depth of the animal; the depth, intensity, and duration of the pile driving sound; the depth of the water column; the substrate of the habitat; the standoff distance between the pile and the animal; and the sound propagation properties of the environment. Impacts to marine mammals from pile driving activities are expected to result primarily from acoustic pathways. As such, the degree of effect is intrinsically related to the received level and duration of the sound exposure, which are in turn influenced by the distance between the animal and the source. The further away from the source, the less intense the exposure should be. The substrate and depth of the habitat affect the sound propagation properties of the environment. Shallow environments, such as that at NAVSTA Mayport, are typically more structurally complex, which leads to rapid sound attenuation. In addition, substrates that are soft (*e.g.,* sand and mud like at NAVSTA Mayport) would absorb or attenuate the sound more readily than hard substrates (*e.g.,* rock) which may reflect the acoustic wave. Soft porous substrates would also likely require less time to drive the pile, and possibly less forceful equipment, which would ultimately decrease the intensity of the acoustic source.

In general, the effects of sounds from pile driving might result in one or more of the following: Temporary or permanent threshold shift (TTS and PTS, respectively), non-auditory physical or physiological effects, behavioral disturbance, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2003; Nowacek *et al.,* 2007; Southall *et al.,* 2007). PTS and TTS is not anticipated in this case due to the fact all noise would be limited to the Mayport basin and the mitigation and monitoring measures. Any harassment would likely be behavioral in nature. Exposure to pile driving noise can result in dolphin behavioral changes such as avoidance, changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding), and visible startle response or aggressive behavior (such as tail/fluke slapping). As reviewed in Southall *et al.* (2007, 2019), the severity of these reactions can range from mild to severe and the longevity of reactions can be temporary or long-term. Based on marine mammal monitoring data collected by the Navy during previous recapitalization projects involving pile driving (Navy 2016, 2018a, 2018b), dolphins behavior within and around the turning basin include foraging, traveling, and social behavior during and in absence of pile driving. No reactions attributed to pile driving noise are documented in those reports.

Masking may occur during the short periods of pile driving; however, this is unlikely to become biologically significant. Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher levels. Chronic exposure to excessive, though not high-intensity, sound could cause masking at particular frequencies for marine mammals, which utilize sound for vital biological functions. Masking can interfere with detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. If the coincident (masking) sound were man-made, it could be potentially harassing if it disrupted hearing-related behavior. It is possible that vibratory pile driving resulting from the project may mask acoustic signals important to bottlenose dolphins, but the short-term duration and limited affected area would result in insignificant impacts from masking. In this case, pile driving durations are relatively short and no significant habitat is located within NAVSTA Mayport. Any masking event that could possibly rise to Level B harassment under the MMPA would occur concurrently within the zones of behavioral harassment already estimated for vibratory and impact pile driving, and which have already been taken into account in the exposure analysis.

Anticipated Effects on Habitat

The specified activities at NAVSTA Mayport would not result in permanent impacts to habitats used directly by marine mammals as the new wall would be built within five feet of the existing wall, but may have potential short-term impacts to food sources such as forage fish and may affect acoustic habitat (see masking discussion above). There are no known foraging hotspots or other ocean bottom structure of significant biological importance to marine mammals present in the marine waters of the project area; however the surrounding areas may be foraging habitat for the dolphins. Therefore, the main impact issue associated with the project would be temporarily elevated sound levels and the associated direct effects on marine mammals, as discussed previously in this document. The most likely impact to marine mammal habitat occurs from pile driving effects on likely marine mammal prey (*i.e.,* fish) and minor impacts to the immediate substrate and water column (*e.g.,* elevated turbidity) during installation and removal of piles during the wharf construction project. The Mayport turning basin itself is a man-made basin with significant levels of industrial activity and regular dredging, and is unlikely to harbor significant amounts of forage fish. Thus, any impacts to marine mammal habitat are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance,

which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to pile driving. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.,* shutdown—discussed in detail below in Mitigation section, Level A harassment is neither anticipated nor authorized.

As described previously, no mortality is anticipated or authorized for the IHA. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized amount of take.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 decibels re 1 micoPascal root mean square (dB re 1 μPa rms) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources.

The Navy's specified activity includes the use of continuous (vibratory pile driving) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1 μPa rms are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The Navy's specified activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving) sources.

These thresholds are provided in the Table 3 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS Onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa²s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The Navy used results from previous sound source verification tests at NAVSTA Mayport to estimate vibratory pile driving source levels. Vibratory

driving of steel sheet piles was monitored during the first year of construction at the nearby C–2 Wharf at NAVSTA Mayport during 2015. Measurements were conducted from a small boat in the turning basin and from the construction barge itself. Driving periods ranged from approximately 17 seconds to a little over one minute. Sound levels were recorded at a 10-m distance and the measured dB levels were converted to pressure values to generate 10-second averages of the levels before converting the values back to dB levels. The average and median of the levels resulted in a source level of 156 dB re 1μPa rms (Navy 2017).

No impact driving was conducted during this acoustic monitoring; therefore, the Navy relied on Caltrans (2015) to estimate source levels during impact pile driving of the 24-in sheet piles. The selected sound pressure levels used for modeling impact driving steel piles are 180 dB single-strike sound exposure level (SEL), 190 dB rms, and 205 dB peak. These values were also used in previous Navy Mayport IHAs without concern or public comment.

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources (such as pile driving), NMFS User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS. Inputs used in the User Spreadsheet and the resulting isopleths are reported below (Table 4).

Vibratory pile driving, in general, does have the potential to cause injury to marine mammals if the duration of activity and source level are such that the threshold for injury in mid-frequency cetaceans (198 dB SEL_{cum}) is exceeded. In this case, the duration is short enough and source level low enough to where a dolphin must be within less than 1m of the pile for the entire duration of activity (45 minutes per day); therefore, the potential for injury is discountable. Impact pile driving also has the potential to result in PTS; impact driving produces short, sharp pulses with higher peak levels than vibratory driving as well as sharp rise time to reach those peaks. However, the Navy is proposing to install only one pile per day with an impact hammer (at 20 strikes per pile) resulting in very small isopleths within which received level would exceed the Level A harassment threshold (we note the peak threshold resulted in smaller isopleth than the SEL threshold). As evident by the very small isopleths in Table 4, the potential for Level A harassment is discountable. As a result of this analysis, the Navy did not request, nor did NMFS authorize, take by Level A harassment; therefore, it will not be discussed further.

TABLE 4—USER SPREADSHEET INPUT VALUES

User spreadsheet input	Impact pile driving	Vibratory pile driving
Spreadsheet Tab Used	(E.1) Impact pile driving	(A) Non-Impulse-Stat-Cont.
Source Level	180 dB SEL/205 dB peak	156 dBrms.
Weighting Factor Adjustment (kHz)	2	2.5.
(b) Number of strikes per pile	20	N/A.
(b) Number of piles per day	1	0.75 (15 piles × 3 minutes per pile).
Propagation (xLogR)	15	15.
Distance of source level measurement (meters) +	10	10.
Level A Harassment Isopleth (mid-frequency cetaceans)	1.7 m	0.2 m.

To calculate the Level B harassment ensonified area, the Navy identified distances to the Level B harassment thresholds for impact and vibratory pile driving (160 dB rms and 120 dB rms, respectively) using a practical spreading loss model. Resulting isopleth distances and ensonified areas (corrected in ArcView GIS to eliminate land; see the Navy's application for more details) are presented in Table 5.

TABLE 5—CALCULATED LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS AND ENSONFIED AREAS

Pile type	Driving method (source level)	Harassment type	Distance (m)	Area (km^2)
24″ Steel sheet piles	Vibratory (156 dB rms)	Level A	0.2	0.0002
		Level B	2,512	0.4104
	Impact (190 dB rms)	Level A	1.7	0.0006
		Level B	1,000	0.3540

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

Bottlenose dolphin density used for this analysis was based on surveys conducted to support wharf recapitalization projects within the Mayport turning basin (Navy, 2015). Those surveys demonstrated dolphin presence and abundance is not uniform throughout the year. Because it is unknown exactly when pile driving will commence and be completed within the

effective period of the IHA, the Navy applied the highest seasonal density of 4.15366 dolphins per km² to the estimated take analysis. This density has been used in previous IHAs issued to the Navy for wharf recapitalization projects within the Mayport turning basin without public comment or concern.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

Bottlenose dolphin density was multiplied by the size of the relevant zone of influence and number of piles driven to determine the estimated number of Level B harassment exposures per day. Resulting vibratory and impact hammering exposures were summed across days to produce a total exposure estimate:

Exposure = (density × vibratory driving area ensonfied above the behavioral harassment threshold × number of vibratory pile driving days) + (density × impact driving area ensonfied above the behavioral harassment threshold × number of impact pile driving days).

The same methodology was used to estimate takes for work at Wharf Bravo, completed in 2017–18. During that project, two to three marine mammal observers were stationed strategically to cover the entire Level B harassment area. The number of detected observations of marine mammals within the Level B harassment zone for that project was only 30 percent of the number authorized; therefore, this method is considered reliable.

Using the formula above, NMFS proposed authorizing 58 takes by Level B harassment incidental to vibratory and impact driving at the South Quay wall. However, the Commission recommended this total be increased based on previous NAVSTA Mayport monitoring reports. NMFS considered previous daily sighting rates and the Level B harassment zone size of those previous projects to the Level B harassment zone for the South Quay wall project. Average sighting rates within the NAVSTA Mayport was 1.7 dolphins/day while observations made both within and outside the turning basin ranged from approximately 2–4 dolphins/day. On average, group size was 2 animals. Based on these data, NMFS increased the amount of take authorized from 58 in the proposed IHA to 70 in the final IHA (considering 2 animals/day for 35 days). The stocks from which these takes could occur are provided in Table 1. Because it is not possible to distinguish stocks in the field, we assume all 70 takes could occur to any single stock. As described above, no Level A harassment take is anticipated or authorized.

Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) the practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The Navy proposed identical mitigation to that required in previous IHAs for work at NAVSTA Mayport, as described in detail in the IHA posted on NMFS' website at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* Pile driving will only be conducted during daylight hours. For all pile driving, the Navy will implement a minimum shutdown zone of 15-m radius around the pile and around any other in-water construction equipment. If a marine mammal approaches or enters the shutdown zone, all pile driving activities will be halted. If pile driving is halted or delayed due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or fifteen minutes have passed without re-detection of the animal.

For all pile driving activities, a minimum of two protected species observers (PSOs) will be on watch, with one positioned to achieve optimal monitoring of the shutdown zone and the second positioned to achieve optimal monitoring of monitoring (Level B harassment) zone. Observers may be stationed in a tall building at NAVSTA Mayport, the construction barge, small vessels, or on the wharf at a location that will provide adequate visual coverage for the marine mammal shutdown zone.

The Navy will use soft start techniques for impact pile driving. Soft start requires contractors to provide an initial set of strikes at reduced energy, followed by a thirty-second waiting period, then two subsequent reduced energy strike sets. Soft start shall be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer.

If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes are met, is observed approaching or within the monitoring zone, pile driving and removal activities must shut down immediately using delay and shut-down procedures. Activities must not resume until the animal has been confirmed to have left the area or fifteen minutes have passed without re-detection of the animal.

Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge

of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The Navy will conduct marine mammal monitoring using two NMFS-approved PSOs stationed at strategic locations at NAVSTA Mayport, per their Marine Mammal Monitoring Plan, dated April 2019. Monitoring will take place from 30 minutes prior to initiation of pile driving activity through thirty minutes post-completion of pile driving activity. In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone, their behavior will be monitored and documented. No techniques (*e.g.,* pingers, boats) will be used to entice animals to leave the area. Monitoring shall occur throughout the time required to drive a pile and continue 30 minutes after pile driving ceases. The shutdown zone must be determined to be clear during periods of good visibility (*i.e.,* the entire shutdown zone and surrounding waters must be visible to the naked eye).

PSOs will be equipped with binoculars (7 x 50 power or greater) to ensure sufficient visual acuity and magnification while investigating sightings, portable radios or cellular phone(s) to rapidly communicate with the appropriate construction personnel to initiate shutdown of pile driving activity if required, a digital camera for photographing any marine species sighted, data collection forms, and a compass or GPS.

The Navy will collect sighting data for marine mammal species observed in the region of activity during the period of activity. All observers shall be trained in marine mammal identification and behaviors, and shall have no other construction-related tasks while conducting monitoring.

PSOs will use approved data forms. Among other pieces of information, the Navy will record detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal(s), if any. In addition, the Navy will attempt to distinguish between the number of individual animals taken and the number of incidences of take.

Data such as group size, age class, behavior in absence of pile driving (if observed when no pile driving is occurring), and any detectable observed behavioral responses to pile driving will also be recorded. These data will assist in the Navy and NMFS' better understanding of the impacts of the activities on bottlenose dolphin stocks potentially affected by the activity.

Reporting

A draft report will be submitted to NMFS within 90 days of the completion of marine mammal monitoring, or sixty days prior to the requested date of issuance of any future IHA for projects at the same location, whichever comes first. The report will include information on marine mammal monitoring effort and construction activities, marine mammal observations pre-activity, during-activity, and post-activity during pile driving days, descriptions of sightings and any behavioral responses to construction activities by marine mammals, and a complete description of all mitigation shutdowns and the results of those actions and an extrapolated total take estimate based on the number of marine mammals observed during the course of construction. A final report must be submitted within thirty days following resolution of comments on the draft report. Should the Navy encounter a dead or injured marine mammal, additional reporting procedures would be taken.

All specific monitoring and reporting requirements are available for review in the IHA (*https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities*).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Pile driving activities associated with the South Quay Wall Recapitalization Project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment (behavioral disturbance) only, from underwater sounds generated from pile driving. Potential takes could occur if individuals of these species are present in the area ensonified above behavioral harassment thresholds when pile driving is happening.

No injury, serious injury, or mortality is anticipated given the nature of the activities and measures designed to minimize the possibility of injury to marine mammals. The potential for these outcomes is avoided through the construction methods and the implementation of the planned mitigation measures such that take by Level A harassment (injury), serious injury and mortality is not authorized.

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006; HDR Inc. 2012). Most likely, individuals will simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. The pile driving activities analyzed here are identical to previous NAVSTA Mayport recapilization projects, which have taken place with no reported injuries or mortality to marine mammals, and no known long-term adverse consequences on bottlenose dolphins from behavioral harassment. In fact, marine mammal reports from previous projects requiring incidental harassment authorizations have found that the dolphins observed did not exhibit notable reactions attributed to pile driving noise at NAVSTA Mayport. In those reports (*e.g.,* Navy 2016, 2018a, 2018b), traveling and foraging behaviors were most common with no overt changes in behavior observed during pile driving.

Repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to result in hearing impairment or to significantly disrupt foraging behavior. A very limited amount of pile driving would occur each day, making extended durations of exposure necessary to cause hearing impairment unlikely. Further, as described above, marine mammal monitoring reports indicate foraging behavior continues despite projects requiring the installation of several hundred piles. Thus, even repeated Level B harassment of some small subset of the overall stock is unlikely to result in decrease in fitness for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. Level B harassment severity will also be reduced to the level of least practicable impact through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the turning basin while the activity is occurring. Finally, NAVSTA Mayport is a small, man-made military basin that does not include any significant marine mammal habitat or biologically important area.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or injury is anticipated or authorized;
- Behavioral disturbance is possible, but expected to be minimal due to the limited duration of activities (no more than 35 days of pile driving during the authorized year, the time required to drive each pile is brief (less than one hour of vibratory driving per day and no more than 20 impact strikes per day), and the mitigation measures (*e.g.,* shut-downs and soft start) would reduce the severity of acoustic impacts to species in the area of activities; and
- The absence of any significant habitat within the project area, including known areas or features of special significance for foraging or reproduction.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Of the 70 incidents of behavioral harassment authorized for bottlenose dolphins, we have no information allowing us to parse the predicted incidents amongst the three stocks that may occur in the project area. Therefore, we assessed the total number of predicted incidents of take against the best abundance estimate for each stock, as though the total would occur for the stock in question. For the Florida Coastal and Southern Migratory Coastal stocks, total predicted number of incidents of take authorized would be considered small at less than six percent and one percent, respectively.

The total number of authorized takes for bottlenose dolphins of the Jacksonville Estuarine stock, if assumed to accrue solely to new individuals, is higher relative to current stock abundance compared to these two stocks at 17 percent. This assumes all 70 exposures occur to 70 distinct individuals. This percentage is still relatively low and it is unlikely that all takes would occur to new individuals within this stock and this estimate all takes would occur to this one stock. Bottlenose dolphins belonging to estuarine stocks exhibit high site fidelity, resulting in higher likelihood of repeated exposure.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified

any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the Southeast Regional Protected Resources Division, whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to the Navy for the harassment of small numbers of bottlenose dolphins incidental to the South Quay Wall Recapitalization Project at NAVSTA Mayport, Jacksonville, FL, provided the previously mentioned mitigation, monitoring, and reporting requirements. A copy of the IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Dated: July 29, 2019.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–16486 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Technical Information Service

National Technical Information Service Advisory Board; Meeting

AGENCY: National Technical Information Service.

ACTION: Notice of open meeting.

SUMMARY: This notice announces the next meeting of the National Technical Information Service (NTIS) Advisory Board (the Advisory Board).

DATES: The Advisory Board will meet on Monday, August 26, 2019 from 8:30 a.m. to approximately 1:30 p.m., Eastern Time, via teleconference.

ADDRESSES: The Advisory Board meeting will be via teleconference. Please note attendance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. John Hounsell, (703) 605–6184, *jhounsell@ntis.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Board is established by Section 3704b(c) of Title 15 of the United States Code. The charter has been filed in accordance with the requirements of the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The Advisory Board reviews and makes recommendations to improve NTIS programs, operations, and general policies in support of NTIS' mission to advance Federal data priorities, promote economic growth, and enable operational excellence by providing innovative data services to Federal agencies through joint venture partnerships with the private sector.

The meeting will focus on a review of the progress NTIS has made in implementing its data mission and strategic direction. A final agenda and summary of the proceedings will be posted on the NTIS website as soon as they are available (*http://www.ntis.gov/about/advisorybd.aspx*).

The teleconference will be via controlled access. Members of the public interested in attending via teleconference or speaking are requested to contact Mr. Hounsell at the contact information listed in the **FOR FURTHER INFORMATION CONTACT** section above not later than Friday, August 16, 2019. If there are sufficient expressions of interest, up to one-half hour will be reserved for public oral comments during the session. Speakers will be selected on a first-come, first-served basis. Each speaker will be limited to five minutes. Questions from the public will not be considered during this period.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend are invited to submit written statements by emailing Mr. Hounsell at the email address provided in the **FOR FURTHER INFORMATION CONTACT** section above.

Dated: July 30, 2019.

Gregory Capella,

Deputy Director.

[FR Doc. 2019–16556 Filed 8–1–19; 8:45 am]

BILLING CODE 3510–04–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and services from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: September 01, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSN—Product Name: 7045–01–365–2069—Diskettes, Formatted, 1.44 MB, 3.5″, BX/10
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN—Product Name: MR 331—Pitter, Cherry and Olive
Mandatory Source of Supply: Cincinnati Association for the Blind, Cincinnati, OH
Contracting Activity: Military Resale-Defense Commissary Agency

NSN—Product Name: 9905–00–565–6267—Sign-Kit, Vehicle Weight
Mandatory Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

Services

Service Type: Custodial and Related Services, Custodial service
Mandatory for: GSA PBS Region 4, Federal Building Courthouse, 50 Main Street, Bryson City, NC

Mandatory Source of Supply: Portco, Inc., Portsmouth, VA
Contracting Activity: PUBLIC BUILDINGS SERVICE, ACQUISITION DIVISION/ SERVICES BRANCH

Service Type: Mailroom Support Services
Mandatory for: Bureau of Land Management, Arizona State Office: 222 Central Avenue, Phoenix, AZ
Mandatory Source of Supply: The Centers for Habilitation/TCH, Tempe, AZ
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Service Type: Mailroom Support Services
Mandatory for: Bureau of Land Management, Arizona State Office: 522 Central Avenue, Phoenix, AZ
Mandatory Source of Supply: The Centers for Habilitation/TCH, Tempe, AZ
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Service Type: Grounds Maintenance
Mandatory for: U.S. Geological Survey: Florida Caribbean Science Center, Gainesville, FL
Mandatory Source of Supply: The Arc of Alachua County, Inc., Gainesville, FL
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Service Type: Furniture Moving Services
Mandatory for: U.S. Forest Service, 1720 Peachtree Road NW, Atlanta, GA
Mandatory Source of Supply: Bobby Dodd Institute, Inc., Atlanta, GA
Contracting Activity: FOREST SERVICE, DEPT OF AGRIC/FOREST SERVICE

Service Type: Janitorial/Custodial
Mandatory for: Department of Veterans Affairs: Franklin D. Roosevelt Hospital, Montrose, NY
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Toner Cartridge Remanufacturing
Mandatory for: Department of Energy, Washington, DC
Mandatory Source of Supply: Rappahannock Goodwill Industries, Inc., Fredericksburg, VA
Contracting Activity: ENERGY, DEPARTMENT OF, HEADQUARTERS PROCUREMENT SERVICES

Service Type: Janitorial/Related Exterior Maintenance
Mandatory for: Veterans Affairs Outpatient Clinic, 351 East Temple Street, Los Angeles, CA
Mandatory Source of Supply: Asian Rehabilitation Services, Inc., Los Angeles, CA
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Janitorial/Custodial
Mandatory for: Department of Veterans Affairs: Lompoc Clinic, Lompoc, CA
Mandatory Source of Supply: Life Options, Vocational and Resource Center, Lompoc, CA
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Mailing Services
Mandatory for: GSA, National Archive and Record Service, Washington, DC
Mandatory Source of Supply: The ARC of the District of Columbia, Inc., Washington, DC
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Janitorial/Custodial
Mandatory for: FAA Flight Standards District Office: 9191 Plank Road, Baton Rouge, LA
Mandatory Source of Supply: Louisiana Industries for the Disabled, Inc., Baton Rouge, LA
Contracting Activity: TRANSPORTATION, DEPARTMENT OF, DEPT OF TRANS

Service Type: Laundry Service
Mandatory for: Veterans Affairs Medical Center: 7305 N Military Trail, West Palm Beach, FL
Mandatory Source of Supply: Gulfstream Goodwill Industries, Inc., West Palm Beach, FL
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, 548P–WEST PALM PROSTHETICS

Service Type: Document Destruction
Mandatory for: National Archives & Records Administration, Perris, CA
Mandatory Source of Supply: Goodwill Industries of Southern California, Panarama City, CA
Contracting Activity: NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, NARA FACILITIES

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.

[FR Doc. 2019–16530 Filed 8–1–19; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* September 01, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On 5/24/2019 and 5/31/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type: Facility Support Investment
Mandatory for: US Navy, Naval Facilities Engineering Command Northwest, Multiple Locations, Silverdale, WA
Mandatory Source of Supply: Skookum Educational Programs, Bremerton, WA
Contracting Activity: DEPT OF THE NAVY, NAVFAC NORTHWEST

Service Type: Verbatim Transcription Service
Mandatory for: NAVSUP FLC Norfolk Philadelphia Office, CNIC, Washington DC
Mandatory Source of Supply: Lighthouse for the Blind of Houston, Houston, TX
Contracting Activity: DEPT OF THE NAVY, NAVSUP FLT LOG CTR NORFOLK

Deletions

On 6/28/2019, the Committee for Purchase From People Who Are Blind

or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services deleted from the Procurement List.

End of Certification

Accordingly, the following services are deleted from the Procurement List:

Services

Service Type: Janitorial/Custodial & Laundry Service
Mandatory for: National Defense University: Fort McNair, Health Fitness, Washington, DC
Mandatory Source of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: DEPT OF THE ARMY, W37W USA ELE NATL DEF UNIV

Service Type: Janitorial/Custodial
Mandatory for: Fort Shafter: Buildings 344 and 1507, Fort Shafter, HI
Mandatory for: Schofield Barracks: Buildings 690, 692 and 1087, Fort Shafter, HI
Mandatory Source of Supply: Network Enterprises, Inc., Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Janitorial Services
Mandatory for: Muskogee Armed Force Reserve Center, Muskogee, OK
Mandatory Source of Supply: Golden Rule Industries of Muskogee, Inc., Muskogee, OK
Contracting Activity: DEPT OF THE ARMY, W7NV USPFO ACTIVITY OK ARNG

Service Type: Custodial service
Mandatory for: USMA, Warrior Transition Unit Bldg #624, West Point, NY
Mandatory Source of Supply: Access: Supports for Living Inc., Middletown, NY
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–WEST POINT

Service Type: Janitorial/Custodial
Mandatory for: Lewisville Lake Park, Lewisville, TX
Mandatory Source of Supply: Goodwill Industries of Dallas, Inc.—Deleted, Dallas, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Warehousing
Mandatory for: U.S. Army Logistics Management College (ALMC), Fort Lee, VA
Mandatory Source of Supply: SOAR 365, Richmond, VA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Grounds Maintenance
Mandatory for: Veterans Affairs Medical Center: 1601 Perdido Street, New Orleans, LA
Mandatory Source of Supply: Goodworks, Inc., New Orleans, LA
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Food Service
Mandatory for: Fort Lee, Fort Lee, VA
Mandatory Source of Supply: VersAbility Resources, Inc., Hampton, VA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Document Destruction Services
Mandatory for: Dallas Finance Center—Dept of Homeland Security (ICE), 1460 Prudential Drive, Dallas, TX 75235
Mandatory Source of Supply: Expanco, Inc., Fort Worth, TX
Contracting Activity: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, MISSION SUPPORT DALLAS

Service Type: Laundry Service
Mandatory for: Federal Bureau of Prisons, FMC Carswell, J Street, Building 3000, Fort Worth, TX
Mandatory Source of Supply: Goodwill Industrial Services of Fort Worth, Inc., Fort Worth, TX
Contracting Activity: FEDERAL PRISON SYSTEM, CARSWELL, FMC

Service Type: Janitorial/Custodial
Mandatory for: U.S. Fish & Wildlife Service: Santa Ana National Wildlife Refuge, Alamo, TX
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Service Type: Housekeeping Services
Mandatory for: Veterans Affairs Medical Center, Clarksburg, WV
Mandatory Source of Supply: Job Squad, Inc., Bridgeport, WV
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Janitorial/Custodial
Mandatory for: Minnesota Valley National Wildlife Refuge: Visitors Center, Bloomington, MN
Mandatory Source of Supply: AccessAbility, Inc., Minneapolis, MN
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.

[FR Doc. 2019–16531 Filed 8–1–19; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Advisory Committee on Arlington National Cemetery (ACANC), the Remember and Explore Subcommittee, and the Honor Subcommittee. These meetings are open to the public. For more information, please visit: *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/ACANC-Meetings.*

DATES: The Remember and Explore Subcommittee will meet on Wednesday, September 11, 2019 from 9:00 a.m. to 11:00 p.m. The Honor Subcommittee will meet on Wednesday, September 11, 2019 from 2:30 to 4:30 p.m. The full Advisory Committee on Arlington National Cemetery (ACANC) will meet on Thursday, September 12, 2019 from 9:00 a.m. to 2 p.m.

ADDRESSES: Arlington National Cemetery Welcome Center, Arlington National Cemetery, Arlington, VA 22211.

FOR FURTHER INFORMATION CONTACT: Ms. Renea Yates, Designated Federal Officer for the Committee, in writing at Arlington National Cemetery, Arlington, VA 22211, or by email at *renea.c.yates.civ@mail.mil,* or by phone at 1–877–907–8585.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102–3.150).

Purpose of the Meeting: The primary purpose of the Remember & Explore Subcommittee is to recommend methods to maintain the Tomb of the Unknown Soldier Monument, including the cracks in the large marble sarcophagus, the adjacent marble slabs, and the potential replacement marble

stone for the sarcophagus already gifted to the Army; accomplish an independent assessment of requests to place commemorative monuments within ANC; and identify means to capture and convey ANC's history, including improving the quality of visitors' experiences now and for generations to come.

The primary purpose of the Honor Subcommittee is to accomplish an independent assessment of methods to address the long-term future of the Army national cemeteries, including how best to extend the active burials and what ANC should focus on once all available space is used.

The Advisory Committee on Arlington National Cemetery is an independent Federal advisory committee chartered to provide the Secretary of the Army independent advice and recommendations on Arlington National Cemetery, including, but not limited to, cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the Committee's advice and recommendations.

Agenda: The Remember and Explore Subcommittee will receive briefings on the educational outreach program efforts by ANC and an update on mitigation of bio-film growth on ANC structures.

The Honor Subcommittee will receive a status report on the Southern Expansion project design and a briefing on the status of proposed changes in eligibility criteria.

The Committee will receive an update briefing on the Southern expansion project; a review of burial demand, wait times, and family survey data; the status of proposed changes in eligibility criteria and reports from subcommittee meetings.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis. The Arlington National Cemetery conference room is readily accessible to and usable by persons with disabilities. For additional information about public access procedures, contact Ms. Renea Yates, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments and Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Subcommittees and/or the Committee in response to the stated agenda of the open meeting or in regard to the Committee's mission in general. Written comments or statements should be submitted to Ms. Renea Yates, the Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Officer at least seven business days prior to the meeting to be considered by the Committee. The Designated Federal Officer will review all timely submitted written comments or statements with the Committee Chairperson, and ensure the comments are provided to all members of the Committee before the meeting. Written comments or statements received after this date may not be provided to the Committee until its next meeting. Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow any member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during these meetings only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the Committee's Designated Federal Officer, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Officer will log each request, in the order received, and in consultation with the appropriate Chair determine whether the subject matter of each comment is relevant to the missions and/or the topics to be addressed in these public meeting. Members of the public who have requested to make a comment and whose comments have been deemed relevant under the process described above, will be invited to speak in the order in which their requests were received by the Designated Federal Officer. The appropriate Chair may allot a specific amount of time for comments.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019–16547 Filed 8–1–19; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Termination of Intent To Prepare a Draft Environmental Impact Statement for the Potential Multipurpose Projects for Ecosystem Restoration, Flood Risk Management, and Recreation Development Within and Along Johnson Creek, Arlington, Tarrant County, Texas

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent; withdrawal.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Fort Worth District, is issuing this notice to advise Federal, state, and local governmental agencies and the public that USACE is withdrawing its Notice of Intent (NOI) to prepare a Draft Environmental Impact Statement (EIS) for the Potential Multipurpose Projects for Ecosystem Restoration, Flood Risk Management, and Recreation Development Within and Along Johnson Creek, in Arlington, Tarrant County, Texas. The City of Arlington, the local cost share sponsor, requested that all work associated with the EIS be terminated and that they no longer wish to pursue the Johnson Creek: A Vision of Conservation Plan.

DATES: The original NOI was published in the **Federal Register** on July 18, 2008. The City of Arlington notified the USACE of the request to terminate the EIS on January 22, 2019.

ADDRESSES: U.S. Army Corps of Engineers, Regional Planning and Environmental Center, CESWF–PEC–CI (Attn: Mr. Jason Story), Room 3A12, P.O. Box 17300, Fort Worth, TX 76102–0300.

FOR FURTHER INFORMATION CONTACT: Jason Story, Biologist, Regional Planning and Environmental Center. Email address: *jason.e.story@usace.army.mil.*

Angela M. Lane,

Acting Chief, Environmental Branch, Regional Planning and Environmental Center.

[FR Doc. 2019–16545 Filed 8–1–19; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0092]

Agency Information Collection Activities; Comment Request; Upward Bound (UB) Upward Bound Math Science (UBMS) Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 1, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0092. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kenneth Waters, 202–453–6273.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Upward Bound (UB) Upward Bound Math Science (UBMS) Annual Performance Report.

OMB Control Number: 1840–0831.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 1,179.

Total Estimated Number of Annual Burden Hours: 20,515.

Abstract: The purpose of the Upward Bound (UB) and Upward Bound Math Science (UBMS) Programs is to generate in program participants the skills and motivation necessary to complete a program of secondary education and to enter and succeed in a program of postsecondary education.

Authority for this program is contained in Title IV, Part A, Subpart 2, Chapter 1, Section 402C of the Higher Education Opportunity Act of 2008. Eligible applicants include institutions of higher education, public or private agencies or organizations, including community-based organizations with experience in serving disadvantaged youth, secondary schools, and combinations of institutions, agencies, organizations and secondary schools.

UB Program participants must be potential first-generation college students, low-income individuals, or individuals who have a high risk of academic failure and have a need for academic support in order to pursue successfully a program of education beyond high school. Required Program services include: (1) Academic tutoring; (2) advice and assistance in secondary and postsecondary course selection; (3) preparation for college entrance exams and completing college admission applications; (4) information on federal student financial aid programs including (a) Federal Pell grant awards, (b) loan forgiveness, and (c) scholarships; (5) assistance completing financial aid applications; (6) guidance and assistance in: (a) Secondary school reentry, (b) alternative programs for secondary school drop outs that lead to the receipt of a regular secondary school diploma, (c) entry into general educational development (GED) programs or (d) entry into postsecondary education; (7) education or counseling services designed to improve the financial and economic literacy of students or the students' parents, including financial planning for postsecondary education; and (8) projects funded for at least two years under the program must provide instruction in mathematics through pre-calculus; laboratory science; foreign language; composition; and literature.

Dated: July 29, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–16453 Filed 8–1–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0088]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Grants Under the Student Support Services Program (1894–0001)

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before September 3, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0088. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the

Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Lavelle Wright, 202–453–7739.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Grants under the Student Support Services Program (1894–0001).

OMB Control Number: 1840–0017.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 1,633.

Total Estimated Number of Annual Burden Hours: 54,466.

Abstract: The application is needed to conduct a national competition under the Student Support Services Program for program years 2019–2020. The program provides grants to institutions of higher education and combinations of institutions of higher education for projects designed to increase the retention and graduation rates of eligible students; increase the transfer rate of eligible students from two-year to four-year institutions; and foster an institutional climate supportive of the success of low-income and first generation students and individuals with disabilities through the provision of support services.

Dated: July 30, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–16577 Filed 8–1–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0093]

Agency Information Collection Activities; Comment Request; Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 1, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0093. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carmen Gordon, 202–453–7311.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report.

OMB Control Number: 1840–0640.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 187.

Total Estimated Number of Annual Burden Hours: 2,057.

Abstract: Ronald E. McNair Postbaccalaureate Achievement (McNair) Program grantees must submit the Annual Performance Report each year. The reports are used to evaluate grantees' performance for substantial progress, respond to the Government Performance and Results Act (GPRA), and award prior experience points at the end of each project (budget) period. The Department also aggregates the data to provide descriptive information on the projects and to analyze the impact of the McNair Program on the academic progress of participating students.

Dated: July 29, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–16451 Filed 8–1–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Basic Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, App. 2, and the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Basic Energy Sciences Advisory Committee's (BESAC) charter will be renewed for a two-year period.

The Committee will provide advice and recommendations to the Office of Science on the Basic Energy Sciences program.

Additionally, the renewal of the BESAC has been determined to be essential to conduct business of the Department of Energy and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Dr. Harriet Kung at (301) 903–3081 or email: *harriet.kung@science.doe.gov.*

Signed in Washington, DC, on July 26, 2019.

Rachael J. Beitler,

Committee Management Officer.

[FR Doc. 2019–16563 Filed 8–1–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–109–000]

Portland General Electric Company; Notice of Filing

Take notice that on July 25, 2019, Portland General Electric Company submitted a response (Supplemental Rate Analysis) to the March 15, 2018 Show Cause Order.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on August 15, 2019.

[1] *Alcoa Power Generation, Inc.—Long Sault Division, et al.,* 162 FERC ¶ 61,224 (2018) (Show Cause Order).

Dated: July 26, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16460 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–77–001.
Applicants: Twin Eagle Resource Management, LLC, Public Service Company of Colorado.
Description: Notification of Consummation and Change in Circumstances of Xcel Energy Services Inc., on behalf of Public Service Company of Colorado, et al.
Filed Date: 7/26/19.
Accession Number: 20190726–5193.
Comments Due: 5 p.m. ET 8/5/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1166–000.
Applicants: ISO New England Inc.
Description: Response of ISO New England Inc. to July 27, 2019 Request for Additional Information (Non-Disclosure Agreement).
Filed Date: 7/26/19.
Accession Number: 20190726–5197.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–1641–001.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2019–07–26 Response to Deficiency Letter—RMR CPM Enhancements to be effective 9/27/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5002.
Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–1704–002.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: Tariff Amendment: 2019–07–26_SA 2010 Ameren-SIPC Second Substitute WDS Agreement to be effective 7/1/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5145.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–1718–001.
Applicants: Duke Energy Florida, LLC.
Description: Tariff Amendment: DEF IA Annual Cost Factor Filing (2019) Response to Deficiency Letter to be effective 5/1/2019.

Filed Date: 7/26/19.
Accession Number: 20190726–5135.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2099–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2019–07–26_Amendment to Stage 1B of ARR Allocation Process filing to be effective 8/11/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5150.
Comments Due: 5 p.m. ET 8/5/19.

Docket Numbers: ER19–2476–000.
Applicants: Techren Solar II LLC.
Description: Baseline eTariff Filing: Application for MBR, Waivers, Blanket Authority, Confidential & Expedited Action to be effective 12/31/9998.
Filed Date: 7/26/19.
Accession Number: 20190726–5148.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2478–000.
Applicants: Dynegy Resources Management, LLC.
Description: Tariff Cancellation: Cancellation of market-based rate tariff to be effective 7/30/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5047.
Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2479–000.
Applicants: Aera Energy LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 9/28/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5095.
Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2480–000.
Applicants: Georgia Power Company.
Description: § 205(d) Rate Filing: Odom Solar Affected System Construction Agreement Filing to be effective 6/27/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5096.
Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2481–000.
Applicants: Georgia Power Company.
Description: § 205(d) Rate Filing: Lancaster Solar Affected System Construction Agreement Filing to be effective 6/28/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5102.
Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2482–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2446R2 Municipal Energy Agency of Nebraska NITSA and NOA to be effective 7/1/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5114.
Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2484–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3095R2 Missouri River Energy Services NITSA and NOA to be effective 7/1/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5121.
Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2485–000.
Applicants: Imperial Valley Solar 2, LLC.
Description: § 205(d) Rate Filing: COC Cost True Filing to be effective 7/30/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5125.
Comments Due: 5 p.m. ET 8/19/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–45–000; *ES19–46–000*
Applicants: AEP Generating Company, Kingsport Power Company.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of AEP Generating Company, et al.
Filed Date: 7/29/19.
Accession Number: 20190729–5079.
Comments Due: 5 p.m. ET 8/19/19.

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 29, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16488 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–178–000]

Notice of Dates and Locations for Public Comment Meetings on the Draft Environmental Impact Statement for the Alaska Gasline Development Corporation Alaska LNG Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will be present to receive comments on the draft Environmental Impact Statement for the Alaska LNG Project (Project) as follows:

Date and time (Alaska daylight time)	Public comment meeting locations
Monday September 9, 2019, 5:00–8:00 p.m	Inupiat Heritage Center, 5421 North Star Street, Utqiagvik, AK 99723.
	Trapper Creek Elementary School, 6742 Petersville Road, Trapper Creek, AK 99683.
Tuesday September 10, 2019, 5:00–8:00 p.m ...	Nuiqsut Kisik Community Center, 2230 Second Avenue, Nuiqsut, AK 99789.
	Houston Fire Station 9–1, 13965 W Armstrong Road, Houston, AK 99694.
Wednesday September 11, 2019, 5:00–8:00 p.m.	Tri-Valley Community Center, 0.5 Mile Healy Spur Rd., Healy, AK 99743.
	Nikiski Recreation Center—Banquet Hall, Mile 23.4 Kenai Spur Highway, Nikiski, AK 99611.
Thursday September 12, 2019, 5:00–8:00 p.m	Morris Thompson Cultural and Visitor's Center, 101 Dunkel Street, Fairbanks, AK 99701.
	Dena'ina Center Khatnu 1 Room, 600 West Seventh Avenue, Anchorage, AK 99501.

Other federal agency representatives may also be in attendance and available to answer questions about their respective roles and reviews. Each comment meeting is scheduled from 5:00 p.m. to 8:00 p.m. (Alaska Daylight Time). However, staff may conclude the meeting early if all individuals who wish to provide comments have had an opportunity to do so.

The primary goal of the public comment meetings is to have you identify specific environmental issues and concerns with the draft Environmental Impact Statement. All

verbal comments will be recorded by a Court Reporter and become part of the public record for these proceedings. Transcripts of all comments from the meetings will be publicly available on FERC's website (*www.ferc.gov*) through our eLibrary system. It is important to note that written comments mailed to the Commission and those submitted electronically are reviewed by staff with the same scrutiny and consideration as the verbal comments given at the public comment meetings. Therefore, you do not need to attend a meeting in order for your comments to be considered.

The Bureau of Land Management will hold public subsistence hearings and solicit public testimony in two additional potentially affected communities as a part of its consideration under Section 810(a) of the Alaska National Interest Lands Conservation Act. The Bureau of Land Management will conduct those hearings at the following locations and times:

Date and time (Alaska time)	Subsistence hearing location
Tuesday, September 17, 2019, 6:00–9:00 p.m ..	Anaktuvuk Pass Community Center, 3031 Main Street, Anaktuvuk Pass, AK 99721.
Thursday, September 19, 2019, 6:00–9:00 p.m	Kaktovik Community Center, 2051 Barter Avenue, Kaktovik, AK 99747.

As a reminder, the Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions for your electronic or written comments so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on the Project.

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on eRegister. If you are filing a comment on a particular project, please select Comment on a Filing as the filing type. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website *http://www.ferc.gov/docs-filing/efiling.asp.*

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the Project docket number (CP17–178–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Dated: July 26, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16456 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–489–000]

Notice of Request Under Blanket Authorization; El Paso Natural Gas Company, L.L.C.

Take notice that on July 16, 2019, El Paso Natural Gas Company, L.L.C. (El Paso) Post Office Box 1087, Colorado Springs, Colorado 80944, filed a prior notice request pursuant to sections 157.205, 157.208(b), and 157.210 of the Commission's regulations under the Natural Gas Act for authorization to replace the driver for one of its existing compressors at its existing Waha Compressor Station located in Reeves County, Texas. This project is referred to as El Paso's Waha Compressor Station Project. The total cost of this Project is approximately $16.2 million and the target in-service date for the proposed replacement EMD unit is second quarter of 2020, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed Francisco Tarin, Director, Regulatory, El Paso Natural Gas Company, L.L.C.; P.O. Box 1087, Colorado Springs, Colorado 80944 at (719) 667–7517 or by fax at (719) 520–4697, or David K. Dewey, Vice President Managing Counsel, El Paso Natural Gas Company, L.L.C.; P.O. Box 1087, Colorado Springs, Colorado 80944 at (719) 520–4227 or by fax at (719) 520–4898.

More specifically, El Paso and Enterprise Field Service, LLC (Enterprise) had a shared interest in the existing compressor unit through an operating agreement; where Enterprise was to operate and maintain the existing gas compressor unit. However, in 2017 the compressor unit stopped working due to mechanical issues. Enterprise averred that the unit had exceeded its useful life and decommissioned the unit. Herein, El Paso is proposing to construct and operate one 10,000 horsepower electric motor drive (EMD) unit in place of the lost horsepower and capacity formerly provided by the decommissioned unit operated by Enterprise.

Any person may, within 60 days after the 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. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file 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 protest. If a protest is filed and not withdrawn within 30 days after the time allowed 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 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 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 commenter's will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website (*www.ferc.gov*) under the e-Filing link. Persons unable to file electronically should submit original and 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: July 26, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16459 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2727–092]

Notice of Availability of Final Environmental Assessment; Black Bear Hydro Partners, LLC

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for the relicensing of the Ellsworth Hydroelectric Project, located on the Union River in Hancock County, Maine, and has prepared a Final Environmental Assessment (FEA) for the project.

The FEA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the FEA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

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, contact FERC Online Support.

For further information, contact Dr. Nicholas Palso at (202) 502–8854, or at *nicholas.palso@ferc.gov.*

Dated: July 29, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16491 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–14–000]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Mountain Valley Pipeline, LLC Southgate Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Southgate Project, proposed by Mountain Valley Pipeline, LLC (Mountain Valley) in the above-referenced docket. Mountain Valley requests authorization to construct and operate approximately 73 miles of natural gas transmission pipeline, one new compressor station, and accompanying facilities that would provide about 375 million cubic feet per day [MMcf/d]) of available capacity for transport from the City of Chatham, in Pittsylvania County, Virginia to a delivery point with Dominion Energy (formerly PSNC) near the City of Graham in Alamance County, North Carolina.

The draft EIS assesses the potential environmental effects of the construction and operation of the Southgate Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project would result in some adverse environmental impacts. However, if the Project is constructed and operated in accordance with applicable laws and regulations, the mitigation measures discussed in this EIS, and our recommendations, these impacts would be reduced to less-than-significant levels.

The United States Army Corps of Engineers (COE) and the U.S. Department of the Interior Fish and Wildlife Service (FWS) participated as cooperating agencies in preparation of this draft EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The COE would use this EIS in their regulatory process, and to satisfy compliance with NEPA and other related federal environmental laws (*e.g.,* the National Historic Preservation Act). Although the cooperating agencies provided input to the conclusions and recommendations presented in the draft EIS, the agencies would present their own conclusions and recommendations in a combined Record of Decision (ROD) for the Project, if required.

The draft EIS addresses the potential environmental effects of the construction and operation of the following project facilities:

- About 73 miles of new 24-inch and 16-inch diameter natural gas pipeline located in Pittsylvania County, Virginia, and Rockingham and Alamance Counties, North Carolina.;
- one new 28,915 horsepower compressor station (Lambert Compressor Station) in Pittsylvania County, Virginia;
- four interconnects or tie-ins with facilities operated by Mountain Valley, East Tennessee Gas, and Dominion Energy; and
- ancillary facilities including pig launchers and receivers, mainline block valves (MLV), and cathodic protection beds.

The Commission mailed a copy of the *Notice of Availability* of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian Tribes;

potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the area of the Project. The draft EIS is available in hard copy at libraries in the area of the Project and in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the draft EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.* CP19–14). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any person wishing to comment on the draft EIS may do so. Your comments should focus on the draft EIS's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on September 16, 2019.

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on eRegister. If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP19–14–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend one of the public comment sessions that will be held in the Project area to receive comments on the draft EIS, scheduled as follows:

Date and time	Location
August 19, 2019, 5:00–8:00 p.m	Rockingham Community College, 215 Wrenn Memorial Road, Wentworth, NC 27375, (336) 342–4261.
August 20, 2019, 5:00–8:00 p.m	Olde Dominion Ag Complex, 19783 U.S. Hwy. 29 South, Chatham, VA 24531, (434) 432–8026.
August 22, 2019, 5:00–8:00 p.m	Vailtree Event Center, 1567 Bakatsias Lane, Haw River, NC 27258, (336) 578–4020.

The primary goal of these comment sessions is to provide the public with another method for identifying specific environmental issues and concerns with the draft EIS. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments in a convenient way during the timeframe allotted.

Each comment session is scheduled from 5:00 p.m. to 8:00 p.m. EST. You may arrive at any time after 5:00 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival; distribution of numbers will be discontinued at 7:00 p.m. in order to ensure all comments are received by the session closing time. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 7:00 p.m. Please see appendix 1 for additional information on the session format and conduct.[1]

Your verbal comments will be recorded by the court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see below for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 3 to 5 minutes may be implemented for each commentor.

It is important to note that verbal comments hold the same weight as written or electronically submitted comments. Although there will not be a formal presentation, Commission staff will be available throughout the comment session to answer your questions about the FERC environmental review process.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR part 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions?

Additional information about the project is available from the Commission's Office of External Affairs,

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: July 26, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16457 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–98–000.
Applicants: Grady Wind Energy Center, LLC, Pattern Energy Group Inc.
Description: Supplement to June 6, 2019 Application for Authorization Under Section 203 of the Federal Power Act, et al. of Grady Wind Energy Center, et al.
Filed Date: 7/25/19.
Accession Number: 20190725–5059.
Comments Due: 5 p.m. ET 8/5/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–157–000.
Applicants: DWW Solar II, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of DWW Solar II, LLC.
Filed Date: 7/25/19.
Accession Number: 20190725–5087.
Comments Due: 5 p.m. ET 8/15/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1633–002.
Applicants: Deseret Generation and Transmission Co-operative, Inc.
Description: Updated Market Power Analysis of Deseret Generation and Transmission Co-operative, Inc.
Filed Date: 7/26/19.
Accession Number: 20190726–5113.
Comments Due: 5 p.m. ET 9/24/19.

Docket Numbers: ER19–1765–001.
Applicants: CSOLAR IV South, LLC.
Description: Compliance filing: Compliance Filing to Revise eTariff Records to be effective 5/3/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5104.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–1765–002.
Applicants: CSOLAR IV South, LLC.
Description: Compliance filing: Compliance Filing to Revise eTariff Records to be effective 5/3/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5105.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–1766–001.
Applicants: CSOLAR IV South, LLC.
Description: Compliance filing: Compliance Filing to Revise eTariff Record to be effective 5/3/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5106.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–1931–001.
Applicants: Electric Energy, Inc.
Description: Compliance filing: compliance to 122020 to be effective 5/22/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5085.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2026–001.
Applicants: Puget Sound Energy, Inc.
Description: Tariff Amendment: Air Liquide Amendment to be effective 5/1/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5091.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2027–001.
Applicants: Puget Sound Energy, Inc.
Description: Tariff Amendment: Equilon Amendment to be effective 5/1/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5092.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2027–002.
Applicants: Puget Sound Energy, Inc.
Description: Tariff Amendment: Equilon Amendment to be effective 5/1/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5000.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2028–001.
Applicants: Puget Sound Energy, Inc.
Description: Tariff Amendment: Tesoro Amendment to be effective 5/1/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5094.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2441–001.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Refile Baseline Tri-State Open Access Transmission Tariff to be effective 9/22/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5056.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2444–001.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Refile Baseline Tri-State Wholesale Electric Service Contracts to be effective 9/22/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5058.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2461–000.
Applicants: Crowned Ridge Wind, LLC.
Description: Baseline eTariff Filing: Crowned Ridge Wind, LLC Application for MBR Authority to be effective 9/24/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5078.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2462–000.
Applicants: Macquarie Energy LLC.
Description: Compliance filing: New eTariff Baseline Filing to be effective 6/29/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5079.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2463–000.
Applicants: Utah Red Hills Renewable Park, LLC.
Description: Compliance filing: New eTariff Baseline Filing to be effective 6/29/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5086.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2464–000.
Applicants: Massachusetts Electric Company.
Description: § 205(d) Rate Filing: Filing of SA No. IA–MECO–52 SGIA with Mini-Watt Hydroelectric LLC to be effective 7/1/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5089.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2465–000.
Applicants: Massachusetts Electric Company.
Description: § 205(d) Rate Filing: Filing of SA No. IA–MECO–53 SGIA with Mini-Watt Hydroelectric LLC to be effective 7/1/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5095.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2466–000.
Applicants: Public Service Company of New Mexico.

Description: Initial rate filing: Transmission Construction and Interconnection Agreement with Pueblo of Acoma to be effective 6/26/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5096.
Comments Due: 5 p.m. ET 8/15/19.

Docket Numbers: ER19–2467–000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: Engineering & Procurement SA 2471—NMPC & Invenergy Wind Development to be effective 6/25/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5016.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2468–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Application for Recovery of Cancelled Nuclear Plant Costs of Duke Energy Carolinas, LLC.
Filed Date: 7/26/19.
Accession Number: 20190726–5059.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2469–000.
Applicants: Oklahoma Cogeneration, LLC.
Description: Tariff Cancellation: Notice of Cancellation to be effective 9/6/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5061.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2470–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Compliance filing: Tri-State OATT's Compliance with Order No. 845 to be effective 9/22/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5065.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2471–000.
Applicants: Midcontinent Independent System Operator, Inc., GridLiance Heartland LLC.
Description: § 205(d) Rate Filing: 2019–07–26_SA 3335 GridLiance Heartland-Ameren Illinois TIA to be effective 12/31/9998.
Filed Date: 7/26/19.
Accession Number: 20190726–5084.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2472–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: APCo-Gulf TFCAT A&R Service Agreements Amendment Filing (Revised ROE) to be effective 1/1/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5112.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2473–000.
Applicants: Basin Electric Power Cooperative, Inc.
Description: Request for One-Time Waiver of certain requirements under Attachment O to MISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff of Basin Electric Power Cooperative.
Filed Date: 7/26/19.
Accession Number: 20190726–5121.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2474–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Tri-State Transmission Service Agreements to be effective 9/22/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5122.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER19–2475–000.
Applicants: UNS Electric, Inc.
Description: § 205(d) Rate Filing: Line Siting Agreement to be effective 7/26/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5136.
Comments Due: 5 p.m. ET 8/16/19.

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 26, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16455 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: 2660–030]

Notice of Technical Meeting; Woodland Pulp, LLC

a. *Project Name and Number:* Forest City Project No. 2660.

b. *Project location:* The project is located on the East Branch of the St. Croix River in Washington and Aroostook counties, Maine.

c. *Project licensee:* Woodland Pulp, LLC.

d. *FERC Contact:* Michael Calloway, (202) 502–8041, or *michael.calloway@ferc.gov.*

e. *Date, Time, and Location of Technical Meeting:* Take notice that the Federal Energy Regulatory Commission (Commission) will convene a staff-led technical meeting in the above-referenced proceeding on August 28, 2019 at 3:30 p.m. Eastern Standard Time. The technical meeting will be held at the East Grand High School cafeteria located at 31 Houlton Road Danforth, ME.

f. *Purpose of technical meeting:* The purpose of the meeting is limited to gathering new technical information concerning the following three items: (1) Whether there are alternative modes of project operation that could demonstrably lower the project's impact on downstream generation; (2) whether there are methods for implementing license requirements in an economically efficient manner; and (3) whether there are decommissioning plans that would meet the needs of stakeholders. The purpose of the meeting is not to discuss legal issues.

The technical meeting will be in the form of a panel discussion. The following participants have been invited to appear on the panel: Woodland Pulp, LLC; U.S. Fish and Wildlife Service Ecological Services Maine Field Office; Maine Department of Environmental Protection; and the Maine Department Inland Fisheries and Wildlife.

Following the conclusion of the panel discussion, the public will have an opportunity to comment. All previous comments filed with the Commission are on record and will be considered in this proceeding. Therefore it will not be necessary to repeat previous statements.

g. *Staff request that panelists come prepared to discuss the following topics:*

(1) The impacts of operation of the Forest City Project as proposed under the modified operations and maintenance agreement and the effect it would have on downstream power generation, including ways to produce evidence supporting any reduction in downstream generation benefits.

(2) Whether there are methods for complying with the project's existing operational requirements that could improve project economic efficiency.

(3) Strategies that would ensure the protection of fish passage, recreational interests, and public access while

maintaining compliance with the project license.

(4) Possible alternatives regarding the licensee's proposal to surrender the license while addressing dam safety, recreation, navigation, and migratory fish.

h. The technical meeting will be transcribed by a court reporter and the transcript will be placed in the public record of this proceeding.

Dated: July 26, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16461 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14227–003]

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests; Nevada Hydro Company, Inc.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection. Commission staff has determined that this project qualifies as a Major Infrastructure Project pursuant to the Memorandum of Understanding Implementing One Federal Decision under Executive Order 13807 (MOU) effective April 10, 2018. Major Infrastructure Projects are defined as projects for which multiple authorizations by Federal agencies will be required and the lead Federal agency has determined that it will prepare an Environmental Impact Statement under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*

a. *Type of Application:* Major Unconstructed Project.

b. *Project No.:* P–14227–003.

c. *Date filed:* October 2, 2017.

d. *Applicant:* Nevada Hydro Company, Inc.

e. *Name of Project:* Lake Elsinore Advanced Pumped Storage (LEAPS) Project

f. *Location:* On Lake Elsinore and San Juan Creek near the town of Lake Elsinore in Riverside and San Diego Counties, California. The project would occupy about 845 acres of federal land administered by the U.S. Forest Service.

g. *Filed Pursuant to:* 18 CFR part 4 of the Commission's Regulations

h. *Applicant Contact:* Rexford Wait, Nevada Hydro Company, Inc., 2416 Cades Way Vista, California (760) 599–1815.

i. *FERC Contact:* Jim Fargo at (202) 502–6095 or email at *james.fargo@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *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–14227–003.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

The proposed project would consist of the following: (1) A new upper reservoir (Decker Canyon) having a 200-foot-high main dam and a gross storage volume of 5,750 acre-feet, at a normal reservoir surface elevation of 2,792 feet above mean sea level (msl); (2) a powerhouse with two reversible pump-turbine units with a total installed capacity of 500 megawatts; (3) the existing Lake Elsinore to be used as a lower reservoir; (4) about 32 miles of 500-kV transmission line connecting the project to an existing transmission line owned by Southern California Edison located north of the proposed project and to an existing San Diego Gas & Electric Company transmission line located to the south.

l. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

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, contact FERC Online Support.

m. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title PROTEST or MOTION TO INTERVENE, NOTICE OF INTENT TO FILE COMPETING APPLICATION, or COMPETING APPLICATION; (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. 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.

Dated: July 26, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16462 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–488–000]

Columbia Gulf Transmission, LLC; Notice of Application

Take notice that on July 16, 2019, Columbia Gulf Transmission, LLC (Columbia Gulf), at 700 Louisiana Street, Suite 700, Houston, Texas 77002, filed an application in the above reference docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's regulations requesting authorization to construct and operate the Louisiana XPress Project (Project), all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Richard Bralow, Sr. Legal Counsel. Columbia Gulf Transmission, LLC, 700 Louisiana Street, Houston, Texas 77002–2700 or by telephone at (832) 320–5177.

Specifically, the Project will create 493,000 dekatherms per day (Dth/d) of incremental mainline capacity on Columbia Gulf's pipeline system. The incremental capacity created by the Project, in conjunction with the utilization of existing capacity, will allow for open access firm transportation service on approximately 850,000 Dth/d of capacity on a north-to-south path from Columbia Gulf's Mainline Pool to a primary point of delivery with Kinder Morgan Louisiana Pipeline LLC in Evangeline Parish, Louisiana. The estimated cost of the Project is $471,588,011.

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.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: August 16, 2019.

Dated: July 26, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16458 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–2476–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Techren Solar II LLC

This is a supplemental notice in the above-referenced Techren Solar II LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure

(18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and

assumptions of liability, is August 19, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 29, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16490 Filed 8–1–19; 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: RP19–1395–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Operational Sales of Gas Using the ICE Platform to be effective 9/1/2019.
Filed Date: 7/24/19.
Accession Number: 20190724–5002.
Comments Due: 5 p.m. ET 8/5/19.

Docket Numbers: RP19–1396–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Non-Conforming—Rivervale South to be effective 9/1/2019.
Filed Date: 7/24/19.
Accession Number: 20190724–5036.
Comments Due: 5 p.m. ET 8/5/19.

Docket Numbers: RP19–1397–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: § 4(d) Rate Filing: Housekeeping to Remove Obsolete Tariff Provisions to be effective 8/25/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5002.
Comments Due: 5 p.m. ET 8/6/19.

Docket Numbers: RP19–1398–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Exelon from various releasers eff 8–1–19 to be effective 8/1/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5025.
Comments Due: 5 p.m. ET 8/6/19.

Docket Numbers: RP19–1399–000.
Applicants: Eastern Shore Natural Gas Company.
Description: § 4(d) Rate Filing: General Clean up—Section 9 to be effective 7/26/2019.
Filed Date: 7/25/19.
Accession Number: 20190725–5058.
Comments Due: 5 p.m. ET 8/6/19.

Docket Numbers: RP19–1400–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rate—Range release to Castleton 8958406 to be effective 8/1/2019.
Filed Date: 7/26/19.
Accession Number: 20190726–5023.
Comments Due: 5 p.m. ET 8/7/19.

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 29, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16489 Filed 8–1–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9046–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–5632 or *https://www.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements
Filed 07/22/2019 Through 07/26/2019
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20190172, Draft, USACE, NC, STIP_R–2553_US_70 Kinston Bypass, Comment Period Ends: 09/16/2019, Contact: Thomas Steffens 910–251–4615

EIS No. 20190173, Draft, USFS, AK, Central Tongass Project, Comment Period Ends: 09/16/2019, Contact: Carey Case 907–772–3871

EIS No. 20190174, Final, USFS, UT, Greater Sage-grouse Proposed Land Management Plan Amendments and Final Environmental Impact Statement for the Intermountain and Rocky Mountain Regions, Review Period Ends: 10/01/2019, Contact: John Shivik 801–625–5667

EIS No. 20190175, Final, USACE, TX, Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks, Texas, Review Period Ends: 08/30/2019, Contact: Daniel Allen 817–886–1821

Under Section 1506.10(d) of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, the U.S. Environmental Protection Agency has Granted a 2-Day Waiver for the above EIS.

EIS No. 20190176, Draft, FERC, NC, Southgate Project, Comment Period Ends: 09/16/2019, Contact: Office of External Affairs 866–208–3372

EIS No. 20190177, Final, USFWS, HI, Final Programmatic Environmental

Impact Statement Addressing the Issuance of Incidental Take Permits for Four Wind Energy Projects in Hawai'i, Review Period Ends: 09/03/2019, Contact: Michelle Bogardus 808–792–9473

EIS No. 20190178, Final, USACE, FL, East Lake Tohopekaliga Drawdown and Habitat Enhancement, Review Period Ends: 09/03/2019, Contact: Jeffrey S. Collins 321–504–3771

Dated: July 29, 2019.

Candi Schaedle,

Acting Director, Office of Federal Activities.

[FR Doc. 2019–16492 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9996–30–OMS]

Privacy Act of 1974; System of Records

AGENCY: Office of Mission Support, Environmental Protection Agency (EPA).

ACTION: Notice of modification of system of records.

SUMMARY: The Environmental Protection Agency (EPA) is revamping and renaming the Office of Criminal Enforcement Forensics and Training's (OCEFT) recordkeeping system for criminal cases. The back-end technology and user interface software are new, but the entirety of the content of OCEFT's current system, EPA 17, Criminal Investigative Files and Index, is being retained in the modified and renamed system. The new name of the modified system EPA–17 is ''Online Criminal Enforcement Activities Network (OCEAN).'' In addition, EPA is adding to the current system contents, a category of records related to EPA Criminal Investigation Division, National Capital Area Office (NCAO)'s, protective service detail responsibilities regarding threat information received by the Agency. The EPA–17 exemption from certain Privacy Act provisions applies as well to this new category of threat information records.

DATES: Persons wishing to comment on this system of records notice must do so by September 3, 2019. New or Modified routine uses for this modified system of records will be effective September 3, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No OMS–2019–0094, by one of the following methods:

Regulations.gov: www.regulations.gov Follow the online instructions for submitting comments.

Email: 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. OMS–2019–0094. 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,* 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.* The *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. 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* 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. 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* 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* 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: Eric Blank, Senior Technical Information Specialist, Operations Branch, Criminal Investigations Division, Office of Criminal Enforcement, Forensics and Training, Environmental Protection Agency, 1200 Pennsylvania Ave. NW (Mail Code 2232A), Washington, DC 20004; *blank.eric@epa.gov* (202–566–0656).

SUPPLEMENTARY INFORMATION: Purpose of recordkeeping system is to update the backend technology, increase capacity to store and maintain large documents (such as high definition photos and recordings), improve user-interface, and manage criminal case and Protective Service Detail records. The current system's software is out of date and requires modernization to improve user friendliness and efficiency, and expanded capacity, which the new software will provide. The current system's record content will be managed by the modified system, but in addition the modified system will contain records of and related to threats of harm against senior EPA officials and their family members, received by EPA and handled by OCEFT's Protect Services Detail (''PSD records''). The purpose of the expanded record content is to provide a central and accessible electronic recordkeeping location for such PSD records. The purpose of the software update is to modernize and improve the current electronic recordkeeping system, called the Criminal Investigative Index and Files, or Case Reporting System (CCRS).

SYSTEM NAME AND NUMBER: EPA 17

Online Criminal Enforcement Activities Network (OCEAN).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

EPA Office of Criminal Enforcement, Forensics and Training, 1200 Pennsylvania Avenue NW, Washington, DC 20004. Access to records is also available to authorized EPA personnel

at the field offices of the OCEFT Criminal Investigation Division, listed in the Appendix to this Notice.

SYSTEM MANAGER(S):

Eric Blank, Senior Technical Information Specialist, Operations Branch, Criminal Investigations Division, Office of Criminal Enforcement, Forensics and Training, Environmental Protection Agency, 1200 Pennsylvania Ave. NW (Mail Code 2232A), Washington, DC 20004; *blank.eric@epa.gov* (202–566–0656)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 3063; Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.;* Solid Waste Disposal Act (a.k.a., Resource Conservation and Recovery Act), 42 U.S.C. 6901 *et seq.;* Federal Water Pollution Control Act (a.k.a., Clean Water Act), 33 U.S.C. 1251 *et seq.;* Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.;* Clean Air Act, 42 U.S.C. 7401 *et seq.;* Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 *et seq.;* Public Health Service Act (a.k.a., Safe Drinking Water Act), 42 U.S.C. 300f *et seq.;* Emergency Planning and Community Right-To-Know Act of 1986, 42 U.S.C. 11001 *et seq.;* and the Marine Protection, Research, and Sanctuaries Act of 1972 (a.k.a., Ocean Dumping Act), 33 U.S.C. 1401 *et seq.;* Crimes and Criminal Procedure, 18 U.S.C. 1 *et seq.*

PURPOSE(S) OF THE SYSTEM:

1. To support, further, and document the investigation of persons or organizations alleged to have criminally violated any environmental statute or regulation, or to have violated other federal statutes in conjunction with such environmental violations.

2. In addition, to facilitate protection of EPA's Administrator, the system will include information on individuals or entities that threaten physical harm to the EPA Administrator, other agency senior officials, or their family members, in violation of federal criminal statutes. All lead information on threats will be referred to the Office of Inspector General (OIG), which is responsible for the investigation of threats against EPA personnel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. (a) Subjects of investigations about whom data has been collected by criminal investigators of the Office of Criminal Enforcement, Forensics and Training, Criminal Investigation Division, and assembled in the form of investigative reports concerning violations of federal criminal statutes; and (b) persons who have made threats of physical harm to the EPA Administrator, other senior agency officials, or their family members (this information will also be referred to the Office of Inspector General).

2. Persons who provide information and evidence used to substantiate environmental criminal violations or threats of physical harm to the EPA Administrator, other senior agency officials, or their family members.

3. OCEFT criminal investigators and other governmental personnel who participate in investigations, such as EPA Regional Criminal Enforcement Counsel (RCECs); Assistant U.S. Attorneys (AUSAs) and other trial attorneys of the Department of Justice; federal criminal investigators of partner federal agencies, such as the Federal Bureau of Investigations (FBI); and criminal investigators or prosecutors of partner state criminal law enforcement agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Investigative Case Management System. The Online Criminal Enforcement Activities Network contains selected information from the criminal investigative files. Such information includes, name, address, telephone number; prior/secondary residences, vehicle information, associated persons (name and role), driver's licenses/aliases, associated companies (name and role), identifying numbers (number type, number and brief description; including Social Security Number, Passport number, Immigration ID number, US Marshall Service number, State ID number, etc.), corporate data (company name, address, telephone number), corporate vehicle information, corporate identifying numbers, case information (*e.g.,* case opened, date referred to EPA), criminal investigator comments, name and office of criminal investigator, dissemination information (*e.g.,* which other agency requested the information), and other related investigative information.

2. Investigative Files. The investigative files housed within OCEAN contain all information relating to an investigative matter which can be stored electronically. In addition to the information contained in the computerized case management system, the investigative files contain, but are not limited to, correspondence (case coordination reports, memos of conversation, and other records of communication relating to the investigation), interviews (witness interview statements generated by either an OCEFT/CID special agent or another agency or person), regulatory history (permits and reports generated as a result of normal program activity), technical support (program reports generated as a result of the investigation), investigative notes, electronic monitoring (reports requesting permission and use, transcripts of tapes), records checks (personal history, police information, fingerprint cards, photographs), property reports, electronic copies or images of property or physical evidence obtained and retained by OCEFT/CID including documents personal property and electronic evidence, manifests and other related investigative information and open source online information.

3. Threat Information. All information related to any individuals or entities that threaten physical harm to the EPA Administrator, senior agency officials, or their family members, in violation of federal criminal statutes. In addition to the information contained in the computerized case management system, the investigative leads files may contain, but are not limited to, digital copies or transcripts of the subject threat, witness statements, records checks (personal history, police information, fingerprint cards, photographs), property reports, electronic copies or images of property obtained and retained by OCEFT/CID including documents, personal property and electronic evidence and other related information, open source online information, investigative reports and other information received from other law enforcement agencies and the EPA OIG.

4. Case Management System. The Online Criminal Enforcement Activities Network is the computerized management information system for the Criminal Investigation Division, which reflects the activity and productivity of individual agents and each OCEFT/CID office. It is also the primary source for assembling statistical data for OCEFT/CID. The Online Criminal Enforcement Activities Network contains the OCEFT/CID case number, the case name, the most recent investigative or prosecutorial activity, the involved environmental media and environmental statutes, government employees involved in the investigation, case status and case closure codes. The case name may be either a company name or the name of a person that denotes the subject of the investigation.

RECORD SOURCE CATEGORIES:

EPA employees and officials, employees of Federal contractors, employees of other Federal agencies and of state, local, tribal, and foreign agencies, witnesses, informants, public source materials, and other persons who

may have information relevant to OCEFT/CID investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The following new routine uses apply to this system because the use of the record is necessary for the efficient conduct of government operations. The routine uses are related to and compatible with the original purpose for which the information was collected. General Routine Uses A, C, D, E, F, G, H, and K apply to this system (73 FR 2245). Records may also be disclosed:

1. To a potential source of information to the extent necessary to elicit information or to obtain cooperation of that source in furtherance of an EPA criminal investigation or protective service detail investigation.

2. To the Department of Justice for consultation about what information and records are required to be publicly released under federal law.

3. To a federal agency in response to a valid subpoena.

4. To Federal and state government agencies responsible for administering suspension and debarment programs.

5. To international law enforcement organizations if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the organization or a law enforcement agency that is a member of the organization.

6. To the news media and public unless it is determined that the release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.

7. To any person if the EPA determines that compelling circumstances affecting human health, the environment, property, or personal safety warrant the disclosure.

8. In connection with criminal prosecution or plea negotiations to the extent that disclosure of the information is relevant and necessary to the prosecution or negotiation and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(b)(11).

9. To the Office of Inspector General, which is responsible for investigating threats to the Administrator and other agency officials.

10. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that there has been a breach of the system of records; (2) the Agency has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Agency (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11. To another Federal agency or Federal entity, when the Agency determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The EPA OCEFT currently stores and manages records related to environmental and related non-environmental criminal investigations in a centralized electronic recordkeeping system, EPA 17, Criminal Investigative Index and Files. This computer recordkeeping system, and the modified system that will replace it (OCEAN), involve the ''cloud'' storage of electronic records obtained or created by OCEFT criminal investigators.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Files are assigned a case file number and records are maintained in numerical order in a web-based computer system with access controls. Access to records is obtained by entering user IDs and passwords then conducting computer database searches using relevant search terms and software programs. The system also allows for printing of records. Information on individuals may be retrieved through the computer case management system which can use, among other things, case titles, the names of individuals, organization names, driver's license numbers, vehicle or tag or vehicle identification numbers and other identifying numbers.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and Disposal: The manner of Retention and Disposal of the Online Criminal Enforcement Activities Network and files will mirror the current disposition of electronic records in the OCEFT Criminal Investigation Index and Files system (EPA–17), known as the Criminal Case Report System, or (CCRS) under EPA Records Schedule 684. These records are scheduled as permanent retention.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Computer records are maintained in a secure, password protected computer system. All records are maintained in secure, access-controlled websites. The case management system maintains a user log that identifies and records persons who access and use the system. Computer-stored information is protected in accordance with the Agency's security requirements. No unauthorized individuals may access the physical equipment on which the system resides. Accounts can only be created by the system administrator or assistant system administrators.

RECORD ACCESS PROCEDURES:

To the extent permitted under the Privacy Act of 1974, 5 U.S.C. 552a(j)(2) or (k)(2), this system has been exempted from the provisions of the Privacy Act of 1974 that permit access and correction. See, 40 CFR 16.11 and 16.12. These same authorities and exemptions also apply to the threat information to be held by the modified system. Exemptions from access may be complete or partial, depending on the applicable exemption. However, EPA may, in its discretion, grant individual requests for access and correction if it determines that the exercise of these rights will not interfere with an interest that the exemption is intended to protect.

CONTESTING RECORD PROCEDURES

Pursuant to the authorities set out in 40 CFR 16.11 and 16.12, exempting federal criminal investigatory agencies from specified provisions of the Privacy Act, individuals do not have the opportunity to decline to provide information to, or to opt out of the collection or sharing of their information by OCEFT criminal investigators. These same authorities and exemptions also apply to the threat information to be held by the OCEAN system. The EPA's procedures for making a Privacy Act request can be found in EPA's Privacy Act regulations at 40 CFR part 16.

NOTIFICATION PROCEDURE:

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete EPA Privacy Act procedures are set out in 40 CFR part 16.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(j)(2) this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5) and (e)(8); (f)(2) through (5); and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f)(2) through (5). See, 40 CFR 16.11 and 16.12.

HISTORY:

71 FR 234—January 4, 2006—Republication of Exempted System of Records (EPA–17)

66 FR 49947—October 1, 2001—Creation of the OCEFT/NEIC Master Tracking System of Records (EPA–46)

Appendix to Online Criminal Enforcement Activities Network

Criminal Investigation Division offices where system records may be accessed online:

- Boston Area Office, EPA/Criminal Investigation Division, 5 Post Office Square, Suite 100, 15th Floor, Boston, Massachusetts 02109–3912
- New York Area Office, EPA/Criminal Investigation Division, 290 Broadway (2C100), Room 1551, New York, New York 10007–1866
- Buffalo Resident Office, EPA/Criminal Investigation Division, 138 Delaware Avenue, Room 525, Buffalo, New York 14202
- Syracuse Domicile Office, EPA/Criminal Investigation Division, 441 S. Salina Street, 6th Floor, Box 349, Syracuse, New York 13202
- Philadelphia Area Office, EPA/Criminal Investigation Division, 1650 Arch Street (3CE00), Philadelphia, Pennsylvania 19103–2029
- Baltimore Resident Office, EPA/Criminal Investigation Division, 701 Mapes Road, Suite E230, Environmental Science Center, Fort George G. Meade, Maryland 20755–5350
- Atlanta Area Office, EPA/Criminal Investigation Division, 61 Forsyth Street, Suite 16T90, Sam Nunn Atlanta Federal Center, Atlanta, Georgia 30303
- Tampa Resident Office, EPA/Criminal Investigation Division, 2203 N Lois Avenue, Suite 815, Tampa, Florida 33607
- Miami Resident Office, EPA/Criminal Investigation Division, 909 SE First Avenue, Suite 700, Brickell Plaza Federal Building, Miami, FL 33131
- Nashville Domicile Office, EPA/Criminal Investigation Division, 801 Broadway, Suite 312, Nashville, Tennessee 37203
- Chicago Area Office, EPA/Criminal Investigation Division, 77 West Jackson, Chicago, Illinois 60604
- Dallas Area Office, EPA/Criminal Investigation Division, Fountain Place, 1445 Ross Avenue, (6CID), Suite 1200, Dallas, Texas 75202–2733
- Houston Resident Office, EPA/Criminal Investigation Division, 1919 Smith Street, Suite 9004, Houston, Texas 77002–8049
- Kansas City Area Office, EPA/Criminal Investigation Division, 11201 Renner Blvd., Lenexa, Kansas 66219
- St. Louis Resident Office, EPA/Criminal Investigation Division, 1222 Spruce Street, Room 2.102G, Robert A. Young Federal Building, St. Louis, Missouri 63103
- Denver Area Office, EPA/Criminal Investigation Division, 1595 Wynkoop Street, Denver, Colorado 80202–1129
- San Francisco Area Office, EPA/Criminal Investigation Division, 75 Hawthorne St., 8th Floor, San Francisco, California 94105–3901
- Los Angeles Resident Office, EPA/Criminal Investigation Division, 600 Wilshire Boulevard, Suite 900, Los Angeles, CA 90017–3212
- Phoenix Domicile Office, EPA/Criminal Investigation Division, Sandra Day O'Connor Federal Building, 401 W Washington St., SPC #9, Suite 415, Phoenix, Arizona 85003
- Seattle Area Office, EPA/Criminal Investigation Division, 1200 Sixth Avenue, Suite 155, Seattle, Washington 98101–3140
- Portland Resident Office, EPA/Criminal Investigation Division, 805 SW Broadway, Suite 620, Portland, Oregon 97204

Dated: May 3, 2019.

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2019–16565 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R01–OW–2019–0376; FRL–9997–55–Region 1]

Program Requirement Revisions Related to the Public Water System Supervision Programs for the State of Connecticut and the State of New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Connecticut and the State of New Hampshire are in the process of revising their respective approved Public Water System Supervision (PWSS) programs to meet the requirements of the Safe Drinking Water Act (SDWA).

DATES: All interested parties may request a public hearing for any of the above EPA determinations. A request for a public hearing must be submitted by September 3, 2019 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

However, if a substantial request for a public hearing is made by this date, a public hearing will be held. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his/her own motion, this determination shall become final and effective September 3, 2019.

Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination; (3) information that the requesting person intends to submit at such hearing; and (4) the signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at the following office(s):

U.S. Environmental Protection, Water Division, 5 Post Office Square, Suite 100, Boston, MA 02109–3912

For state-specific documents:

Connecticut Department of Public Health, Drinking Water Section, 410 Capital Avenue, Hartford, CT 06134

New Hampshire Department of Environmental Services, Drinking Water and Groundwater Bureau, 29 Hazen Drive, Concord, NH 03302–0095

FOR FURTHER INFORMATION CONTACT: Jeri Weiss, U.S. EPA-New England, Water Division, (telephone 617–918–1568).

SUPPLEMENTARY INFORMATION: The State of Connecticut has adopted a drinking water regulation for the Long Term 2 Enhanced Surface Water Treatment Rule (71 FR 654) promulgated on January 5, 2006. After review of the submitted documentation, the Environmental

Protection Agency (EPA) has determined that the State of Connecticut's Long Term 2 Enhanced Surface Water Treatment Rule is no less stringent than the corresponding federal regulations, with the understanding that the state regulation includes three typographical errors that the state has agreed to correct. EPA considers these issues to be minor and should not preclude granting the State of Connecticut primacy for reasons detailed below.

Connecticut regulation Section 19–13–B102(i)(4)(A)(ii). Under the federal regulation, water systems must collect at least three samples for Cryptosporidium analysis. Failure to do so is referred to as a ''Tier 2 violation,'' and the water system must notify the public of this violation. The State regulation inadvertently does not include this language due to an erroneous reference. However, the federal requirement sets a specific timeframe for water systems to collect these samples, and as this deadline has passed, this requirement is no longer relevant, and all Connecticut water systems have already complied with the sampling requirement. Therefore, the State's omission of this language does not affect how the water is being treated or how the public is being notified.

Connecticut regulation Section 19–13–B102 (j)(13)(E)(i). The State regulation includes a typographical error, where the term ''2 log'' is indicated rather than ''2.0 log.'' There is no mathematical difference between these two values, and as water systems use a pre-determined table in the federal regulations to calculate disinfection requirements, the difference between the State and federal regulations is not relevant.

Connecticut regulation Section 19–13–B102 (j)(13)(E)(ii)(II)(5). This State provision has a typographical error, where the formula LRV = LOG10(Cf) × LOG10(Cp) should instead be LRV = $LOG_{10}(C_f) - LOG_{10}(C_p)$. The federal regulation includes this formula to explain how disinfection requirements are calculated. However, water systems do not use this calculation, as they instead rely on tables in the federal regulation to determine disinfection requirements.

These typographical changes are only required to ensure consistency with the federal regulation; however, they do not, in any realistically substantive manner, affect the stringency of, enforceability of, or liability obligations contained in the state rule and required by the corresponding federal regulation. Therefore, EPA intends to approve Connecticut's PWSS program revision for this rule.

The State of New Hampshire has adopted drinking water regulations for the Consumer Confidence Report Rule (63 FR 44511) promulgated on August 19, 1998, the Interim Enhanced Surface Water Treatment Rule (63 FR 69478–69521) promulgated on December 16, 1998, the Long Term 1 Enhanced Surface Water Treatment Rule (67 FR 1812) promulgated on January 14, 2002, the Long Term 2 Enhanced Surface Water Treatment Rule (71 FR 654) promulgated on January 5, 2006, and the Radionuclides Rule (66 FR 76708) promulgated on December 7, 2000. After review of the submitted documentation, EPA has determined that the state of New Hampshire's Rules is no less stringent than the corresponding federal regulations. In addition, EPA's primary enforcement responsibility regulations require states that accept electronic documents to have adopted regulations consistent with 40 CFR part 3 (Electronic reporting). New Hampshire accepts electronic documents and is in the process of adopting additional regulations that will supplement the State's already existing legal authority under the State's Uniform Electronic Transactions Act. Therefore, EPA intends to approve New Hampshire's PWSS program revision for these five rules.

Authority: Section 1401 (42 U.S.C. 300f) and Section 1413 (42 U.S.C. 300g–2) of the Safe Drinking Water Act, as amended (1996), and (40 CFR 142.10) of the National Primary Drinking Water Regulations.

Dated: July 23, 2019.

Deborah A. Szaro,

Acting Regional Administrator, EPA Region 1—New England.

[FR Doc. 2019–16575 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9996–32–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) Office of Research and Development is giving notice of its intent to rescind the Peer Review Panelist Information System of Records Notice (EPA–37).

DATES: The Agency stopped using the PRPIS on January 27, 2016. Persons wishing to comment on the rescindment of this system must do so by September 3, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OEI–2018–0566, by one of the following methods:

Regulations.gov: www.regulations.gov. Follow the online instructions for submitting comments.

Email: oei.docket@epa.gov.

Fax: 202–566–1752.

Mail: OMS Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Hand Delivery: OMS 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–2018–0566. 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,* 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.* The *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* 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* 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. 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* 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* 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 OMS Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Bhagya Subramanian at *subramanian.bhagya@epa.gov* or (513) 569–7349

SUPPLEMENTARY INFORMATION: The Peer Review Panelist Information System (EPA–37) was established to assist the EPA Office of Research and Development (ORD) conduct and document review of applications for research grants, cooperative agreements, and fellowships through the use of peer reviewers from the scientific community. ORD is no longer collecting the information about the scientific community. The system stopped collecting data on Jan 27, 2016. This information is now processed through Inter Agency Agreement (IA) with the Department of Health and Human Services. The HHS system is used for Peer reviews. The EPA Records Schedule 1003 has a 10-year retention. Records collected are stored on a CD and may be disposed in January 2026.

SYSTEM NAME AND NUMBER:

Peer Review Panelist Information System (EPA–37)

HISTORY:

62 FR 48278 (September 15, 1997)—Establishment of the Peer Review Panelist Information System of Records Notice (EPA–37).

67 FR 8246 (February 22, 2002)—Republication of existing System of Records.

Dated: May 3, 2019.

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2019–16568 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before October 1, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: FCC Anti-Harassment Intake Form.

Form Number: FCC Form 5632.

Type of Review: New information collection.

Respondents: Individuals or households.

Number of Respondents and Responses: 5 respondents and 5 responses.

Estimated Time per Response: 3 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for these collections is contained in the *Civil Rights Act of 1964* § 7, as amended, 42 U.S.C. 2000e; *Age Discrimination in Employment act of 1967* (ADEA), 29 U.S.C. 621–634; *Americans with Disabilities Act of 1990* (ADA), as amended, 42 U.S.C. 12101–12213; *Rehabilitation Act of 1973,* as amended, 29. U.S.C. 501 *et seq.*

Total Annual Burden: 18 hours.

Total Annual Cost: $4,050.

Privacy Act Impact Assessment: The FCC is drafting a Privacy Impact Assessment (PIA) to cover the Personally Identifiable Information (PII) that will be collected, used, and stored.

Nature and Extent of Confidentiality: Confidentiality of information will be provided in accordance with the Privacy Act. The Commission is not requesting respondents to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR 0.459.

Needs and Uses: FCC employees and related individuals may seek a forum through the Anti-Harassment Program for inquiry and resolution of harassment claims by completing FCC Form 5632.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–16454 Filed 8–1–19; 8:45 am]

BILLING CODE 6712–01–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 (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 August 15, 2019.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Patricia Readel, West Fargo, North Dakota, and Robert Zabel, Browns Valley, Minnesota and Wendy Gruby, Browns Valley, Minnesota, Lindsay Zabel, Waconia, Minnesota, Michael Readel, Moorhead, Minnesota, and Amanda Readel, West Fargo, North Dakota, as part of a group acting in concert with Patricia Readel and Robert Zabel;* to retain and acquire voting shares of Browns Valley Bancshares, Inc. and thereby indirectly acquire shares of Union State Bank of Browns Valley, both of Browns Valley, Minnesota.

2. *Tiffany Baer Paine and Ryan T. Baer, both of Bemidji, Minnesota;* to acquire voting shares of Security State Bancshares of Bemidji, Inc. and thereby indirectly acquire shares of Security Bank USA, both of Bemidji, Minnesota.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Stanley A. Judd, Fairbury, Nebraska;* to retain voting shares of Washington 1st Banco, Inc., and thereby indirectly retain shares of FNB Washington, both of Washington, Kansas.

Board of Governors of the Federal Reserve System, July 30, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–16555 Filed 8–1–19; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice and request for comment.

SUMMARY: The FTC requests that the Office of Management and Budget (OMB) extend for three years the current PRA clearance for information collection requirements contained in the Telemarketing Sales Rule (''TSR''). That clearance expires on August 31, 2019.

DATES: Comments must be received by September 3, 2019.

ADDRESSES: Comments in response to this notice should be submitted to the OMB Desk Officer for the Federal Trade Commission within 30 days of this notice. You may submit comments using any of the following methods:

Electronic: Write ''TSR: PRA Comment, P072108,'' on your comment and file your comment online at *https://www.regulations.gov,* by following the instructions on the web-based form.

Email: MBX.OMB.OIRA.Submission@OMB.eop.gov.

Fax: (202) 395–5806.

Mail: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Patricia Hsue, Staff Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room CC–8528, 600 Pennsylvania Avenue NW, Washington, DC 20580, or by telephone to (202) 326–3132.

SUPPLEMENTARY INFORMATION:

Title: Telemarketing Sales Rule (TSR or Rule), 16 CFR part 310.

OMB Control Number: 3084–0097.

Type of Review: Extension of a currently approved collection.

Abstract: As required by the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. 6101–6108 (the ''Telemarketing Act''), the TSR mandates certain disclosures for telephone sales and requires telemarketers to retain certain records regarding advertising, sales, and employees. The required disclosures provide consumers with information necessary to make informed purchasing decisions. The required records are to be made available for inspection by the Commission and other law enforcement personnel to determine compliance with the Rule. Required records may also yield information helpful to measuring and redressing consumer injury stemming from Rule violations.

On May 20, 2019, the FTC sought comment on the information collection requirements associated with the Rule. 84 FR 22844. The FTC received four comments, none of which was germane to the issues that the agency sought comment on pursuant to the Paperwork Reduction Act (''PRA'') renewal request. Pursuant to OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule. For more details about the Rule requirements and the basis for the calculations summarized below, see 84 FR 22844.

Likely Respondents: Telemarketers to consumers.

Estimated Annual Hours Burden: 1,233,817 hours.

- *Disclosures (for live telemarketing calls and prerecorded calls):* 1,219,428 hours (which is derived from 826,389 hours pre-sales disclosures + 366,588 hours general sales disclosures + 26,451 hours specific sales disclosures).
- *Reporting:* 328 hours.
- *Recordkeeping:* 14,061 hours.

Estimated Annual Labor Cost Burden: $17,181,914 (which is derived from $446,862 (recordkeeping) + $16,730,552 (disclosure) + $4,500 (reporting).[1]

Estimated Annual Non-Labor Cost: $4,717,991 (which is derived from $328,050 (office supplies) + $4,389,941 (telephone charges)).

Request for Comment

Your comment—including your name and your state—will be placed on the public record of this proceeding at the *https://www.regulations.gov* website. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information

[1] The hourly wage rates for sales and related workers are based on mean hourly wages found at *https://www.bls.gov/news.release/ocwage.htm* (''Occupational Employment and Wages–May 2018,'' U.S. Department of Labor, released March 2019, Table 1 (''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2018'').

which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Heather Hippsley,

Deputy General Counsel.

[FR Doc. 2019–16514 Filed 8–1–19; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0068; Docket No. 2019–0003; Sequence No. 10]

Submission for OMB Review; Economic Price Adjustment

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision of a previously approved information collection requirement regarding economic price adjustments on fixed-price contracts.

DATES: Submit comments on or before September 3, 2019.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0068, Economic Price Adjustment.

Instructions: Please submit comments only and cite Information Collection 9000–0068, Economic Price Adjustment, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, 202–208–4949 or email *michaelo.jackson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Number, Title, and Any Associated Form(s)

9000–0068, Economic Price Adjustment.

B. Needs and Uses

The FAR clause 16.203, Fixed-price contracts with economic price adjustment, and associated clauses at 52.216–2, 52.216–3, and 52.216–4, provide for upward and downward revision of the stated contract price upon occurrence of specified contingencies. In order for the contracting officer to be aware of price changes, the firm must provide pertinent information to the Government. The information is used to determine the proper amount of price adjustments required under the contract.

C. Annual Reporting Burden

Respondents: 3,550.

Total Annual Responses: 759,700.

Total Burden Hours: 1,139,550.

D. Public Comment

A 60-day notice published in the **Federal Register** at 84 FR. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0068, Economic Price Adjustment, in all correspondence.

Dated: July 29, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–16498 Filed 8–1–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0102; Docket No. 2019–0003; Sequence No. 21]

Submission for OMB Review; Prompt Payment

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision and renewal of a previously approved information collection requirement regarding prompt payment.

DATES: Submit comments on or before September 3, 2019.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Lois Mandell/IC 9000–0102, Prompt Payment.

Instructions: All items submitted must cite Information Collection 9000–0102, Prompt Payment. Comments received generally will be posted without change to *http://*

www.regulations.gov, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Funk, Procurement Analyst, at telephone 202–357–5805, or via email at *kevin.funk@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB control number, Title, and any Associated Form(s)

9000–0102, Prompt Payment.

B. Needs and Uses

Paragraph (c) of the clause at Federal Acquisition Regulation (FAR) 52.232–5, Payments Under Fixed-Price Construction Contracts, requires that contractors under fixed-price construction contracts certify, for every progress payment request, that payments to subcontractors/suppliers have been made from previous payments received under the contract and timely payments will be made from the proceeds of the payment covered by the certification, and that this payment request does not include any amount which the contractor intends to withhold from a subcontractor/supplier.

Paragraphs (e) and (g) of the clause at FAR 52.232–27, Prompt Payment for Construction Contracts, require contractors to notify the Government regarding any withheld amounts of a progress payment to a subcontractor, the specific cause for the withholding, and the remedial action to be taken by the subcontractor.

The information provided under these two clauses is used to determine the proper amount of payments to Federal contractors and understand when the contractor withholds amounts from subcontractors/suppliers after the Government has already paid the contractor the amounts withheld.

C. Annual Burden

Respondents: 13,847.
Total Annual Responses: 214,672.
Total Burden Hours: 70,842.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 84 FR 21340, on May 14, 2019. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0102, Prompt Payment, in all correspondence.

Dated: July 29, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–16500 Filed 8–1–19; 8:45 a.m.]

BILLING CODE 6820– EP –P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0070; Docket No. 2019–0003; Sequence No. 18]

Submission for OMB Review; Payments

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision and renewal of a previously approved information collection requirement regarding payments.

DATES: Submit comments on or before: September 3, 2019.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Lois Mandell/IC 9000–0070, Payments.

Instructions: All items submitted must cite Information Collection 9000–0070, Payments. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Funk, Procurement Analyst, at telephone 202–357–5805, or via email at *kevin.funk@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0070, Payments.

B. Needs and Uses

Firms performing under Federal contracts must provide adequate documentation to support requests for payment under these contracts. The documentation may range from a simple invoice to detailed cost data. The information is usually submitted once, at the end of the contract period or upon delivery of the supplies or services, but could be submitted more often depending on the payment schedule established under the contract (see Federal Acquisition Regulation (FAR) 52.232–1 through 52.232–4, 52.232–6, 52.232–7, and 52.232–10).

C. Annual Reporting Burden

Respondents: 1,724,163.

Total Annual Responses: 10,344,978.

Total Burden Hours: 2,586,245.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 84 FR 16268, on April 18, 2019. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0070, Payments, in all correspondence.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–16502 Filed 8–1–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0129; Docket No. 2019–0003; Sequence No. 26]

Information Collection; Cost Accounting Standards Administration

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on a revision and renewal concerning Cost Accounting Standards administration.

DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, 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. OMB has approved this information collection for use through October 31, 2019. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by October 1, 2019.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection by either of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Lois Mandell/IC 9000–0129, Cost Accounting Standards Administration.

Instructions: All items submitted must cite Information Collection 9000–9000–0129, Cost Accounting Standards Administration. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0129, Cost Accounting Standards Administration.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the Cost Accounting Standards (CAS) under the Federal Acquisition Regulation (FAR). FAR clause 52.230–6, Administration of Cost Accounting Standards, requires contractors performing CAS-covered contracts to submit notifications and descriptions of certain cost accounting practice changes, including revisions to their Disclosure Statements, if applicable.

The threshold for CAS applicability is required by 41 U.S.C. 1502(b)(1)(B) to be the same as the threshold for requesting certified cost or pricing data at FAR 15.403–4(a)(1). The burden was calculated with data from the Federal Procurement Data System for Fiscal year 2016 through 2018 using the increased threshold for requesting certified cost or pricing data of $2 million as proposed by FAR Case 2018–005, Modifications to Cost or Pricing Data Reporting Requirements, per section 811 of the National Defense Authorization Act for Fiscal Year 2018.

C. Annual Burden

Respondents: 599.
Total Annual Responses: 1,797.
Total Burden Hours: 314,475.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0129, Cost Accounting Standards Administration, in all correspondence.

Dated: July 29, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–16499 Filed 8–1–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0071; Docket No. 2019–0003; Sequence No. 1]

Submission for OMB Review; Price Redetermination

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision and renewal concerning price redetermination.

DATES: Submit comments on or before September 3, 2019.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0071, Price Redetermination.

Instructions: All items submitted must cite Information Collection 9000–0071, Price Redetermination, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential

information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Office of Government-wide Acquisition Policy, GSA, 202–501–1448, or email *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Number, Title, and Any Associated Form(s)

9000–0071, Price Redetermination.

B. Needs and Uses

FAR 16.205, Fixed-price contracts with prospective price redetermination, provides for firm fixed prices for an initial period of the contract and prospective redetermination of the price, at stated times during performance, during subsequent periods of performance. Prospective price redetermination is used in negotiated contracts when it is possible to establish a firm fixed price for an initial period, but not for subsequent periods of contract performance. FAR clause 52.216–5, Price Redetermination-Prospective, is included in these solicitations and contracts and requires a contractor to submit to the Government—

- Within an agreed upon timeframe, (1) proposed prices for the upcoming contract period, (2) a statement of costs incurred for the most recent period of performance, and (3) any supporting or relevant documentation; and,
- During periods where firm prices have not been established, a quarterly statement that includes a breakdown of total contract prices, costs, and profit incurred and all invoices accepted for delivered items or services for which final prices have not been established.

FAR 16.206, Fixed price contracts with retroactive price redetermination, provides for a fixed ceiling price, and retroactive price redetermination within the ceiling after completion of the contract. Retroactive price redetermination is used in research and development contracts valued at $150,000 or less when a firm fixed price cannot be negotiated and the contract amount and short performance period make the use of any other fixed-price contract type impracticable. FAR clause 52.216–6, Price Redetermination—Retroactive, is included in these solicitations and contracts and requires contractors to submit to the Government—

- Within an agreed upon timeframe after completion of the contract, (1) the proposed prices, (2) all costs incurred in performing the contract, and (3) any supporting or relevant documentation; and,
- Until final price redetermination has been completed, a quarterly statement that includes a breakdown of total contract prices, costs, and interim profit incurred and all invoices accepted for delivered items.

Contracting officers use the information submitted by respondents to accurately determine the price adjustments to be made under the contract or order in accordance with the clause.

C. Annual Reporting Burden

Respondents: 33.
Total Annual Responses: 232.
Total Burden Hours: 1,856.
Affected Public: Business or other for-profit entities.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 84 FR 18038 on April 29, 2019. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0071, Price Redetermination, in all correspondence.

Dated: July 29, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–16501 Filed 8–1–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Interagency Committee on Smoking and Health (ICSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), announces the following meeting for the Interagency Committee on Smoking and Health (ICSH). This meeting is open to the public; however, visitors must be processed in accordance with established federal policies and procedures. For foreign nationals or non-U.S. citizens, pre-approval is required (please contact Monica Swann, 202–245–0552, *zqe0@cdc.gov* at least 10 days in advance for requirements). All visitors are required to present a valid form of picture identification issued by a state, federal or international government. As required by the Federal Property Management Regulations, Title 41, Code of Federal Regulation, Subpart 101–20.301, all persons entering in or on Federal controlled property and their packages, briefcases, and other containers in their immediate possession are subject to being x-rayed and inspected. Federal law prohibits the knowing possession or the causing to be present of firearms, explosives and other dangerous weapons and illegal substances. The meeting room accommodates approximately 135 people and there are 50 lines/ports available. The public is also welcome to listen to the meeting by dialing:

Toll Free Phone: (888) 790–1712 Participant Passcode: 9556145. Participants will be able participate for the visual portion of the meeting by the following link: *https://www.hhs.gov/live/index.html.*

DATES: The meeting will be held on September 9, 2019, 9:00 a.m. to 4:00 p.m., EDT.

ADDRESSES: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, Room 800, 200 Independence Avenue SW, Washington, DC 20201, Telephone: (202)775–0800.

FOR FURTHER INFORMATION CONTACT: Simon McNabb, Designated Federal Officer, Interagency Committee on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 395 E Street SW, Washington, DC 20024, telephone (202) 245–0550; email *bol1@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Interagency Committee on Smoking and Health shall provide advice and guidance to the Secretary, Department of Health and Human Services (HHS), regarding: (a) Coordination of research, educational programs, and other activities within the Department that relate to the effect of smoking on human health and on coordination of these activities, with similar activities of other Federal and private agencies; and (b) establishment and maintenance of liaisons with appropriate private entities, other

Federal agencies, and State and local public agencies, regarding activities relating to the effect of cigarette smoking on human health.

Matters To Be Considered: The agenda will include discussions on ''Empowering Youth and Youth Influencers to Prevent the Use of Emerging Tobacco Products'' and the objective of the meeting is Identify federal actions to empower youth, parents, educators, health care professionals, and others who influence youth and young adults to prevent the initiation and use of e-cigarettes and other emerging tobacco products. Requests to make oral presentations should be submitted in writing to the contact person listed. All requests must contain the name, address, telephone number, and organizational affiliation of the presenter. Agenda items are subject to change as priorities dictate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–16536 Filed 8–1–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of closed meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC).

DATES: The meeting will be held on August 27, 2019 09:00 a.m. to 05:00 p.m., EDT (CLOSED).

ADDRESSES: In-Person and Teleconference; 4770 Buford Highway NE, Atlanta, GA 30341.

FOR FURTHER INFORMATION CONTACT: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, NCIPC, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, GA 30341, Telephone (770) 488–3953, Email address: *NCIPCBSC@cdc.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Chief Operating Officer, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463.

Purpose: The Board will: (1) Conduct, encourage, cooperate with, and assist other appropriate public health authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases, and other impairments; (2) assist States and their political subdivisions in preventing and suppressing communicable and non-communicable diseases and other preventable conditions and in promoting health and well-being; and (3) conduct and assist in research and control activities related to injury. The BSC, NCIPC makes recommendations regarding policies, strategies, objectives, and priorities; and reviews progress toward injury prevention goals and provides evidence in injury prevention-related research and programs. The Board also provides advice on the appropriate balance of intramural and extramural research, and the structure, progress and performance of intramural programs. The Board is designed to provide guidance on extramural scientific program matters, including the: (1) Review of extramural research concepts for funding opportunity announcements; (2) conduct of Secondary Peer Review of extramural research grants, cooperative agreements, and contracts applications received in response to funding opportunity announcements as they relate to the Center's programmatic balance and mission; (3) submission of secondary review recommendations to the Center Director of applications to be considered for funding support; (4) review of research portfolios, and (5) review of program proposals.

Matters To Be Considered: The agenda will include discussions on Secondary Peer Review of extramural research grant and cooperative agreement applications received in response to five (5) Notice of Funding Opportunities (NOFO): RFA–CE19–002—Research Grants to Identify Effective Strategies for Opioid Overdose Prevention; RFA–CE19–003—Evaluation of Return to School Programs for Traumatic Brain Injury; RFA–CE19–005—Research Grants for Preventing Violence and Violence-Related Injury (R01); RFA–CE19–006—Grants to Support New Investigators in Addressing Cross-Cutting Violence Prevention and Opioid Overdose Prevention and; funding notices for Small Business Innovation Research—PA–18–573–PHS 2018–02 Omnibus Solicitation of the NIH for Small Business Innovation Research Grant Applications (Parent SBIR [R43/R44] Clinical Trial Required) and/or PA–18–574–PHS 2018–02 Omnibus Solicitation of the NIH, CDC, and FDA for Small Business Innovation Research Grant Applications (Parent SBIR [R43/R44] Clinical Trial Not Allowed). Agenda items are subject to change as priorities dictate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–16534 Filed 8–1–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH). This meeting is open to the public, limited only by the space available. The meeting room accommodates approximately 33 people. The meeting is also open to the public via webcast. If you wish to attend in person or by webcast, please see the NIOSH website to register (*http://www.cdc.gov/niosh/bsc/*) or call (404–498–2539) at least five business days in advance of the meeting. Teleconference

is available toll-free; please dial (888) 397–9578, Participant Pass Code 63257516. Adobe Connect webcast will be available at *https://odniosh.adobeconnect.com/nioshbsc/* for participants wanting to connect remotely. This meeting is open to the public, limited only by the space available. The public is welcome to participate during the public comment period, 12:30 p.m. to 1 p.m. EDT September 24, 2019. Please note that the public comment period ends at the time indicated above. Each commenter will be provided up to five minutes for comment. A limited number of time slots are available and will be assigned on a first come-first served basis. Written comments will also be accepted from those unable to attend the public session via an on-line form at the following website: *http://www.cdc.gov/niosh/bsc/contact.html*.

DATES: The meeting will be held on September 24, 2019, 8:30 a.m.–2:30 p.m., EDT.

ADDRESSES: Patriots Plaza I, 395 E Street SW, Room 9000, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alberto Garcia, M.S., Executive Secretary, BSC, NIOSH, CDC, 1090 Tusculum Avenue, MS–R5, Cincinnati, OH 45226, telephone (513) 841–4596, fax (513) 841–4506, or email at *agarcia1@cdc.gov*.

SUPPLEMENTARY INFORMATION:

Purpose: The Secretary, the Assistant Secretary for Health, and by delegation the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health. The Board of Scientific Counselors provides guidance to the Director, National Institute for Occupational Safety and Health on research and prevention programs. Specifically, the Board provides guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings and disseminating results. The Board evaluates the degree to which the activities of the National Institute for Occupational Safety and Health: (1) Conform to appropriate scientific standards, (2) address current, relevant needs, and (3) produce intended results.

Matters to be Considered: The agenda for the meeting addresses occupational safety and health issues related to: NIOSH Evaluation Capacity Building Plan: The Evaluation Turning Point; Bullying, Harassment, and Physical Workplace Violence: Magnitude, Prevention Strategies, and Current NIOSH Research; and Immunological Effects of Subchronic Fungal Exposure. Agenda items are subject to change as priorities dictate. An agenda is also posted on the NIOSH website (*http://www.cdc.gov/niosh/bsc/*). Members of the public who wish to address the NIOSH BSC are requested to contact the Executive Secretary for scheduling purposes (see contact information below). Alternatively, written comments to the BSC may be submitted via an on-line form at the following website: *http://www.cdc.gov/niosh/bsc/contact.html*.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–16538 Filed 8–1–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Mine Safety and Health Research Advisory Committee (MSHRAC), Health Advisory in the Mining Program (HAMP) Workgroup

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Mine Safety and Health Research Advisory Committee (MSHRAC), Health Advisory in the Mining Program (HAMP) Workgroup. This meeting is open to the public, limited only by the space available. The public is welcome to submit written comments in advance of the meeting to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting.

DATES: The meeting will be held on September 5, 2019 from 8 a.m. to 4:15 p.m. PDT; and September 6, 2019 from 8 a.m. to 12 noon PDT.

ADDRESSES: University of Washington, 4225 Roosevelt Way NE #100, Seattle, WA 98105. The meeting will be held in the Roosevelt Building, Room 229.

FOR FURTHER INFORMATION CONTACT: Jeffrey Welsh, HAMP Workgroup Designated Federal Officer, NIOSH, CDC, 315 E Montgomery Avenue, Spokane, Washington 99207, Telephone (412) 386–4040, Email *juw5@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: This meeting is being held to discuss potential health and exposure topics related to the implementation of CDC/NIOSH's Miner Health Program administered out of the Spokane Mining Research Division (SMRD). The meeting is designed to identify current gaps in miner health research, discuss mechanisms to be established for improving communication and participation in occupational health research, and to consider how the Miner Health Program can be prospectively evaluated.

Matters To Be Considered: The agenda will include brief updates on current miner health (and related exposure) research. The updates will be followed by panel discussions regarding: (1) Mental health and substance abuse, (2) exposures as leading indicators of disease, (3) exemplar worker health programs, (4) heat stress and fitness for duty, (5) health data sources and surveillance strategies, (6) updating health and evaluation needs. Each panel will seek input and discuss the health and safety implications associated with these various topics, and identify gaps for further study. Agenda items are subject to change as priorities dictate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–16535 Filed 8–1–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Health Statistics (NCHS), ICD–10 Coordination and Maintenance (C&M) Committee Meeting

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The CDC, National Center for Health Statistics (NCHS), Classifications and Public Health Data Standards Staff, announces the following meeting of the ICD–10 Coordination and Maintenance (C&M) Committee meeting. This meeting is open to the public, limited only by the space available. The meeting room accommodates approximately 240 people. We will be broadcasting the meeting live via Webcast at *http://www.cms.gov/live/*.

DATES: The meeting will be held on September 10, 2019, 9 a.m. to 5 p.m. EDT and September 11, 2019, 9 a.m. to 5 p.m. EDT.

ADDRESSES: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244.

FOR FURTHER INFORMATION CONTACT: Traci Ramirez, Program Specialist, CDC, 3311 Toledo Rd., Hyattsville, Maryland 20782 telephone (301) 458–4454; *TRamirez@cdc.gov*.

SUPPLEMENTARY INFORMATION:

Purpose: The ICD–10 Coordination and Maintenance (C&M) Committee is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Tenth Revision, Clinical Modification and ICD–10 Procedure Coding System.

Matters To Be Considered: The tentative agenda will include discussions on ICD–10–CM and ICD–10–PCS topics listed below. Agenda items are subject to change as priorities dictate. Please refer to the posted agenda for updates one month prior to the meeting.

ICD–10–PCS Topics

Near Infrared Spectroscopy
Cesium 131 Brachytherapy seeds
Administration of Nerinitide
Intravascular Ultrasound Assisted Thrombolysis for Pulmonary Embolism
Administration of eladocagene exuparvovec
Administration of Zulresso
Section X Updates
Addenda and Key Updates

ICD–10–CM Topics

Abnormal Neonatal Screening
Pediatric Feeding Disorder
Sickle Cell Disease
X-Linked Myotubular Myopathy
ICD–10–CM Addendum

Security Considerations: Due to increased security requirements, CMS has instituted stringent procedures for entrance into the building by non-government employees. Attendees will need to present valid government-issued picture identification, and sign-in at the security desk upon entering the building.

Attendees who wish to attend the September 10–11, 2019, ICD–10–CM C&M meeting must submit their name and organization by September 2, 2019, for inclusion on the visitor list. This visitor list will be maintained at the front desk of the CMS building and used by security to admit visitors to the meeting. To request reasonable accommodation, please contact the CMS Reasonable Accommodation Program at Email *reasonableaccommodationprogram@cms.hhs.gov*.

Participants who attended previous Coordination and Maintenance meetings will no longer be automatically added to the visitor list. You must request inclusion of your name prior to each meeting you wish attend.

Please register to attend the meeting on-line at: *http://www.cms.hhs.gov/apps/events/*.

Please contact Mady Hue (410–786–4510) or *Marilu.hue@cms.hhs.gov* for questions about the registration process.

Note: CMS and NCHS no longer provide paper copies of handouts for the meeting. Electronic copies of all meeting materials will be posted on the CMS and NCHS websites prior to the meeting at *http://www.cms.hhs.gov/ICD9ProviderDiagnosticCodes/03_meetings.asp#TopOfPage* and *https://www.cdc.gov/nchs/icd/icd10cm_maintenance.htm*.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–16537 Filed 8–1–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC); Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC); July 16, 2019, 4:30 p.m. to 5:30 p.m., EDT (CLOSED) and July 17, 2019, 9 a.m. to 5 p.m., EDT (OPEN). 4770 Buford Highway NE, Atlanta, GA 30341; Teleconference Number: 1–866–692–4541, Participant Code: 12365987 which was published in the **Federal Register** on May 16, 2019, Volume 84, Number 95, pages 22129—22130.

The amended meeting should read Day One: The agenda will focus on the secondary peer review of extramural research grant application received in response to one (1) Notice of Funding Opportunity (NOFO): RFA–CE–19–004, ''Etiologic and Effectiveness Research to Address Polysubstance Impaired Driving''. The meeting on July 16, 2019 is closed to the public.

FOR FURTHER INFORMATION CONTACT: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, NCIPC, CDC, 4770 Buford Highway, NE, Mailstop F–63, Atlanta, GA 30341, Telephone (770) 488–3953, Email address: *NCIPCBSC@cdc.gov*.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–16540 Filed 8–1–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Generic Program-Specific Performance Progress Report (0970–0490)

AGENCY: Office of Planning, Research, and Evaluation; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: This Notice describes the proposal to extend data collection under the Administration for Children and Families (ACF) Generic Program-Specific Performance Progress Report (PPR) (0970–0490). This overarching generic allows ACF program offices to collect performance and progress data from recipients and sub-recipients who receive funding from ACF under a discretionary grant or cooperative agreement. This information is required under 45 CFR 75.342, monitoring and reporting program performance. The generic program-specific PPR was originally approved in January 2017.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ACF is primarily a grant-making agency that promotes the economic and social well-being of families, children, individuals and communities with partnerships, funding, guidance, training and technical assistance. Prior to the use of this generic program-specific PPR, a standard ACF PPR (#0970–0406) was used for all ACF discretionary grant and cooperative agreement awards for post award reporting. Historically, on the standard ACF PPR form, ACF required grantees to only respond to a common set of broad questions, which often solicited qualitative or incomplete information. This one-size-fits-all approach did not adequately collect the specific data needed for particular grant programs or allow program offices to assess continuous quality improvement. Different grant programs vary in purpose, target population, and activities. Therefore, a need for program offices to customize performance measurements was identified and the generic program-specific PPR was developed.

ACF program offices have benefited from the ability to create and use a program-specific PPR that is more effective and includes specific data elements that reflects a specific program's indicators, demographics, priorities and objectives.

A generic program-specific PPR that can be tailored for program-specific needs allows program offices to collect useful data in a uniform and systematic manner. The reporting format allows program offices to gather uniform program performance data from each grantee, allowing aggregation at the program level to calculate outputs and outcomes, providing a snapshot and allowing for longitudinal analysis.

Data from a tailored program-specific PPR that demonstrates a program's successes and challenges have been useful for accountability purposes, such as required reports to Congress. Moreover, it has been useful for program management and oversight, such as identifying grantees' technical assistance needs and ensuring compliance with Federal and programmatic regulations and policies.

Respondents: ACF Grantees

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hour per response	Total burden hours
Program Specific PPRs	2,000	2	1	4,000

Estimated Total Annual Burden Hours: 4000.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–16518 Filed 8–1–19; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Reallotment of FY 2019 Funds

AGENCY: Administration on Disabilities (AoD), Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS).

ACTION: Notice of reallotment of FY 2019 funds.

AOD intends to reallot funds under the authority of Section 122(e) and Section 142(a)(1) of the Development Disabilities Assistance and Bill of Rights Act of 2000, (Pub. L. 106–402) which states: ''If the Secretary determines that an amount of an allotment to a State for a period (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallot the amount.''

AOD will be reallotting FY 2019 funds awarded to the State Council on Developmental Disabilities (SCDD) located within the Commonwealth of Puerto Rico. This determination is based on the limited reported expenditures

and requests for reimbursement over the last several years from the SCDD in the Commonwealth of Puerto Rico.

The Puerto Rico SCDD will have up to $2 million rescinded and proportionately redistributed to the remaining SCDDs. SCDDs that receive FY 2019 realloted funds will have through the end of FY 2020 to obligate the funds and until the end of FY 2021 to liquidate the funds.

Realloted funds for the SCDDs must be used according to the terms as outlined in the FY 2019 Notice of Award for each program.

DATES: Funds will be realloted after August 15, 2019 and before September 30, 2019.

FOR FURTHER INFORMATION CONTACT: Allison Cruz, Office of Intellectual and Developmental Disabilities, Administration on Disabilities, Administration for Community Living, 330 C St. SW, Washington, DC 20201. Telephone (202) 795–7408. Email *allison.cruz@acl.hhs.gov.* Please note the telephone number is not toll free. This document will be made available in alternative formats upon request. Written correspondence can be sent to Administration for Community Living, U.S. Department of Health and Human Services, 330 C St. SW, Washington, DC 20201.

Dated: July 25, 2019.

Julie E. Hocker,

Commissioner, Administration on Disabilities.

[FR Doc. 2019–16546 Filed 8–1–19; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1772]

Oncology Therapeutic Radiopharmaceuticals: Nonclinical Studies and Labeling Recommendations; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Oncology Therapeutic Radiopharmaceuticals: Nonclinical Studies and Labeling Recommendations.'' The purpose of this guidance is to assist sponsors in designing appropriate nonclinical studies before initiation of first-in-human (FIH) trials and through product approval. In addition, this guidance provides recommendations for product labeling, such as duration of contraception to minimize potential risk to a developing embryo or fetus, and recommendations for lactating women to minimize potential risk to a nursing child. This guidance is intended to provide recommendations for nonclinical programs in a unique and challenging area of product development, provide a more consistent approach in nonclinical studies and product labeling, and reduce the conduct of nonclinical studies that are not informative for product use.

DATES: The announcement of the guidance is published in the **Federal Register** on August 2, 2019.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–1772 for ''Oncology Therapeutic Radiopharmaceuticals: Nonclinical Studies and Labeling Recommendations.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for

Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Haleh Saber, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2117, Silver Spring, MD 20993–0002, 301–796–7550; or John Leighton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2204, Silver Spring, MD 20993–0002, 301–796–7550.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance for industry entitled ''Oncology Therapeutic Radiopharmaceuticals: Nonclinical Studies and Labeling Recommendations.'' This guidance represents FDA's current thinking on nonclinical studies needed in support of FIH studies and for approval for therapeutic radiopharmaceuticals. *Therapeutic radiopharmaceutical* refers to a pharmaceutical that contains a radionuclide and is used in patients with cancer to treat the disease or palliate tumor-related symptoms (*e.g.,* pain). This guidance discusses the following concepts: Evaluation of toxicities from the ligand; evaluation of radiation toxicities; and information for product labeling as related to reproductive toxicity, genotoxicity, carcinogenicity, contraception, and use in lactating women.

Currently, no FDA or International Council for Harmonisation guidance addresses nonclinical studies in support of FIH trials and approval for radiopharmaceuticals for treatment of cancer. The guidance for industry ''Nonclinical Evaluation of Late Radiation Toxicity of Therapeutic Radiopharmaceuticals'' (available at *https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM079242.pdf*) describes nonclinical studies to address late radiation toxicity only. This guidance, however, provides further clarification of recommendations made in that guidance for the timing and design of late radiation toxicity studies. This guidance is intended to bring consistency in nonclinical safety assessment and in product labeling for therapeutic radiopharmaceuticals and to reduce the number of nonclinical studies that are not informative for product use.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Oncology Therapeutic Radiopharmaceuticals: Nonclinical Studies and Labeling Recommendations.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information in 21 CFR 312.23(a)(8) for submitting pharmacological and toxicology information has been approved under OMB control number 0910–0014; the collection of information in 21 CFR 201.56 and 201.57 for preparing human prescription drug labeling has been approved under OMB control number 0910–0572; the collection of information in the ''Content and Format of Labeling for Human Prescription Drug and Biological Products; Requirements for Pregnancy and Lactation Labeling'' final rule has been approved under OMB control number 0910–0624.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs* or *https://www.regulations.gov.*

Dated: July 29, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–16504 Filed 8–1–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0007]

Prescription Drug User Fee Rates for Fiscal Year 2020

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the rates for prescription drug user fees for fiscal year (FY) 2020. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Prescription Drug User Fee Amendments of 2017 (PDUFA VI), authorizes FDA to collect application fees for certain applications for the review of human drug and biological products, and prescription drug program fees for certain approved products. This notice establishes the fee rates for FY 2020.

FOR FURTHER INFORMATION CONTACT: Melissa Hurley, Office of Financial Management, Food and Drug Administration, 4041 Powder Mill Rd., Rm. 61075, Beltsville, MD 20705–4304, 240–402–4585.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 735 and 736 of the FD&C Act (21 U.S.C. 379g and 379h, respectively) establish two different kinds of user fees. Fees are assessed as follows: (1) Application fees are assessed on certain types of applications for the review of human drug and biological products; and (2) prescription drug program fees are assessed on certain approved products (section 736(a) of the FD&C Act). When specific conditions are met, FDA may waive or reduce fees (section 736(d) of the FD&C Act) or exempt certain prescription drug products from fee (section 736(k) of the FD&C Act).

For FY 2018 through FY 2022, the base revenue amounts for the total revenues from all PDUFA fees are established by PDUFA VI. The base revenue amount for FY 2020 is $1,001,479,592. The FY 2020 base revenue amount is adjusted for inflation and for the resource capacity needs for the process for the review of human drug applications (the capacity planning adjustment). An additional dollar amount specified in the statute (see section 736(b)(1)(F) of the FD&C Act) is then added to provide for additional full-time equivalent (FTE) positions to support PDUFA VI initiatives. The FY 2020 revenue amount may be adjusted further, if necessary, to provide for

sufficient operating reserves of carryover user fees. Finally, the amount is adjusted to provide for additional direct costs to fund PDUFA VI initiatives. Fee amounts are to be established each year so that revenues from application fees provide 20 percent of the total revenue, and prescription drug program fees provide 80 percent of the total revenue.

This document provides fee rates for FY 2020 for an application requiring clinical data ($2,942,965), for an application not requiring clinical data ($1,471,483), and for the prescription drug program fee ($325,424). These fees are effective on October 1, 2019, and will remain in effect through September 30, 2020. For applications that are submitted on or after October 1, 2019, the new fee schedule must be used.

II. Fee Revenue Amount for FY 2020

The base revenue amount for FY 2020 is $1,001,479,592 prior to adjustments for inflation, capacity planning, additional FTE, operating reserve, and additional direct costs (see section 736(b)(1) of the FD&C Act).

A. FY 2020 Statutory Fee Revenue Adjustments for Inflation

PDUFA VI specifies that the $1,001,479,592 is to be adjusted for inflation increases for FY 2020 using two separate adjustments—one for personnel compensation and benefits (PC&B) and one for non-PC&B costs (see section 736(c)(1) of the FD&C Act).

The component of the inflation adjustment for payroll costs shall be one plus the average annual percent change in the cost of all PC&B paid per FTE positions at FDA for the first 3 of the preceding 4 FYs, multiplied by the proportion of PC&B costs to total FDA costs of the process for the review of human drug applications for the first 3 of the preceding 4 FYs (see section 736(c)(1)(A) and (B) of the FD&C Act).

Table 1 summarizes the actual cost and FTE data for the specified FYs and provides the percent changes from the previous FYs and the average percent changes over the first 3 of the 4 FYs preceding FY 2020. The 3-year average is 3.1175 percent.

TABLE 1—FDA PERSONNEL COMPENSATION AND BENEFITS (PC&B) EACH YEAR AND PERCENT CHANGES

Fiscal year	2016	2017	2018	3-Year Average
Total PC&B	$2,414,728,159	$2,581,551,000	$2,690,678,000	.....
Total FTE	16,381	17,022	17,023	.....
PC&B per FTE	$147,408	$151,660	$158,061	.....
Percent Change From Previous Year	2.2474	2.8845	4.2206	3.1175

The statute specifies that this 3.1175 percent be multiplied by the proportion of PC&B costs to the total FDA costs of the process for the review of human drug applications. Table 2 shows the PC&B and the total obligations for the process for the review of human drug applications for the first 3 of the preceding 4 FYs.

TABLE 2—PC&B AS A PERCENT OF TOTAL COST OF THE PROCESS FOR THE REVIEW OF HUMAN DRUG APPLICATIONS

Fiscal year	2016	2017	2018	3-Year average
Total PC&B	$652,508,273	$711,016,627	$792,900,647	.....
Total Costs	$1,157,817,695	$1,206,657,269	$1,374,508,527	.....
PC&B Percent	56.3567	58.9245	57.6861	57.6558

The payroll adjustment is 3.1175 percent from table 1 multiplied by 57.6558 percent (or 1.7974 percent).

The statute specifies that the portion of the inflation adjustment for non-payroll costs is the average annual percent change that occurred in the Consumer Price Index (CPI) for urban consumers (Washington-Baltimore, DC-MD-VA-WV; not seasonally adjusted; all items; annual index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than PC&B costs to total costs of the process for the review of human drug applications for the first 3 years of the preceding 4 FYs (see section 736(c)(1)(B) of the FD&C Act). As a result of a geographical revision made by the Bureau of Labor and Statistics in January 2018,[1] the ''Washington-Baltimore, DC-MD-VA-WV'' index was discontinued and replaced with two separate indices (*i.e.,* ''Washington-Arlington-Alexandria, DC-VA-MD-WV'' and ''Baltimore-Columbia-Towson, MD''). In order to continue applying a CPI that best reflects the geographic region in which FDA is headquartered and that provides the most current data available, the Washington-Arlington-Alexandria index will be used in calculating the relevant adjustment factors for FY 2020 and subsequent years. Table 3 provides the summary data for the percent changes in the specified CPI for the Washington-Arlington-Alexandria area. The data are published by the Bureau of Labor Statistics and can be found on its website at: *https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUURS35ASA0, CUUSS35ASA0.*

TABLE 3—ANNUAL AND 3-YEAR AVERAGE PERCENT CHANGE IN CPI FOR WASHINGTON-ARLINGTON-ALEXANDRIA AREA

Year	2016	2017	2018	3-Year average
Annual CPI	253.422	256.221	261.445	.....
Annual Percent Change	1.1003	1.1045	2.0389	1.4146

[1] The Bureau of Labor Statistics' announcement of the geographical revision can be viewed at *https://www.bls.gov/cpi/additional-resources/geographic-revision-2018.htm.*

The statute specifies that this 1.4146 percent be multiplied by the proportion of all costs other than PC&B to total costs of the process for the review of human drug applications obligated. Because 57.6558 percent was obligated for PC&B (as shown in table 2), 42.3442 percent is the portion of costs other than PC&B (100 percent minus 57.6558 percent equals 42.3442 percent). The non-payroll adjustment is 1.4146 percent times 42.3442 percent, or 0.5990 percent.

Next, we add the payroll adjustment (1.7974 percent) to the non-payroll adjustment (0.5990 percent), for a total inflation adjustment of 2.3964 percent (rounded) for FY 2020.

We then multiply the base revenue amount for FY 2020 ($1,001,479,592) by 1.023964, yielding an inflation-adjusted amount of $1,025,479,049.

B. FY 2020 Statutory Fee Revenue Adjustments for Capacity Planning

The statute specifies that after $1,001,479,592 has been adjusted for inflation, the inflation-adjusted amount shall be further adjusted to reflect changes in the resource capacity needs for the process of human drug application reviews (see section 736(c)(2) of the FD&C Act). The statute prescribes an interim capacity planning adjustment be utilized until a new methodology can be developed through a process involving an independent evaluation as well as obtaining public comment. The interim capacity planning adjustment is applied to FY 2020 fee setting.

To determine the FY 2020 capacity planning adjustment, FDA calculated the average number of each of the five elements specified in the capacity planning adjustment provision: (1) Human drug applications (new drug applications (NDAs)/biologics license applications (BLAs)); (2) active commercial investigational new drug applications (INDs) (IND applications that have at least one submission during the previous 12 months); (3) efficacy supplements; (4) manufacturing supplements; and (5) formal meetings, type A, B, B(EoP), C, and written responses only (WRO) issued in lieu of such formal meetings, over the 3-year period that ended on June 30, 2018, and the average number of each of these elements over the most recent 3-year period that ended June 30, 2019.

The calculations are summarized in table 4. The 3-year averages for each element are provided in column 1 (''3-Year Average Ending 2018'') and column 2 (''3-Year Average Ending 2019''). Column 3 reflects the percent change from column 1 to column 2. Column 4 shows the weighting factor for each element. The weighting factor methodology has been updated for PDUFA VI. The previous methodology relied on the relative value of the standard costs for the elements included in the adjuster, and summed to 100 percent. The weighting factor now is the time invested in activities related to the element expressed as a percentage of total time invested in PDUFA activities, and will adjust only the costs attributed to the elements included in the model (hence the weighting factor does not now sum to 100 percent). Column 5 is the weighted percent change in each element. This is calculated by multiplying the weighting factor in each line in column 4 by the percent change in column 3. The values in column 5 are summed, reflecting an adjustment of 2.2697 percent (rounded).

TABLE 4—CAPACITY PLANNING ADJUSTER (INTERIM METHODOLOGY) CALCULATION FOR FY 2020

Element	Column 1 3-Year average ending 2018	Column 2 3-Year average ending 2019	Column 3 Percent change (column 1 to column 2)	Column 4 Weighting factor (percent)	Column 5 Weighted percent Lchange
NDAs/BLAs	162.00	168.67	4.1152	16.5464	0.6809
Active Commercial INDs	8,057.00	8,335.67	3.4587	22.2644	0.7701
Efficacy Supplements	234.33	262.33	11.9488	4.1340	0.4940
Manufacturing Supplements	2,561.67	2,578.67	0.6636	5.2980	0.0352
Meetings Scheduled and WROs	3,136.33	3,295.33	5.0696	5.7119	0.2896
FY 2020 Capacity Planning Adjuster	2.2697				

Table 5 shows the calculation of the inflation and capacity planning adjusted amount for FY 2020. The FY 2020 base revenue amount, $1,001,479,592, shown on line 1 is multiplied by the inflation adjustment factor of 1.023964, resulting in the inflation-adjusted amount of $1,025,479,049 shown on line 3. That amount is then multiplied by one, plus the capacity planning adjustment of 2.2697 percent, resulting in the inflation and capacity planning adjusted amount of $1,048,754,347 shown on line 5.

TABLE 5—PDUFA INFLATION AND CAPACITY PLANNING ADJUSTED AMOUNT FOR FY 2020, SUMMARY CALCULATION

FY 2020 Revenue Amount	$1,001,479,592	Line 1.
Inflation Adjustment Factor for FY 2020 (1 plus 2.3964 percent)	1.023964	Line 2.
Inflation-Adjusted Amount	$1,025,479,049	Line 3.
Capacity Planning Adjustment Factor for FY 2020 (1 plus 2.2697 percent)	1.022697	Line 4.
Inflation and Capacity Planning Adjusted Amount	$1,048,754,347	Line 5.

The capacity planning adjustment adds $23,275,298 to the fee revenue amount for FY 2020. This increase is driven by the fact that the counts of elements for 2019 (year ending June 30) are at or near the highest levels since the first incorporation of the workload adjuster in 2003. The NDA/BLA count in 2019 is the second highest annual number recorded since the advent of the workload adjuster methodology in 2003. Active commercial INDs, efficacy supplements, and meetings/WROs are higher in 2019 than in any previous year recorded in the workload adjuster (note: meetings/WROs have been recorded only since 2014, while the other elements have been recorded since 2003). The manufacturing supplement count is approximately 6 percent below the highest number recorded in the

history of the workload adjuster. Comparing 2019 to 2016, the first year included in the average in column 1 in the adjustment, NDA/BLAs are 14 percent higher, active commercial INDs are 11 percent higher, efficacy supplements are 39 percent higher, manufacturing supplements are 2 percent higher, and meetings scheduled and WROs are 16 percent higher. This significant and across the board increase in submission activity is the driver of the $23,275,298 upward adjustment to the fee revenue amount.

Per the commitments made in PDUFA VI, this increase in the revenue amount will be allocated to and used by organizational review components engaged in direct review work to enhance resources and expand staff capacity and capability (see II.A.4 on p.37 of the PDUFA VI commitment letter).[2]

C. FY 2020 Statutory Fee Revenue Adjustments for Additional Dollar Amounts

PDUFA VI provides an additional dollar amount for each of the 5 fiscal years covered by PDUFA VI for additional FTE to support PDUFA VI enhancements outlined in the PDUFA VI commitment letter. The amount for FY 2020 is $16,953,329 (see section 736(b)(1)(F) of the FD&C Act). Adding this amount to the inflation and capacity planning adjusted revenue amount, $1,048,754,347, equals $1,065,707,676.

D. FY 2020 Statutory Fee Revenue Adjustments for Operating Reserve

PDUFA VI provides for an operating reserve adjustment to allow FDA to increase the fee revenue and fees for any given fiscal year during PDUFA VI to maintain up to 14 weeks of operating reserve of carryover user fees. If the carryover balance exceeds 14 weeks of operating reserves, FDA is required to decrease fees to provide for not more than 14 weeks of operating reserves of carryover user fees.

To determine the 14-week operating reserve amount, the FY 2020 annual base revenue adjusted for inflation, capacity planning, and additional dollar amounts, $1,065,707,676, is divided by 52, and then multiplied by 14. The 14-week operating reserve amount for FY 2020 is $286,921,297.

To determine the end of year operating reserve amount, the Agency must assess actual operating reserve at the end of the third quarter of FY 2019, and forecast collections and obligations in the fourth quarter of FY 2019. The estimated end of year FY 2019 operating reserve is $186,273,705.

Because the estimated end of year FY 2020 PDUFA operating reserve does not exceed the 14-week operating reserve for FY 2020, FDA will not reduce the FY 2020 PDUFA fee revenue in FY 2020.

E. FY 2020 Statutory Fee Revenue Adjustments for Additional Direct Cost

PDUFA VI specifies that $8,730,000, adjusted for inflation, be added in addition to the operating reserve adjustment to account for additional direct costs in FY 2020. This additional direct cost adjustment is adjusted for inflation by multiplying $8,730,000 by the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All Items; Annual Index) for the most recent year of available data, divided by such index for 2016 (see section 736(c)(4)(B) of the FD&C Act). Because of the geographical revision made by the Bureau of Labor and Statistics, the Washington-Arlington-Alexandria index will be used in calculating the direct cost adjustment inflation factor for FY 2020 and subsequent years. The annual index for 2018, 261.445, divided by such index for 2016, 253.422, results in an adjustment factor of 1.031659, making the additional direct cost adjustment equal to $9,006,383.

The final FY 2020 PDUFA target revenue is $1,074,714,000 (rounded to the nearest thousand dollars).

III. Application Fee Calculations

A. Application Fee Revenues and Application Fees

Application fees will be set to generate 20 percent of the total target revenue amount, or $214,942,800 in FY 2020.

B. Estimate of the Number of Fee-Paying Applications and Setting the Application Fees

FDA will estimate the total number of fee-paying full application equivalents (FAEs) it expects to receive during the next FY by averaging the number of fee-paying FAEs received in the 3 most recently completed FYs. Prior year FAE totals are updated annually to reflect refunds and waivers processed after the close of the FY.

In estimating the number of fee-paying FAEs, a full application requiring clinical data counts as one FAE. An application not requiring clinical data counts as one-half of an FAE. An application that is withdrawn before filing, or refused for filing, counts as one-fourth of an FAE if the applicant initially paid a full application fee, or one-eighth of an FAE if the applicant initially paid one-half of the full application fee amount. Prior to PDUFA VI, the FAE amount also included supplements; supplements have been removed from the FAE calculation as the supplement fee has been discontinued in PDUFA VI.

As table 6 shows, the average number of fee-paying FAEs received annually in the most recent 3-year period is 73.036145 FAEs. FDA will set fees for FY 2020 based on this estimate as the number of full application equivalents that will pay fees.

TABLE 6—FEE-PAYING FAES

FY	2016	2017	2018	3-Year average
Fee-Paying FAEs	70.483437	79.750000	68.874999	73.036145

Note: Prior year FAE totals are updated annually to reflect refunds and waivers processed after the close of the FY.

The FY 2020 application fee is estimated by dividing the average number of full applications that paid fees over the latest 3 years, 73.036145, into the fee revenue amount to be derived from application fees in FY 2020, $214,942,800. The result is a fee of $2,942,965 per full application requiring clinical data, and $1,471,483 per application not requiring clinical data.

IV. Fee Calculations for Prescription Drug Program Fees

PDUFA VI assesses prescription drug program fees for certain prescription drug products; in addition, an applicant will not be assessed more than five

[2] The PDUFA VI commitment letter can be viewed at *https://www.fda.gov/downloads/forindustry/userfees/prescriptiondruguserfee/ucm511438.pdf.*

program fees for a fiscal year for prescription drug products identified in a single approved NDA or BLA (see section 736(a)(2)(C)). Applicants are assessed a program fee for a fiscal year only for user fee eligible prescription drug products identified in a human drug application approved as of October 1 of such fiscal year.

FDA estimates 2,740 program fees will be invoiced in FY 2020 before factoring in waivers, refunds, and exemptions. FDA approximates that there will be 54 waivers and refunds granted. In addition, FDA approximates that another 44 program fees will be exempted in FY 2020 based on the orphan drug exemption in section 736(k) of the FD&C Act. FDA estimates 2,642 program fees in FY 2020, after allowing for an estimated 98 waivers and reductions, including the orphan drug exemptions. The FY 2020 prescription drug program fee rate is calculated by dividing the adjusted total revenue from program fees ($859,771,200) by the estimated 2,642 program fees, for a FY 2020 program fee of $325,424.

V. Fee Schedule for FY 2020

The fee rates for FY 2020 are displayed in table 7:

TABLE 7—FEE SCHEDULE FOR FY 2020

Fee category	Fee rates for FY 2020
Application:	
Requiring clinical data	$2,942,965
Not requiring clinical data	1,471,483
Program	325,424

VI. Fee Payment Options and Procedures

A. Application Fees

The appropriate application fee established in the new fee schedule must be paid for any application subject to fees under PDUFA that is submitted on or after October 1, 2019. Payment must be made in U.S. currency by electronic check, check, bank draft, wire transfer, or U.S. postal money order payable to the order of the Food and Drug Administration. The preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express).

FDA has partnered with the U.S. Department of the Treasury to use *Pay.gov,* a web-based payment application, for online electronic payment. The *Pay.gov* feature is available on the FDA website after completing the Prescription Drug User Fee Cover Sheet and generating the user fee ID number. Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay* (*Note:* Only full payments are accepted. No partial payments can be made online). Once an invoice is located, ''Pay Now'' should be selected to be redirected to *Pay.gov.* Electronic payment options are based on the balance due. Payment by credit card is available for balances that are less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S bank accounts as well as U.S. credit cards.

If a check, bank draft, or postal money order is submitted, make it payable to the order of the Food and Drug Administration and include the user fee ID number to ensure that the payment is applied to the correct fee(s). Payments can be mailed to: Food and Drug Administration, P.O. Box 979107, St. Louis, MO 63197–9000. If a check, bank draft, or money order is to be sent by a courier that requests a street address, the courier should deliver your payment to: U.S. Bank, Attention: Government Lockbox 979107, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This U.S. Bank address is for courier delivery only. If you have any questions concerning courier delivery, contact the U.S. Bank at 314–418–4013. This telephone number is only for questions about courier delivery). Please make sure that the FDA post office box number (P.O. Box 979107) is written on the check, bank draft, or postal money order.

For payments made by wire transfer, include the unique user fee ID number to ensure that the payment is applied to the correct fee(s). Without the unique user fee ID number, the payment may not be applied, which could result in FDA not filing an application and other penalties. The originating financial institution may charge a wire transfer fee. Applicable wire transfer fees must be included with payment to ensure fees are fully paid. Questions about wire transfer fees should be addressed to the financial institution. The account information for wire transfers is as follows: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No.: 75060099, Routing No.: 021030004, SWIFT: FRNYUS33. If needed, FDA's tax identification number is 53–0196965.

B. Prescription Drug Program Fees

FDA will issue invoices and payment instructions for FY 2020 program fees under the new fee schedule in August 2019. Payment will be due on October 1, 2019. FDA will issue invoices in December 2019 for FY 2020 program fees that qualify for fee assessments after the August 2019 billing.

Dated: July 29, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–16435 Filed 8–1–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–2837]

Testing and Labeling Medical Devices for Safety in the Magnetic Resonance Environment; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled ''Testing and Labeling Medical Devices for Safety in the Magnetic Resonance (MR) Environment.'' FDA developed this draft guidance to provide FDA's recommendations on the testing needed for assessing the safety and compatibility of medical devices in the Magnetic Resonance (MR) Environment and the recommended format for Magnetic Resonance Imaging (MRI) Safety Information in medical device labeling. This draft guidance document is anticipated to aid in consistency of reviews, testing, and MRI safety labeling across a variety of medical devices. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by October 1, 2019 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to

the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–D–2837 for ''Testing and Labeling Medical Devices for Safety in the Magnetic Resonance (MR) Environment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Testing and Labeling Medical Devices for Safety in the Magnetic Resonance (MR) Environment'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Terry Woods, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 62, Rm. 2116, Silver Spring, MD 20993–0002, 301–796–2503.

SUPPLEMENTARY INFORMATION:

I. Background

The MR Environment presents unique safety hazards for patients and other persons with devices near or inside an MR system. Ensuring safety and effectiveness for a medical device intended to enter the MR Environment should be an integral part of the device risk management. Appropriate testing and labeling, such as well supported MR Conditional labeling, should form the basis of adequate mitigations for the unique safety hazards in the MR Environment. This guidance document outlines FDA's current thinking on the testing needed for assessing the safety and compatibility of medical devices in the MR Environment and the recommended format for MRI Safety Information in device labeling.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Testing and Labeling Medical Devices for Safety in the Magnetic Resonance (MR) Environment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''Testing and Labeling Medical Devices for Safety in the Magnetic Resonance (MR) Environment'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1500059 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following table:

21 CFR part or guidance	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
"De Novo Classification Process (Evaluation of Automatic Class III Designation)".	De Novo classification process	0910–0844
"Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff".	Q-Submissions	0910–0756
801 and 809	Medical Device Labeling Regulations	0910–0485

Dated: July 29, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–16505 Filed 8–1–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3560]

Biosimilar User Fee Rates for Fiscal Year 2020

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the rates for biosimilar user fees for fiscal year (FY) 2020. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Biosimilar User Fee Amendments of 2017 (BsUFA II), authorizes FDA to assess and collect user fees for certain activities in connection with biosimilar biological product development; review of certain applications for approval of biosimilar biological products; and each biosimilar biological product approved in a biosimilar biological product application.

BsUFA II directs FDA to establish, before the beginning of each fiscal year, the amount of initial and annual biosimilar biological product development (BPD) fees, the reactivation fee, and the biosimilar biological product application and program fees for such year. These fees apply to the period from October 1, 2019, through September 30, 2020.

FOR FURTHER INFORMATION CONTACT: Melissa Hurley, Office of Financial Management, Food and Drug Administration, 4041 Powder Mill Rd., Rm. 61075, Beltsville, MD 20705–4304, 240–402–4585.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 744G, 744H, and 744I of the FD&C Act (21 U.S.C. 379j–51, 379j–52, and 379j–53), as amended by BsUFA II (title IV of the FDA Reauthorization Act of 2017, Pub. L. 115–52), authorize the collection of fees for biosimilar biological products. Under section 744H(a)(1)(A) of the FD&C Act, the initial BPD fee for a product is due when the sponsor submits an investigational new drug (IND) application that FDA determines is intended to support a biosimilar biological product application or within 5 calendar days after FDA grants the first BPD meeting, whichever occurs first. A sponsor who has paid the initial BPD fee is considered to be participating in FDA's BPD program for that product.

Under section 744H(a)(1)(B) of the FD&C Act, once a sponsor has paid the initial BPD fee for a product, the annual BPD fee is assessed beginning with the next fiscal year. The annual BPD fee is assessed for the product each fiscal year until the sponsor submits a marketing application for the product that is accepted for filing or the sponsor discontinues participation in FDA's BPD program for the product.

Under section 744H(a)(1)(D) of the FD&C Act, if a sponsor has discontinued participation in FDA's BPD program and wants to re-engage with FDA on development of the product, the sponsor must pay a reactivation fee to resume participation in the program. The sponsor must pay the reactivation fee by the earlier of the following dates: No later than 5 calendar days after FDA grants the sponsor's request for a BPD meeting for that product or upon the date of submission by the sponsor of an IND describing an investigation that FDA determines is intended to support a biosimilar biological product application for that product. The sponsor will be assessed an annual BPD fee beginning with the first fiscal year after payment of the reactivation fee.

BsUFA II also authorizes fees for certain biosimilar biological product applications and for each biosimilar biological product identified in an approved biosimilar biological product application (section 744H(a)(2) and (3) of the FD&C Act). Under certain conditions, FDA will grant a small business a waiver from its first biosimilar biological product application fee (section 744H(d)(1) of the FD&C Act).

For FY 2018 through FY 2022, the base revenue amounts for the total revenues from all BsUFA fees are established by BsUFA II. For FY 2020, the base revenue amount is the FY 2019 inflation adjusted fee revenue amount of $40,947,463. The FY 2020 base revenue amount is to be adjusted for inflation and may be reduced, as appropriate, for long-term financial planning purposes.

This document provides fee rates for FY 2020 for the initial and annual BPD fee ($117,987), for the reactivation fee ($235,975), for an application requiring clinical data ($1,746,745), for an application not requiring clinical data ($873,373), and for the program fee ($304,162). These fees are effective on October 1, 2019, and will remain in effect through September 30, 2020. For applications that are submitted on or after October 1, 2019, the new fee schedule must be used.

II. Fee Revenue Amount for FY 2020

The base revenue amount for FY 2020 is $40,947,463 prior to adjustments for inflation and operating reserves (see section 744H(c)(1) and (3) of the FD&C Act).

A. FY 2020 Statutory Fee Revenue Adjustments for Inflation

BsUFA II specifies that the $40,947,463 is to be adjusted for inflation increases for FY 2020 using two separate adjustments—one for personnel compensation and benefits (PC&B) and one for non-PC&B costs (see section 744H(c)(1) of the FD&C Act).

The component of the inflation adjustment for payroll costs shall be one plus the average annual percent change in the cost of all PC&B paid per full-time equivalent (FTE) positions at FDA for the first 3 of the preceding 4 FYs,

multiplied by the proportion of PC&B costs to total FDA costs of the process for the review of biosimilar biological product applications for the first 3 of the preceding 4 FYs (see section 744H(c)(1)(B) of the FD&C Act).

Table 1 summarizes the actual cost and FTE data for the specified FYs and provides the percent changes from the previous FYs and the average percent changes over the first 3 of the 4 FYs preceding FY 2020. The 3-year average is 3.1175 percent.

TABLE 1—FDA PC&B EACH YEAR AND PERCENT CHANGES

Fiscal year	2016	2017	2018	3-Year average
Total PC&B	$2,414,728,159	$2,581,551,000	$2,690,678,000	
Total FTE	16,381	17,022	17,023	
PC&B per FTE	$147,408	$151,660	$158,061	
Percent Change From Previous Year	2.2474%	2.8845%	4.2206%	3.1175%

The statute specifies that this 3.1175 percent be multiplied by the proportion of PC&B costs to the total FDA costs of the process for the review of biosimilar biological product applications. Table 2 shows the PC&B and the total obligations for the process for the review of biosimilar biological product applications for the first 3 of the preceding 4 FYs.

TABLE 2—PC&B AS A PERCENT OF TOTAL COST OF THE PROCESS FOR THE REVIEW OF BIOSIMILAR BIOLOGICAL PRODUCT APPLICATIONS

Fiscal year	2016	2017	2018	3-Year average
Total PC&B	$26,775,674	$30,707,050	$35,477,032	
Total Costs	$45,569,430	$55,814,043	$62,604,122	
PC&B Percent	58.7580%	55.0167%	56.6688%	56.8145%

The payroll adjustment is 3.1175 percent from table 1 multiplied by 56.8145 percent (or 1.7712 percent).

The statute specifies that the portion of the inflation adjustment for non-payroll costs is the average annual percent change that occurred in the Consumer Price Index (CPI) for urban consumers (Washington-Baltimore, DC-MD-VA-WV; not seasonally adjusted; all items; annual index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than PC&B costs to total costs of the process for the review of biosimilar biological product applications for the first 3 years of the preceding 4 FYs (see section 744H(c)(1)(B) of the FD&C Act). As a result of a geographical revision made by the Bureau of Labor and Statistics in January 2018,[1] the ''Washington-Baltimore, DC-MD-VA-WV'' index was discontinued and replaced with two separate indices (*i.e.,* ''Washington-Arlington-Alexandria, DC-VA-MD-WV'' and ''Baltimore-Columbia-Towson, MD''). In order to continue applying a CPI which best reflects the geographic region in which FDA is headquartered and which provides the most current data available, the Washington-Arlington-Alexandria index will be used in calculating the relevant adjustment factors for FY 2020 and subsequent years. Table 3 provides the summary data for the percent changes in the specified CPI for the Washington-Arlington-Alexandria area. The data are published by the Bureau of Labor Statistics and can be found on its website at: *https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUURS35ASA0,CUUSS35ASA0.*

TABLE 3—ANNUAL AND 3-YEAR AVERAGE PERCENT CHANGE IN CPI FOR WASHINGTON-ARLINGTON-ALEXANDRIA AREA

Year	2016	2017	2018	3-Year average
Annual CPI	253.422	256.221	261.445	
Annual Percent Change	1.1003%	1.1045%	2.0389%	1.4146%

The statute specifies that this 1.4146 percent be multiplied by the proportion of all costs other than PC&B to total costs of the process for the review of biosimilar biological product applications obligated. Since 56.8145 percent was obligated for PC&B (as shown in table 2), 43.1855 percent is the portion of costs other than PC&B (100 percent minus 56.8145 percent equals 43.1855 percent). The non-payroll adjustment is 1.4146 percent times 43.1855 percent, 0.6109 percent.

Next, we add the payroll adjustment (1.7712 percent) to the non-payroll adjustment (0.6109 percent), for a total inflation adjustment of 2.3821 percent (rounded) for FY 2020.

We then multiply the base revenue amount for FY 2020 ($40,947,463) by one plus the inflation adjustment percentage (1.023821), yielding an inflation-adjusted amount of $41,923,000 (rounded to the nearest thousand).

[1] The Bureau of Labor Statistics' announcement of the geographical revision can be viewed at *https://www.bls.gov/cpi/additional-resources/geographic-revision-2018.htm.*

B. FY 2020 Statutory Fee Revenue Adjustments for Operating Reserve

BsUFA II provides for an operating reserve adjustment to allow FDA to adjust the fee revenue and fees for any given fiscal year during BsUFA II, after FY 2018, to maintain an appropriate operating reserve of carryover user fees. Beginning in FY 2019, FDA may reduce the fee revenue and fees for long-term financial planning purposes. Once the capacity planning adjustment is effective (see section 744H(c)(2) of the FD&C Act), which FDA expects to occur in FY 2021, FDA also may, if necessary, increase the fee revenue and fees to maintain not more than 21 weeks of operating reserve of carryover user fees.

As described in the BsUFA II commitment letter, *Biosimilar Biological Product Reauthorization Goals and Procedures Fiscal Years 2018 Through 2022,* FDA is committed to reducing the BsUFA carryover reserve to an amount no greater than 21 weeks of operating reserve of carryover user fees by the end of FY 2022. FDA has determined that it shall not apply an operating reserve adjustment to lower the FY 2020 target revenue amount as FDA appears on track to reduce the carryover reserve to the committed level.

III. Fee Amounts for FY 2020

Under section 744H(b)(3)(A) of the FD&C Act, FDA must determine the percentage of the total revenue amount for a fiscal year to be derived from: (1) Initial and annual BPD fees and reactivation fees; (2) biosimilar biological product application fees; and (3) biosimilar biological product program fees. In establishing the fee amounts for the third year of BsUFA II, FDA considered how best to balance the fee allocation to provide stable funding and reasonable fee amounts. In future years, FDA will consider the most appropriate means of allocating the fee amounts to collect the adjusted target revenue amount, subject to the relevant statutory provisions.

A. Application Fees

In establishing the biosimilar biological product application fee amount for FY 2020, FDA considered historical program information as well as input from an annual industry survey. Based on the available information, FDA estimates it will receive 10 biosimilar biological product applications requiring clinical data for approval in FY 2020.

FDA will maintain the biosimilar biological product application fee for FY 2020 at the same level as FY 2019, which is $1,746,745. This is estimated to provide a total of $17,467,450 representing 42 percent (rounded to the nearest whole number) of the FY 2020 target revenue amount.

B. Biosimilar Biological Product Program Fee

Under BsUFA II, FDA assesses biosimilar biological product program fees (''program fees''). An applicant in a biosimilar biological product application shall not be assessed more than five program fees for a fiscal year for biosimilar biological products identified in a single biosimilar biological product application (see FD&C Act section 744H(a)(3)(D)). Applicants are assessed a program fee for a fiscal year only for biosimilar biological products identified in a biosimilar biological product application approved as of October 1 of such fiscal year.

Based on available information, FDA estimates that 42 program fees will be invoiced for FY 2020, including currently approved products and products with the potential to be approved in pending applications with goal dates in FY 2019. For products invoiced in the FY 2020 regular billing cycle, FDA anticipates that zero program fees will be refunded. This is based on observations dating to 2015, when the first biosimilar product was approved.

FDA will maintain the biosimilar biological product program fee for FY 2020 at the same level as FY 2019, which is $304,162. This is estimated to provide a total of $12,774,804, representing 30 percent (rounded to the nearest whole number) of the FY 2020 target revenue amount.

C. Initial and Annual BPD Fees, Reactivation Fees

To estimate the number of BPD fees to be paid in FY 2020, FDA must consider the number of new BPD programs, the number of current BPD programs, and the number of BPD programs that will be reactivated. These estimates provide information that, when aggregated, allows FDA to set BPD fees (initial BPD fees, annual BPD fees, reactivation fees).

FDA uses internal data and a survey of BPD sponsors to estimate the total number of BPD programs for FY 2020. In FY 2020, FDA estimates 25 new BPD programs, one reactivation (a single reactivation is weighted as two BPD fees), and 72 BPD programs to be invoiced for the annual BPD fee, for a total equivalent of 99 BPD fees assessed in FY 2020.

The remainder of the target revenue of $11,680,746, or 28 percent (rounded to the nearest whole number), is to be collected from the BPD fees. Dividing this amount by the estimated 99 BPD fees to be paid equals an initial BPD and annual BPD fee amount of $117,987. The reactivation fee is set at twice the initial/annual BPD amount at $235,975. This represents a reduction of the BPD fees from the FY 2019 levels.

IV. Fee Schedule for FY 2020

The fee rates for FY 2020 are displayed in table 4.

TABLE 4—FEE SCHEDULE FOR FY 2020

Fee category	Fee rates for FY 2020
Initial BPD	$117,987
Annual BPD	117,987
Reactivation	235,975
Applications:	
Requiring clinical data	1,746,745
Not requiring clinical data	873,373
Program	304,162

V. Fee Payment Options and Procedures

A. Initial BPD, Reactivation, and Application Fees

The fees established in the new fee schedule apply to FY 2020, *i.e.,* the period from October 1, 2019, through September 30, 2020. The initial BPD fee for a product is due when the sponsor submits an IND that FDA determines is intended to support a biosimilar biological product application for the product or within 5 calendar days after FDA grants the first BPD meeting for the product, whichever occurs first. Sponsors who have discontinued participation in the BPD program for a product and seek to resume participation in such program must pay the reactivation fee by the earlier of the following dates: No later than 5 calendar days after FDA grants the sponsor's request for a BPD meeting for that product or upon the date of submission by the sponsor of an IND describing an investigation that FDA determines is intended to support a biosimilar biological product application for that product.

The application fee for a biosimilar biological product is due upon submission of the application (see section 744H(a)(2)(C) of the FD&C Act).

To make a payment of the initial BPD, reactivation, or application fee, complete the Biosimilar User Fee Cover Sheet, available on FDA's website (*https://www.fda.gov/bsufa*) and generate a user fee identification (ID) number. Payment must be made in U.S. currency by electronic check, check, bank draft, U.S. postal money order, or

wire transfer. The preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). FDA has partnered with the U.S. Department of the Treasury to use *Pay.gov*, a web-based payment application, for online electronic payment. The *Pay.gov* feature is available on the FDA website after the user fee ID number is generated. Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay* (*Note:* Only full payments are accepted. No partial payments can be made online). Once you search for your invoice, click ''Pay Now'' to be redirected to *Pay.gov.* Electronic payment options are based on the balance due. Payment by credit card is available for balances that are less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S bank accounts as well as U.S. credit cards.

If a check, bank draft, or postal money order is submitted, make it payable to the order of the Food and Drug Administration and include the user fee ID number to ensure that the payment is applied to the correct fee(s). Payments can be mailed to: Food and Drug Administration, P.O. Box 979108, St. Louis, MO 63197–9000. If a check, bank draft, or money order is to be sent by a courier that requests a street address, the courier should deliver your payment to: U.S. Bank, Attention: Government Lockbox 979108, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This U.S. Bank address is for courier delivery only. If you have any questions concerning courier delivery, contact U.S. Bank at 314–418–4013. This telephone number is only for questions about courier delivery.) Please make sure that the FDA post office box number (P.O. Box 979108) is written on the check, bank draft, or postal money order.

For payments made by wire transfer, include the unique user fee ID number to ensure that the payment is applied to the correct fee(s). Without the unique user fee ID number, the payment may not be applied. The originating financial institution may charge a wire transfer fee. Include applicable wire transfer fees with payment to ensure fees are fully paid. Questions about wire transfer fees should be addressed to the financial institution. The following account information should be used to send payments by wire transfer: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No.: 75060099, Routing No.: 021030004, SWIFT: FRNYUS33. FDA's tax identification number is 53–0196965.

B. Annual BPD and Program Fees

FDA will issue invoices with payment instructions for FY 2020 annual BPD and program fees under the new fee schedule in August 2019. Payment will be due on October 1, 2019. If sponsors join the BPD program after the annual BPD invoices have been issued in August 2019, FDA will issue invoices in December 2019 to firms subject to fees for FY 2020 that qualify for the annual BPD fee after the August 2019 billing. FDA will issue invoices in December 2019 for any annual program fees for FY 2020 that qualify for fee assessments and were not issued in August 2019.

Dated: July 29, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–16495 Filed 8–1–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3523]

Animal Generic Drug User Fee Rates and Payment Procedures for Fiscal Year 2020

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the fee rates and payment procedures for fiscal year (FY) 2020 generic new animal drug user fees. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Animal Generic Drug User Fee Amendments of 2018 (AGDUFA III), authorizes FDA to collect user fees for certain abbreviated applications for generic new animal drugs, for certain generic new animal drug products, and for certain sponsors of such abbreviated applications for generic new animal drugs and/or investigational submissions for generic new animal drugs. This notice establishes the fee rates for FY 2020.

FOR FURTHER INFORMATION CONTACT: Visit FDA's website at *https://www.fda.gov/ForIndustry/UserFees/AnimalGenericDrugUserFeeActAGDUFA/default.htm,* or contact Lisa Kable, Center for Veterinary Medicine (HFV–10), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–6888, *Lisa.Kable@fda.hhs.gov.* For general questions, you may also email the Center for Veterinary Medicine (CVM) at *cvmagdufa@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 741 of the FD&C Act (21 U.S.C. 379j–21) establishes three different types of user fees: (1) Fees for certain types of abbreviated applications for generic new animal drugs; (2) annual fees for certain generic new animal drug products; and (3) annual fees for certain sponsors of abbreviated applications for generic new animal drugs and/or investigational submissions for generic new animal drugs (21 U.S.C. 379j–21(a)). When certain conditions are met, FDA will waive or reduce fees for generic new animal drugs intended solely to provide for a minor use or minor species indication (21 U.S.C. 379j–21(d)).

For FY 2019 through FY 2023, the FD&C Act establishes a yearly base revenue amount and percentages for each of these fee categories (21 U.S.C. 379j–21(b)). Base revenue amounts are subject to adjustment for inflation and workload. Workload increases will be adjusted for excess collections after FY 2020, if applicable (21 U.S.C. 379j–21(c)). The target revenue amounts for each fee category for FY 2020, are as follows: For application fees, the target revenue amount is $5,037,750; for product fees, the target revenue amount is $7,556,625; and for sponsor fees, the target revenue amount is $7,556,625.

For FY 2020, the generic new animal drug user fee rates are: $493,897 for each abbreviated application for a generic new animal drug other than those subject to the criteria in section 512(d)(4) of the FD&C Act (21 U.S.C. 360b(d)(4)); $246,949 for each abbreviated application for a generic new animal drug subject to the criteria in section 512(d)(4); $16,645 for each generic new animal drug product; $172,329 for each generic new animal drug sponsor paying 100 percent of the sponsor fee; $129,247 for each generic new animal drug sponsor paying 75 percent of the sponsor fee; and $86,165 for each generic new animal drug sponsor paying 50 percent of the sponsor fee. FDA will issue invoices for FY 2020 product and sponsor fees by December 31, 2019. These fees will be due by January 31, 2020. The application fee rates are effective for all abbreviated applications for a generic new animal drug submitted on or after October 1, 2019, and will remain in effect through September 30, 2020. Applications will not be accepted for

review until FDA has received full payment of related application fees and any other fees owed under the Animal Generic Drug User Fee program (AGDUFA program).

II. Revenue Amount for FY 2020

A. Statutory Fee Revenue Amounts

AGDUFA III, Title II of Pub. L. 115–234, specifies that the aggregate revenue amount for FY 2020 for all generic new animal drug user fee categories is $18,336,340 (21 U.S.C. 379j–21(b)(1)).

B. Inflation Adjustment to Fee Revenue Amount

AGDUFA III specifies that the annual fee revenue amount is to be adjusted for inflation increases for FY 2020 and subsequent fiscal years, using two separate adjustments—one for personnel compensation and benefits (PC&B) and one for non-PC&B costs (see 21 U.S.C. 379j–21(c)(2)). The component of the inflation adjustment for payroll costs shall be one plus the average annual percent change in the cost of all PC&B paid per full-time equivalent position (FTE) at FDA for the first 3 of the 4 preceding fiscal years, multiplied by the average proportion of PC&B costs to total FDA costs for the first 3 of the 4 preceding fiscal years. The data on total PC&B paid and numbers of FTE paid, from which the average cost per FTE can be derived, are published in FDA's Justification of Estimates for Appropriations Committees.

Table 1 summarizes the actual cost and FTE data for the specified fiscal years, and provides the percent change from the previous fiscal year and the average percent change over the first 3 of the 4 fiscal years preceding FY 2020. The 3-year average is 3.1175 percent.

TABLE 1—FDA PERSONNEL COMPENSATION AND BENEFITS (PC&B) EACH YEAR AND PERCENT CHANGE

Fiscal Year	2016	2017	2018	3-Year average
Total PC&B	$2,414,728,159	$2,581,551,000	$2,690,678,000	
Total FTE	16,381	17,002	17,023	
PC&B per FTE	$147,408	$151,660	$158,061	
Percent Change from Previous Year	2.2474%	2.8845%	4.2206%	3.1175%

The statute specifies that this 3.1175 percent should be multiplied by the proportion of PC&B costs to total FDA costs. Table 2 shows the amount of PC&B and the total amount obligated by FDA for the same 3 FYs.

TABLE 2—PC&B AS A PERCENT OF TOTAL COSTS AT FDA

Fiscal Year	2016	2017	2018	3-Year average
Total PC&B	$2,414,728,159	$2,581,551,000	$2,690,678,000	
Total Costs	$4,666,236,000	$5,104,580,000	$5,370,935,000	
PC&B Percent	51.7490%	50.5732%	50.0970%	50.8064%

The portion of the inflation adjustment relating to payroll cost is 3.1175 percent multiplied by 50.8064 percent (or 1.5839 percent).

The statute specifies that the portion of the inflation adjustment for non-payroll costs is the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; not seasonally adjusted; all items less food and energy; annual index) for the first 3 of the preceding 4 years of available data multiplied by the proportion of all costs other than PC&B costs to total FDA costs. As a result of a geographical revision made by the Bureau of Labor and Statistics in January 2018,[1] the ''Washington-Baltimore, DC-MD-VA-WV'' index was discontinued and replaced with two separate indices (*i.e.,* ''Washington-Arlington-Alexandria, DC-VA-MD-WV'' and ''Baltimore-Columbia-Towson, MD''). In order to continue applying a CPI which best reflects the geographic region in which FDA is headquartered and which provides the most current data available, the Washington-Arlington-Alexandria less food and energy index will be used in calculating the relevant adjustment factors for FY 2020 and subsequent years. Table 3 provides the summary data for the percent change in the specified CPI for the Washington-Arlington-Alexandria area. The data from the Bureau of Labor Statistics is shown in table 3.

TABLE 3—ANNUAL AND 3-YEAR AVERAGE PERCENT CHANGE IN WASHINGTON-ARLINGTON-ALEXANDRIA AREA CPI LESS FOOD AND ENERGY

Year	2016	2017	2018	3-Year average
Annual CPI	265.333	266.897	272.414	
Annual Percent Change	1.5306%	0.5894%	2.0671%	1.3957%

To calculate the inflation adjustment for non-payroll costs, we multiply the 1.3957 percent by the proportion of all costs other than PC&B to total FDA costs. Since 50.8064 percent was obligated for PC&B as shown in table 2, 49.1936 percent is the portion of costs other than PC&B (100 percent 2012; 50.8064 percent = 49.1936 percent). The non-payroll adjustment is 1.3957 percent times 49.1936 percent, or 0.6866 percent.

[1] *https://www.bls.gov/cpi/additional-resources/geographic-revision-2018.htm.*

Next, we add the payroll component (1.5839 percent) to the non-payroll component (0.6866 percent), for a total inflation adjustment of 2.2705 percent, and then add one, making 1.022705. We then multiply the base revenue amount for FY 2020 ($18,336,340) by 1.022705, yielding an inflation adjusted amount of $18,752,667 for FY 2020.

C. Workload Adjustment to Inflation Adjusted Fee Revenue Amount

The fee revenue amounts established in AGDUFA III for FY 2020 and subsequent fiscal years are also subject to adjustment to account for changes in FDA's review workload. A workload adjustment will be applied to the inflation adjusted fee revenue amount (21 U.S.C. 379j–21(c)(3)).

To determine whether a workload adjustment applies, FDA calculates the weighted average of the change in the total number of each of the four types of applications and submissions specified in the workload adjustment provision (abbreviated applications for generic new animal drugs, manufacturing supplemental abbreviated applications for generic new animal drugs, investigational generic new animal drug study submissions, and investigational generic new animal drug protocol submissions) received over the 5-year period that ended on September 30, 2018 (the base years), and the average number of each of these types of applications and submissions over the most recent 5-year period that ended May 31, 2019.

The results of these calculations are presented in the first two columns of table 4. Column 3 reflects the percent change in workload over the two 5-year periods. Column 4 shows the weighting factor for each type of application, reflecting how much of the total FDA generic new animal drug review workload was accounted for by each type of application or submission in the table during the most recent 5 years. Column 5 is the weighted percent change in each category of workload, and was derived by multiplying the weighting factor in each line in column 4 by the percent change from the base years in column 3. At the bottom right of the table the sum of the values in column 5 is calculated, reflecting a total change in workload of 7.4558 percent for FY 2020. This is the workload adjuster for FY 2020.

TABLE 4—WORKLOAD ADJUSTER CALCULATION

Application Type	Column 1 5-Year average (base years)	Column 2 Latest 5-year average	Column 3 Percent change	Column 4 Weighting factor	Column 5 Weighted percent change
Abbreviated Application for a Generic New Animal Drug (ANADAs)	24.0	22.0	−8.3333	0.2577	−2.1478
Manufacturing Supplements ANADAs	169.4	176.6	4.2503	0.2857	1.2142
Generic Investigational Study Submissions	69.2	84.4	21.9653	0.3209	7.0478
Generic Investigational Protocol Submissions	34.4	37.8	9.8837	0.1357	1.3417
FY 2020 AGDUFA III Workload Adjuster					7.4558

The statutory revenue amount after the inflation adjustment ($18,752,667) must now be increased by 7.4558 percent to reflect the changes in review workload (workload adjustment), for a total fee revenue target of $20,151,000 (rounded to the nearest thousand dollars).

D. Reduction of Workload-Based Increase by Amount of Certain Excess Collections

Under section 741(c)(3)(B) of the FD&C Act, for FYs 2021 through 2023, if application of the workload adjustment increases the amount of fee revenues established for the fiscal year, as adjusted for inflation, the fee revenue increase will be reduced by the amount of any excess collections, for the second preceding fiscal year, up to the amount of the fee revenue increase. This provision does not take effect until FY 2021.

E. FY 2020 Fee Revenue Amounts

AGDUFA III specifies that the revenue amount of $20,151,000 for FY 2020 is to be divided as follows: 25 percent, or a total of $5,037,750, is to come from application fees; 37.5 percent, or a total of $7,556,625, is to come from product fees; and 37.5 percent, or a total of $7,556,625, is to come from sponsor fees (21 U.S.C. 379j–21(b)).

III. Abbreviated Application Fee Calculations for FY 2020

A. Application Fee Revenues and Numbers of Fee-Paying Applications

Each person that submits an abbreviated application for a generic new animal drug shall be subject to an application fee, with limited exceptions (21 U.S.C. 379j–21(a)(1)). The term ''abbreviated application for a generic new animal drug'' means an abbreviated application for the approval of any generic new animal drug submitted under section 512(b)(2) (21 U.S.C. 379j–21(k)(1)). The application fees are to be set so that they will generate $5,037,750 in fee revenue for FY 2020.

To set fees for abbreviated applications for generic new animal drugs to realize $5,037,750, FDA must first make some assumptions about the number of fee-paying abbreviated applications it will receive during FY 2020.

The Agency knows the number of applications that have been submitted in previous years. That number fluctuates annually. In estimating the fee revenue to be generated by generic new animal drug applications in FY 2020, FDA is assuming that the number of applications for which fees will be paid in FY 2020 will equal the average number of submissions over the 5 most recently completed fiscal years of the AGDUFA program (FY 2014–FY 2018).

Also, under AGDUFA III, an abbreviated application for an animal generic drug subject to the criteria in section 512(d)(4) of the FD&C Act and submitted on or after October 1, 2013, shall be subject to 50 percent of the fee applicable to all other abbreviated applications for a generic new animal drug (21 U.S.C. 379j–21(a)(1)(C)(ii)).

The average number of original submissions of abbreviated applications for generic new animal drugs over the 5 most recently completed fiscal years is 9.0 applications not subject to the criteria in section 512(d)(4) of the FD&C Act and 2.4 submissions subject to the criteria in section 512(d)(4). Each of the submissions described under section

512(d)(4) of the FD&C Act pays 50 percent of the fee paid by the other applications and will be counted as one half of a fee. Adding all of the applications not subject to the criteria in section 512(d)(4) of the FD&C Act and 50 percent of the number that are subject to such criteria results in a total of 10.2 anticipated full fees.

Based on the previous assumptions, FDA is estimating that it will receive a total of 10.2 fee-paying generic new animal drug applications in FY 2020 (9.0 original applications paying a full fee and 2.4 applications paying a half fee).

B. Application Fee Rates for FY 2020

FDA must set the fee rates for FY 2020 so that the estimated 10.2 abbreviated applications that pay the fee will generate a total of $5,037,750. To generate this amount, the fee for a generic new animal drug application will have to be $493,897 and for those applications that are subject to the criteria set forth in section 512(d)(4) of the FD&C Act, 50 percent of that amount, or $246,949.

IV. Generic New Animal Drug Product Fee Calculations for FY 2020

A. Product Fee Revenues and Numbers of Fee-Paying Products

The generic new animal drug product fee must be paid annually by the person named as the applicant in an abbreviated application or supplemental abbreviated application for a generic new animal drug product submitted for listing under section 510 of the FD&C Act (21 U.S.C. 360), and who had an abbreviated application or supplemental abbreviated application for a generic new animal drug product pending at FDA after September 1, 2008 (see 21 U.S.C. 379j–21(a)(2)). The term ''generic new animal drug product'' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an abbreviated application for a generic new animal drug or supplemental abbreviated application for a generic new animal drug has been approved (21 U.S.C. 379j–21(k)(6)). The product fees are to be set so that they will generate $7,556,625 in fee revenue for FY 2020.

To set generic new animal drug product fees to realize $7,556,625, FDA must make some assumptions about the number of products for which these fees will be paid in FY 2020. FDA gathered data on all generic new animal drug products that have been submitted for listing under section 510 of the FD&C Act and matched this to the list of all persons who had a generic new animal drug application or supplemental abbreviated application pending after September 1, 2008. As of June 2019, FDA estimates a total of 459 products submitted for listing by persons who had an abbreviated application for a generic new animal drug or supplemental abbreviated application for a generic new animal drug pending after September 1, 2008. Based on this, FDA believes that a total of 459 products will be subject to this fee in FY 2020.

In estimating the fee revenue to be generated by generic new animal drug product fees in FY 2020, FDA is estimating that 1 percent of the products invoiced, or 5 products, will qualify for minor use/minor species fee waiver (see 21 U.S.C. 379j–21(d)). FDA has made this estimate at one percent this year, based on historical data over the past 5 completed fiscal years of the AGDUFA program.

Accordingly, the Agency estimates that a total of 454 (459 minus 5) products will be subject to product fees in FY 2020.

B. Product Fee Rates for FY 2020

FDA must set the fee rates for FY 2020 so that the estimated 454 products that pay fees will generate a total of $7,556,625. To generate this amount will require the fee for a generic new animal drug product, rounded to the nearest dollar, to be $16,645.

V. Generic New Animal Drug Sponsor Fee Calculations for FY 2020

A. Sponsor Fee Revenues and Numbers of Fee-Paying Sponsors

The generic new animal drug sponsor fee must be paid annually by each person who: (1) Is named as the applicant in an abbreviated application for a generic new animal drug, except for an approved application for which all subject products have been removed from listing under section 510 of the FD&C Act, or has submitted an investigational submission for a generic new animal drug that has not been terminated or otherwise rendered inactive and (2) had an abbreviated application for a generic new animal drug, supplemental abbreviated application for a generic new animal drug, or investigational submission for a generic new animal drug pending at FDA after September 1, 2008 (see 21 U.S.C. 379j–21(k)(7) and 379j–21(a)(3), respectively). A generic new animal drug sponsor is subject to only one such fee each fiscal year (see 21 U.S.C. 379j–21(a)(3)(C)). Applicants with more than six approved abbreviated applications will pay 100 percent of the sponsor fee; applicants with more than one and fewer than seven approved abbreviated applications will pay 75 percent of the sponsor fee; and applicants with one or fewer approved abbreviated applications will pay 50 percent of the sponsor fee (see 21 U.S.C. 379j–21(a)(3)(C)). The sponsor fees are to be set so that they will generate $7,556,625 in fee revenue for FY 2020.

To set generic new animal drug sponsor fees to realize $7,556,625, FDA must make some assumptions about the number of sponsors who will pay these fees in FY 2020. Based on the number of firms that meet this definition and the average number of firms paying fees at each level over the 5 most recently completed fiscal years of the AGDUFA program (FY 2014 through FY 2018), FDA estimates that in FY 2020, 11 sponsors will pay 100 percent fees, 19 sponsors will pay 75 percent fees, and 39 sponsors will pay 50 percent fees. That totals the equivalent of 44.75 full sponsor fees (11 × 100 percent or 11, plus 19 × 75 percent or 14.25, plus 39 × 50 percent or 19.5).

FDA estimates that about two percent of all of these sponsors, or 0.90, may qualify for a minor use/minor species fee waiver (see 21 U.S.C. 379j–21(d)). FDA has made the estimate of the percentage of sponsors that will not pay fees at two percent this year, based on historical data over the past 5 completed fiscal years of the AGDUFA program.

Accordingly, the Agency estimates that the equivalent of 43.85 full sponsor fees (44.75 minus 0.90) are likely to be paid in FY 2020.

B. Sponsor Fee Rates for FY 2020

FDA must set the fee rates for FY 2020 so that the estimated equivalent of 43.85 full sponsor fees will generate a total of $7,556,625. To generate this amount will require the 100 percent fee for a generic new animal drug sponsor, rounded to the nearest dollar, to be $172,329. Accordingly, the fee for those paying 75 percent of the full sponsor fee will be $129,247, and the fee for those paying 50 percent of the full sponsor fee will be $86,165.

VI. Fee Schedule for FY 2020

The fee rates for FY 2020 are summarized in table 5.

TABLE 5—FY 2020 FEE RATES

Generic new animal drug user fee category	Fee rate for FY 2020
Abbreviated Application Fee for Generic New Animal Drug except those subject to the criteria in section 512(d)(4)	$493,897
Abbreviated Application Fee for Generic New Animal Drug subject to the criteria in section 512(d)(4)	246,949
Generic New Animal Drug Product Fee	16,645
100 Percent Generic New Animal Drug Sponsor Fee [1]	172,329
75 Percent Generic New Animal Drug Sponsor Fee [1]	129,247
50 Percent Generic New Animal Drug Sponsor Fee [1]	86,165

[1] An animal drug sponsor is subject to only one fee each fiscal year.

VII. Fee Waiver or Reduction; Exemption From Fees

The types of fee waivers and reductions that applied last fiscal year still exist for FY 2020. However, a new exemption from fees was established by AGDUFA III, as follows:

Fees will not apply to any person who not later than September 30, 2023, submits to CVM a supplemental abbreviated application relating to a generic new animal drug approved under section 512 of the FD&C Act, solely to add the application number to the labeling of the drug in the manner specified in section 502(w)(3) of the FD&C Act (21 U.S.C. 352(w)(3)), if that person otherwise would be subject to user fees under AGDUFA based only on the submission of the supplemental abbreviated application (21 U.S.C. 379j–21(d)(2).

VIII. Procedures for Paying FY 2020 Generic New Animal Drug User Fees

A. Abbreviated Application Fees and Payment Instructions

The FY 2020 fee established in the new fee schedule must be paid for a generic new animal drug application subject to fees under AGDUFA III that is submitted on or after October 1, 2019. The payment must be made in U.S. currency from a U.S. bank by one of the following methods: wire transfer, electronically, check, bank draft, or U.S. postal money order made payable to the Food and Drug Administration. The preferred payment method is online using an electronic check (Automated Clearing House (ACH), also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay* or the *Pay.gov* payment option is available to you after you submit a cover sheet. (Note: only full payments are accepted. No partial payments can be made online.) Once you have found your invoice, select ''Pay Now'' to be redirected to *Pay.gov.* Electronic payment options are based on the balance due. Payment by credit card is available only for balances less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

When paying by check, bank draft, or U.S. postal money order, please write your application's unique Payment Identification Number, beginning with the letters ''AG'', on the upper right-hand corner of your completed Animal Generic Drug User Fee Cover Sheet. Also write the FDA post office box number (P.O. Box 979033) on the enclosed check, bank draft, or money order. Mail the payment and a copy of the completed Animal Generic Drug User Fee Cover Sheet to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000.

When paying by wire transfer, it is required that the invoice number is included; without the invoice number the payment may not be applied. If the payment amount is not applied, the invoice amount would be referred to collections. The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee, it is required to add that amount to the payment to ensure that the invoice is paid in full. Use the following account information when sending a wire transfer: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Account Name: Food and Drug Administration, Account No.: 75060099, Routing No.: 021030004, Swift No.: FRNYUS33.

To send a check by a courier such as Federal Express, the courier must deliver the check and printed copy of the cover sheet to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This address is for courier delivery only. If you have any questions concerning courier delivery, contact U.S. Bank at 314–418–4013. This phone number is only for questions about courier delivery.)

It is important that the fee arrives at the bank at least a day or two before the abbreviated application arrives at FDA's CVM. FDA records the official abbreviated application receipt date as the later of the following: The date the application was received by CVM, or the date U.S. Bank notifies FDA that your payment in the full amount has been received, or when the U.S. Department of the Treasury notifies FDA of payment. U.S. Bank and the United States Treasury are required to notify FDA within 1 working day, using the Payment Identification Number described previously.

The tax identification number of FDA is 53–0196965. (Note: In no case should the payment for the fee be submitted to FDA with the application.)

B. Application Cover Sheet Procedures

Step One—Create a user account and password. Log onto the AGDUFA website at *https://www.fda.gov/ForIndustry/UserFees/AnimalGenericDrugUserFeeActAGDUFA/ucm137049.htm* and scroll down the page until you find the link ''Create AGDUFA User Fee Cover Sheet.'' Select that link and follow the directions. For security reasons, each firm submitting an application will be assigned an organization identification number, and each user will also be required to set up a user account and password the first time you use this site. Online instructions will walk you through this process.

Step Two—Create an Animal Generic Drug User Fee Cover Sheet, transmit it to FDA, and print a copy. After logging into your account with your user name and password, complete the steps required to create an Animal Generic Drug User Fee Cover Sheet. One cover sheet is needed for each abbreviated application for a generic new animal drug. Once you are satisfied that the data on the cover sheet is accurate and you have finalized the cover sheet, you will be able to transmit it electronically to FDA and you will be able to print a copy of your cover sheet showing your unique Payment Identification Number.

Step Three—Send the payment for your application as described in section VIII.A.

Step Four—Please submit your application and a copy of the completed Animal Generic Drug User Fee Cover Sheet to the following address: Food and Drug Administration, Center for Veterinary Medicine, Document Control Unit (HFV–199), 7500 Standish Pl., Rockville, MD 20855.

C. Product and Sponsor Fees

By December 31, 2019, FDA will issue invoices and payment instructions for product and sponsor fees for FY 2020 using this fee schedule. Fees will be due by January 31, 2020. FDA will issue invoices in November 2020 for any products and sponsors subject to fees for FY 2020 that qualify for fees after the December 2019 billing.

Dated: July 29, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–16433 Filed 8–1–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3523]

Animal Drug User Fee Rates and Payment Procedures for Fiscal Year 2020

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the fee rates and payment procedures for fiscal year (FY) 2020 animal drug user fees. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Animal Drug User Fee Amendments of 2018 (ADUFA IV), authorizes FDA to collect user fees for certain animal drug applications and supplements, for certain animal drug products, for certain establishments where such products are made, and for certain sponsors of such animal drug applications and/or investigational animal drug submissions. This notice establishes the fee rates for FY 2020.

FOR FURTHER INFORMATION CONTACT: Visit FDA's website at *http://www.fda.gov/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/default.htm* or contact Lisa Kable, Center for Veterinary Medicine (HFV–10), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–6888, *Lisa.Kable@fda.hhs.gov.* For general questions, you may also email the Center for Veterinary Medicine (CVM) at: *cvmadufa@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 740 of the FD&C Act (21 U.S.C. 379j–12) establishes four different types of user fees: (1) Fees for certain types of animal drug applications and supplements; (2) annual fees for certain animal drug products; (3) annual fees for certain establishments where such products are made; and (4) annual fees for certain sponsors of animal drug applications and/or investigational animal drug submissions (21 U.S.C. 379j–12(a)). When certain conditions are met, FDA will waive or reduce fees (21 U.S.C. 379j–12(d)).

For FY 2019 through FY 2023, the FD&C Act establishes aggregate yearly base revenue amounts for each fiscal year (21 U.S.C. 379j–12(b)(1)). Base revenue amounts are subject to adjustment for inflation and workload, and for excess collections to reduce workload-based increases or collection shortfalls after FY 2020 (21 U.S.C. 379j–12(c) and (g)). Fees for applications, establishments, products, and sponsors are to be established each year by FDA so that the percentages of the total revenue that are derived from each type of user fee will be as follows: Revenue from application fees shall be 20 percent of total fee revenue; revenue from product fees shall be 27 percent of total fee revenue; revenue from establishment fees shall be 26 percent of total fee revenue; and revenue from sponsor fees shall be 27 percent of total fee revenue (21 U.S.C. 379j–12(b)(2)).

For FY 2020, the animal drug user fee rates are: $440,446 for an animal drug application; $220,223 for a supplemental animal drug application for which safety or effectiveness data are required and for an animal drug application subject to the criteria set forth in section 512(d)(4) of the FD&C Act (21 U.S.C. 360b(d)(4)); $11,353 for an annual product fee; $159,177 for an annual establishment fee; and $144,999 for an annual sponsor fee. FDA will issue invoices for FY 2020 product, establishment, and sponsor fees by December 31, 2019, and payment will be due by January 31, 2020. The application fee rates are effective for applications submitted on or after October 1, 2019, and will remain in effect through September 30, 2020. Applications will not be accepted for review until FDA has received full payment of application fees and any other animal drug user fees owed under the Animal Drug User Fee Act program (ADUFA program).

II. Revenue Amount for FY 2020

A. Statutory Fee Revenue Amounts

ADUFA IV, Title I of Public Law 115–234, specifies that the aggregate fee revenue amount for FY 2020 for all animal drug user fee categories is $29,931,240 (21 U.S.C. 379j–12(b)(1)(B)).

B. Inflation Adjustment to Fee Revenue Amount

The fee revenue amounts established in ADUFA IV for FY 2020 and subsequent fiscal years are subject to an inflation adjustment (21 U.S.C. 379j–12(c)(2)).

ADUFA IV specifies that the annual fee revenue amount is to be adjusted using two separate adjustments—one for personnel compensation and benefits (PC&B) and one for non-PC&B costs (21 U.S.C. 379j–12(c)(2)(A)(ii) and (iii)). The component of the inflation adjustment for payroll costs shall be one plus the average annual percent change in the cost of all PC&B paid per full-time equivalent (FTE) position at FDA for the first 3 of the 4 preceding fiscal years, multiplied by the average proportion of PC&B costs to total FDA costs for the first 3 of the 4 preceding fiscal years. The data on total PC&B paid and numbers of FTE paid, from which the average cost per FTE can be derived, are published in FDA's Justification of Estimates for Appropriations Committees.

Table 1 summarizes that actual cost and FTE data for the specified fiscal years and provides the percent change from the previous fiscal year and the average percent change over the first 3 of the 4 fiscal years preceding FY 2020. The 3-year average is 3.1175 percent.

TABLE 1—FDA PERSONNEL COMPENSATION AND BENEFITS (PC&B) EACH YEAR AND PERCENT CHANGE

Fiscal year	2016	2017	2018	3-Year average
Total PC&B	$2,414,728,159	$2,581,551,000	$2,690,678,000	
Total FTE	16,381	17,022	17,023	

TABLE 1—FDA PERSONNEL COMPENSATION AND BENEFITS (PC&B) EACH YEAR AND PERCENT CHANGE—Continued

Fiscal year	2016	2017	2018	3-Year average
PC&B per FTE	$147,408	$151,660	$158,061	
Percent Change from Previous Year	2.2474%	2.8845%	4.2206%	3.1175%

The statute specifies that this 3.1175 percent should be multiplied by the proportion of PC&B costs to total FDA costs. Table 2 shows the amount of PC&B and the total amount obligated by FDA for the same 3 years.

TABLE 2—PC&B AS A PERCENT OF TOTAL COSTS AT FDA

Fiscal year	2016	2017	2018	3-Year average
Total PC&B	$2,414,728,159	$2,581,551,000	$2,690,678,000	
Total Costs	$4,666,236,000	$5,104,580,000	$5,370,935,000	
PC&B Percent	51.7490%	50.5732%	50.0970%	50.8064%

The portion of the inflation adjustment relating to payroll costs is 3.1175 percent multiplied by 50.8064 percent (or 1.5839 percent).

The statute specifies that the portion of the inflation adjustment for non-payroll costs is the average annual percent change that occurred in the Consumer Price Index (CPI) for urban consumers (Washington-Baltimore, DC-MD-VA-WV; not seasonally adjusted; all items less food and energy; annual index) for the first 3 of the preceding 4 years of available data multiplied by the proportion of all costs other than PC&B costs to total FDA costs. As a result of a geographical revision made by the Bureau of Labor and Statistics in January 2018,[1] the ''Washington-Baltimore, DC-MD-VA-WV'' index was discontinued and replaced with two separate indices (*i.e.,* ''Washington-Arlington-Alexandria, DC-VA-MD-WV'' and ''Baltimore-Columbia-Towson, MD''). In order to continue applying a CPI that best reflects the geographic region in which FDA is headquartered and which provides the most current data available, the Washington-Arlington-Alexandria less food and energy index will be used in calculating the relevant adjustment factors for FY 2020 and subsequent years. Table 3 provides the summary data for the percent change in the specified CPI for the Washington-Arlington-Alexandria area. The data from the Bureau of Labor Statistics is shown in table 3.

TABLE 3—ANNUAL AND 3-YEAR AVERAGE PERCENT CHANGE IN WASHINGTON-ARLINGTON-ALEXANDRIA AREA CPI LESS FOOD AND ENERGY

Year	2016	2017	2018	3-Year average
Annual CPI	265.333	266.897	272.414	
Annual Percent Change	1.5306%	0.5894%	2.0671%	1.3957%

To calculate the inflation adjustment for non-payroll costs, we multiply the 1.3957 percent by the proportion of all costs other than PC&B to total FDA costs. Since 50.8064 percent was obligated for PC&B as shown in table 2, 49.1936 percent is the portion of costs other than PC&B (100 percent − 50.8064 percent = 49.1936 percent). The portion of the inflation adjustment relating to non-payroll costs is 1.3957 percent times 49.1936 percent, or 0.6866 percent.

Next, we add the payroll component (1.5839 percent) to the non-payroll component (0.6866 percent), for a total inflation adjustment of 2.2705 percent, and then add one, making 1.022705. We then multiply the base revenue amount for FY 2020 ($29,931,240) by 1.022705, yielding an inflation adjusted amount of $30,611,000 (rounded to the nearest thousand dollars) for FY 2020.

C. Workload Adjustment to Inflation Adjusted Fee Revenue Amount

The fee revenue amounts established in ADUFA IV for FY 2020 and subsequent fiscal years are also subject to adjustment to account for changes in FDA's review workload. A workload adjustment will be applied to the inflation adjusted fee revenue amount (21 U.S.C. 379j–12(c)(3)).

To determine whether a workload adjustment applies, FDA calculates the weighted average of the change in the total number of each of the five types of applications and submissions specified in the workload adjustment provision (animal drug applications, supplemental animal drug applications for which data with respect to safety or efficacy are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions) received over the 5-year period that ended on September 30, 2018 (the base years), and the average number of each of these types of applications and submissions over the most recent 5-year period that ended May 31, 2019.

The results of these calculations are presented in the first two columns of table 4. Column 3 reflects the percent change in workload over the two 5-year periods. Column 4 shows the weighting factor for each type of application, reflecting how much of the total FDA animal drug review workload was accounted for by each type of application or submission in the table during the most recent 5 years. Column 5 is the weighted percent change in each category of workload, and was derived by multiplying the weighting factor in each line in column 4 by the percent change from the base years in column 3.

[1] *https://www.bls.gov/cpi/additional-resources/geographic-revision-2018.htm.*

At the bottom right of the table the sum of the values in column 5 is added, reflecting a total change in workload of 0.99 percent for FY 2020. This is the workload adjuster for FY 2020.

TABLE 4—WORKLOAD ADJUSTER CALCULATION

Application type	Column 1 5-Year average (base years)	Column 2 latest 5-Year average	Column 3 percent change	Column 4 weighting factor	Column 5 weighted percent change
New Animal Drug Applications (NADAs)	16.4	15.4	−6.0976%	0.0444	−0.2705%
Supplemental NADAs with Safety or Efficacy Data	11.6	11.0	−5.1724%	0.0224	−0.1161%
Manufacturing Supplements	353.2	355.6	0.6795%	0.1556	0.1057%
Investigational Study Submissions	183.2	177.8	−2.9476%	0.5612	−1.6542%
Investigational Protocol Submissions	236.4	268.4	13.5364%	0.2164	2.9297%
FY 2020 ADUFA IV Workload Adjuster					0.9946%

Under no circumstances will the workload adjustment result in fee revenues that are less than the base fee revenues for that fiscal year as adjusted for inflation (21 U.S.C. 379j–12(c)(3)). FDA will not adjust the FY 2020 fee revenue amount for workload changes because the workload adjuster was less than 1 percent.[2]

D. Reduction of Workload-Based Increase by Amount of Certain Excess Collections

Under section 740(c)(3)(B) of the FD&C Act, for fiscal years 2021 through 2023, if application of the workload adjustment increases the amount of fee revenues established for the fiscal year, as adjusted for inflation, the fee revenue increase will be reduced by the amount of any excess collections for the second preceding fiscal year, up to the amount of the fee revenue increase. This provision will not take effect until FY 2021.

E. Recovery of Collection Shortfalls

Under section 740(g)(5)(A) of the FD&C Act, for FY 2021, the amount of fees otherwise authorized to be collected shall be increased by the amount, if any, by which the amount collected and appropriated for FY 2019 falls below the amount of fees authorized for FY 2019. For FY 2022, the amount of fees otherwise authorized to be collected shall be increased by the amount, if any, by which the amount collected and appropriated for FY 2020 falls below the amount of fees authorized for FY 2020. For FY 2023, the amount of fees otherwise authorized to be collected shall be increased by the cumulative amount, if any, by which the amount collected and appropriated for fiscal years 2021 and 2022 (including estimated collections for FY 2022) falls below the cumulative amount of fees authorized for those 2 fiscal years. Because the recovery of collection shortfalls does not take effect until FY 2021, FDA will not adjust the FY 2020 fee revenue amount for the recovery of collection shortfalls.

F. Reduction of Shortfall-Based Fee Increase by Prior Year Excess Collections

Under section 740(g)(5)(B) of the FD&C Act, where FDA's calculations under section 740(g)(5)(A) result in an increase for that fiscal year to recover a collection shortfall, FDA must reduce the increase by the amount of any excess collections for preceding fiscal years (after fiscal year 2018) that have not already been applied for purposes of reducing workload-based fee increases. Because the recovery of collection shortfalls does not take effect until FY 2021, FDA will not adjust the FY 2020 fee revenue amount for the reduction of shortfall-based fee increases by prior year excess collections.

G. FY 2020 Fee Revenue Amounts

ADUFA IV specifies that the revenue amount of $30,611,000 (rounded to the nearest thousand dollars) for FY 2020 is to be divided as follows: 20 percent, or a total of $6,122,200, is to come from application fees; 27 percent, or a total of $8,264,970, is to come from product fees; 26 percent, or a total of $7,958,860, is to come from establishment fees; and 27 percent, or a total of $8,264,970, is to come from sponsor fees (21 U.S.C. 379j–12(b)).

III. Application Fee Calculations for FY2020

A. Application Fee Revenues and Numbers of Fee-Paying Applications

Each person who submits an animal drug application or a supplemental animal drug application shall be subject to an application fee, with limited exceptions (see 21 U.S.C. 379j–12(a)(1)). The term ''animal drug application'' means an application for approval of any new animal drug submitted under section 512(b)(1) of the FD&C Act or an application for conditional approval of a new animal drug submitted under section 571 of the FD&C Act (21 U.S.C. 360ccc) (see section 739(1) of the FD&C Act (21 U.S.C. 379j–11(1))). As the expanded definition of ''animal drug application'' includes applications for conditional approval submitted under section 571 of the FD&C Act, such applications are now subject to ADUFA fees, except that fees may be waived if the drug is intended solely to provide for a minor use or minor species (MUMS) indication (see 21 U.S.C. 379j–12(d)(1)(D)).

Prior to ADUFA IV, FDA only had authority to grant conditional approval for drugs intended for a MUMS indication. Under amendments made to section 571 of the FD&C Act by ADUFA IV, FDA retains authority to grant conditional approval for drugs intended for MUMS indications but also will be able to grant conditional approval for certain drugs not intended for a MUMS indication provided certain criteria are met. Beginning with FY 2019, ADUFA IV provides an exception from application fees for animal drug applications submitted under section 512(b)(1) of the FD&C Act if the application is submitted by a sponsor who previously applied for conditional approval under section 571 of the FD&C Act for the same product and paid an application fee at the time they applied for conditional approval. The purpose of this exception is to prevent sponsors of conditionally approved products from having to pay a second application fee at the time they apply for full approval of their products under section 512(b)(1) of the FD&C Act, provided the sponsor's application for full approval is filed consistent with the timeframes established in section 571(h) of the FD&C Act.

[2] CVM increases the fee revenue amount established for the fiscal year to reflect changes in workload only if the workload adjuster is equal to or greater than 1 percent (1%).

A ''supplemental animal drug application'' is defined as a request to the Secretary of Health and Human Services (Secretary) to approve a change in an animal drug application that has been approved, or a request to the Secretary to approve a change to an application approved under section 512(c)(2) of the FD&C Act for which data with respect to safety or effectiveness are required (21 U.S.C. 379j–11(2)). The application fees are to be set so that they will generate $6,122,200 in fee revenue for FY 2020. The fee for a supplemental animal drug application for which safety or effectiveness data are required and for an animal drug application subject to criteria set forth in section 512(d)(4) of the FD&C Act is to be set at 50 percent of the animal drug application fee (21 U.S.C. 379j–12(a)(1)(A)(ii)).

To set animal drug application fees and supplemental animal drug application fees to realize $6,122,200, FDA must first make some assumptions about the number of fee-paying applications and supplements the Agency will receive in FY 2020.

The Agency knows the number of applications that have been submitted in previous years, which fluctuates annually. In estimating the fee revenue to be generated by animal drug application fees in FY 2020, FDA is assuming that the number of applications for which fees will be paid in FY 2020 will equal the average number of submissions over the 5 most recent completed fiscal years of the ADUFA program (FY 2014 to FY 2018).

Over the 5 most recent completed fiscal years, the average number of animal drug applications that would have been subject to the full fee was 7.6. Over this same period, the average number of supplemental applications for which safety or effectiveness data are required and applications subject to the criteria set forth in section 512(d)(4) of the FD&C Act that would have been subject to half of the full fee was 12.6.

B. Application Fee Rates for FY 2020

FDA must set the fee rates for FY 2020 so that the estimated 7.6 applications for which the full fee will be paid and the estimated 12.6 supplemental applications for which safety or effectiveness data are required and applications subject to the criteria set forth in section 512(d)(4) of the FD&C Act for which half of the full fee will be paid will generate a total of $6,122,200. To generate this amount, the fee for an animal drug application, rounded to the nearest dollar, will have to be $440,446, and the fee for a supplemental animal drug application for which safety or effectiveness data are required and for applications subject to the criteria set forth in section 512(d)(4) of the FD&C Act will have to be $220,223.

IV. Product Fee Calculations for FY 2020

A. Product Fee Revenues and Numbers of Fee-Paying Products

The animal drug product fee must be paid annually by the person named as the applicant in a new animal drug application or supplemental new animal drug application for an animal drug product submitted for listing under section 510 of the FD&C Act (21 U.S.C. 360) and who had an animal drug application or supplemental animal drug application pending at FDA after September 1, 2003 (21 U.S.C. 379j–12(a)(2)). The term ''animal drug product'' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved (21 U.S.C. 379j–11(3)). The product fees are to be set so that they will generate $8,264,970 in fee revenue for FY 2020.

To set animal drug product fees to realize $8,264,970, FDA must make some assumptions about the number of products for which these fees will be paid in FY 2020. FDA developed data on all animal drug products that have been submitted for listing under section 510 of the FD&C Act and matched this to the list of all persons who had an animal drug application or supplement pending after September 1, 2003. As of June 2019, FDA estimates that there are a total of 743 products submitted for listing by persons who had an animal drug application or supplemental animal drug application pending after September 1, 2003. Based on this, FDA estimates that a total of 743 products will be subject to this fee in FY 2020.

In estimating the fee revenue to be generated by animal drug product fees in FY 2020, FDA is assuming that 2 percent of the products invoiced, or 15, will not pay fees in FY 2020 due to fee waivers and reductions. FDA has made this estimate at 2 percent this year, based on historical data over the past 5 completed fiscal years of the ADUFA program.

Accordingly, the Agency estimates that a total of 728 (743 minus 15) products will be subject to product fees in FY 2020.

B. Product Fee Rates for FY 2020

FDA must set the fee rates for FY 2020 so that the estimated 728 products that pay fees will generate a total of $8,264,970. To generate this amount will require the fee for an animal drug product, rounded to the nearest dollar, to be $11,353.

V. Establishment Fee Calculations for FY 2020

A. Establishment Fee Revenues and Numbers of Fee-Paying Establishments

The animal drug establishment fee must be paid annually by the person who: (1) Owns or operates, directly or through an affiliate, an animal drug establishment; (2) is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product submitted for listing under section 510 of the FD&C Act; (3) had an animal drug application or supplemental animal drug application pending at FDA after September 1, 2003; and (4) whose establishment engaged in the manufacture of the animal drug product during the fiscal year (see 21 U.S.C. 379j–12(a)(3)). An establishment subject to animal drug establishment fees is assessed only one such fee per fiscal year. The term ''animal drug establishment'' is defined as a foreign or domestic place of business at one general physical location, consisting of one or more buildings, all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form (21 U.S.C. 379j–11(4)). The establishment fees are to be set so that they will generate $7,958,860 in fee revenue for FY 2020.

To set animal drug establishment fees to realize $7,958,860, FDA must make some assumptions about the number of establishments for which these fees will be paid in FY 2020. FDA developed data on all animal drug establishments and matched this to the list of all persons who had an animal drug application or supplement pending after September 1, 2003. As of June 2019, FDA estimates that there are a total of 55 establishments owned or operated by persons who had an animal drug application or supplemental animal drug application pending after September 1, 2003. Based on this, FDA believes that 55 establishments will be subject to this fee in FY 2020.

In estimating the fee revenue to be generated by animal drug establishment fees in FY 2020, FDA is assuming that 9 percent of the establishments invoiced, or 5, will not pay fees in FY 2020 due to fee waivers and reductions.

FDA has made this estimate at 9 percent this year, based on historical data over the past 5 completed fiscal years.

Accordingly, the Agency estimates that a total of 50 establishments (55 minus 5) will be subject to establishment fees in FY 2020.

B. Establishment Fee Rates for FY 2020

FDA must set the fee rates for FY 2020 so that the fees paid for the estimated 50 establishments will generate a total of $7,958,860. To generate this amount will require the fee for an animal drug establishment, rounded to the nearest dollar, to be $159,177.

VI. Sponsor Fee Calculations for FY 2020

A. Sponsor Fee Revenues and Numbers of Fee-Paying Sponsors

The animal drug sponsor fee must be paid annually by each person who: (1) Is named as the applicant in an animal drug application, except for an approved application for which all subject products have been removed from listing under section 510 of the FD&C Act, or has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive and (2) had an animal drug application, supplemental animal drug application, or investigational animal drug submission pending at FDA after September 1, 2003 (see 21 U.S.C. 379j–11(6) and 379j–12(a)(4)). An animal drug sponsor is subject to only one such fee each fiscal year (see 21 U.S.C. 379j–12(a)(4)). The sponsor fees are to be set so that they will generate $8,264,970 in fee revenue for FY 2020.

To set animal drug sponsor fees to realize $8,264,970, FDA must make some assumptions about the number of sponsors who will pay these fees in FY 2020. FDA estimates that a total of 177 sponsors will meet this definition in FY 2020.

In estimating the fee revenue to be generated by animal drug sponsor fees in FY 2020, FDA is assuming that 68 percent of the sponsors invoiced, or 120, will not pay sponsor fees in FY 2020 due to fee waivers and reductions. FDA has made this estimate at 68 percent this year, based on historical data over the past 5 completed fiscal years of the ADUFA program.

Accordingly, the Agency estimates that a total of 57 sponsors (177 minus 120) will be subject to and pay sponsor fees in FY 2020.

B. Sponsor Fee Rates for FY 2020

FDA must set the fee rates for FY 2020 so that the estimated 57 sponsors that pay fees will generate a total of $8,264,970. To generate this amount will require the fee for an animal drug sponsor, rounded to the nearest dollar, to be $144,999.

VII. Fee Schedule for FY 2020

The fee rates for FY 2020 are summarized in table 5.

TABLE 5—FY 2020 FEE RATES

Animal drug user fee category	Fee rate for FY 2020
Animal Drug Application Fees:	
Animal Drug Application	$440,446
Supplemental Animal Drug Application for Which Safety or Effectiveness Data are Required or Animal Drug Application Subject to the Criteria Set Forth in Section 512(d)(4) of the FD&C Act	220,223
Animal Drug Product Fee	11,353
Animal Drug Establishment Fee [1]	159,177
Animal Drug Sponsor Fee [2]	144,999

[1] An animal drug establishment is subject to only one such fee each fiscal year.
[2] An animal drug sponsor is subject to only one such fee each fiscal year.

VIII. Fee Waiver or Reduction; Exemption From Fees

A. Barrier to Innovation Waivers

Under section 740(d)(1)(A) of the FD&C Act, an animal drug applicant may qualify for a waiver or reduction of one or more ADUFA fees if the fee would present a significant barrier to innovation because of limited resources available to the applicant or due to other circumstances. FDA CVM's guidance for industry (GFI) #170, entitled ''Animal Drug User Fees and Fee Waivers and Reductions,'' [3] states that for purposes of determining whether to grant a barrier to innovation waiver or reduction of ADUFA fees on financial grounds, FDA has determined an applicant with financial resources of less than $20,000,000 (including the financial resources of the applicant's affiliates), adjusted annually for inflation, has limited resources available. Using the CPI for urban consumers (U.S. city average; not seasonally adjusted; all items; annual index), the inflation-adjusted level for FY 2020 will be $21,265,320; this level represents the financial resource ceiling that will be used to determine if there are limited resources available to an applicant requesting a barrier to innovation waiver on financial grounds for FY 2020 in addition to the criteria requiring the product to be innovative.

B. Exemptions From Fees

The types of fee waivers and reductions that applied in ADUFA III still exist for FY 2020. However, two new exemptions and one new exception from fees were established by ADUFA IV, as follows:

If an animal drug application, supplemental animal drug application, or investigational submission involves the intentional genomic alteration of an animal that is intended to produce a human medical product, any person who is the named applicant or sponsor of that application or submission will not be subject to sponsor, product, or establishment fees under ADUFA based solely on that application or submission (21 U.S.C. 379j–12(d)(4)(B)).

Fees will not apply to any person who not later than September 30, 2023, submits to CVM a supplemental animal drug application relating to a new animal drug application approved under section 512 of the FD&C Act, solely to add the application number to the labeling of the drug in the manner specified in section 502(w)(3) of the FD&C Act (21 U.S.C. 352(w)(3)), if that person otherwise would be subject to user fees under ADUFA based only on the submission of the supplemental application (21 U.S.C. 379j–12(d)(4)(A)).

There is also an exception from application fees for animal drug applications submitted under section 512(b)(1) of the FD&C Act if the application is submitted by a sponsor who previously applied for conditional

[3] CVM's GFI #170 is located at: *https://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM052494.pdf.*

approval under section 571 of the FD&C Act for the same product and paid an application fee at the time they applied for conditional approval, provided the sponsor has submitted the application under section 512(b)(1) of the FD&C Act within the timeframe specified in section 571(h) of the FD&C Act.

IX. Procedures for Paying the FY 2020 Fees

A. Application Fees and Payment Instructions

The appropriate application fee established in the new fee schedule must be paid for an animal drug application or supplement subject to fees under ADUFA IV that is submitted on or after October 1, 2019. The payment must be made in U.S. currency by one of the following methods: Wire transfer, electronic check, bank draft, or U.S. postal money order made payable to FDA. The preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay,* or the *Pay.gov* payment option is available after you submit a cover sheet. (*Note:* Only full payments are accepted. No partial payments can be made online.) Once you search for and find your invoice, select ''Pay Now'' to be redirected to *https://www.pay.gov/.* Electronic payment options are based on the balance due. Payment by credit card is available only for balances that are less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

When paying by check, bank draft, or U.S. postal money order, please write your application's unique Payment Identification Number (PIN), beginning with the letters AD, on the upper right-hand corner of your completed Animal Drug User Fee Cover Sheet. Also write the FDA post office box number (P.O. Box 979033) on the enclosed check, bank draft, or money order. Mail the payment and a copy of the completed Animal Drug User Fee Cover Sheet to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000. When paying by wire transfer, the invoice number needs to be included. Without the invoice number, the payment may not be applied. If the payment amount is not applied, the invoice amount would be referred to collections. The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee, it is required to add that amount to the payment to ensure that the invoice is paid in full.

Use the following account information when sending a payment by wire transfer: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, FDA deposit account number: 75060099, U.S. Department of the Treasury routing/transit number: 021030004, SWIFT number: FRNYUS33.

To send a check by a courier such as Federal Express, the courier must deliver the check and printed copy of the cover sheet to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This address is for courier delivery only. If you have any questions concerning courier delivery, contact U.S. Bank at 314–418–4013. This telephone number is only for questions about courier delivery.)

It is important that the fee arrives at the bank at least a day or two before the application arrives at CVM. FDA records the official application receipt date as the later of the following: The date the application was received by CVM, or the date U.S. Bank notifies FDA that your payment in the full amount has been received, or when the U.S. Treasury notifies FDA of receipt of an electronic or wire transfer payment. U.S. Bank and the U.S. Treasury are required to notify FDA within 1 working day, using the PIN described previously.

FDA's tax identification number is 53–0196965. (*Note:* In no case should the payment for the fee be submitted to FDA with the application.)

B. Application Cover Sheet Procedures

Step One—Create a user account and password. Log on to the ADUFA website at *https://www.fda.gov/industry/animal-drug-user-fee-act-adufa/animal-drug-user-fee-cover-sheet* and, under Application Submission Information, click ''Create ADUFA User Fee Cover Sheet.'' For security reasons, each firm submitting an application will be assigned an organization identification number, and each user will also be required to set up a user account and password the first time they use this site. Online instructions will walk you through this process.

Step Two—Create an Animal Drug User Fee Cover Sheet, transmit it to FDA, and print a copy. After logging into your account with user name and password, complete the steps required to create an Animal Drug User Fee Cover Sheet. One cover sheet is needed for each animal drug application or supplement. Once you are satisfied that the data on the cover sheet are accurate and you have finalized the cover sheet, you will be able to transmit it electronically to FDA and you will be able to print a copy of your cover sheet showing your unique PIN.

Step Three—Send the payment for your application as described in section IX.A of this document.

Step Four—Please submit your application and a copy of the completed Animal Drug User Fee Cover Sheet to the following address: Food and Drug Administration, Center for Veterinary Medicine, Document Control Unit (HFV–199), 7500 Standish Pl., Rockville, MD 20855.

C. Product, Establishment, and Sponsor Fees

By December 31, 2019, FDA will issue invoices and payment instructions for product, establishment, and sponsor fees for FY 2020 using this fee schedule. Payment will be due by January 31, 2020. FDA will issue invoices in November 2020 for any products, establishments, and sponsors subject to fees for FY 2020 that qualify for fees after the December 2019 billing.

Dated: July 29, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–16434 Filed 8–1–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice To Announce Supplemental Awards To Support Technical Assistance To Address the HIV Epidemic

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice to announce supplemental awards to support technical assistance to address the HIV epidemic.

SUMMARY: HRSA provided supplemental grant funds to two currently funded National Training and Technical Assistance Cooperative Agreement award recipients to support ending the HIV epidemic by providing critical expertise and resources to health centers in geographic locations identified in Ending the HIV Epidemic: A Plan for America.

FOR FURTHER INFORMATION CONTACT: Tracey Orloff, Strategic Partnerships

Division Director in the Office of Quality Improvement, at *TOrloff@hrsa.gov* or (301) 443–3197.

SUPPLEMENTARY INFORMATION:

Recipients: Two current National Training and Technical Assistance Cooperative Agreement award recipients, as listed in Table 1.

Amount of Non-Competitive Awards: Two awards with a combined total of $249,000.

Period of Supplemental Funding: Fiscal year 2019.

CFDA Number: 93.129.

Authority: Section 330(l) of the Public Health Service Act, as amended.

Justification: The award recipients will provide specialized training and technical assistance (T/TA) to health centers in geographic areas with the highest HIV burden, which include 48 counties; Washington, DC; San Juan; Puerto Rico; as well as seven states that have a substantial rural HIV burden. JSI Research and Training Institute, Inc. will provide T/TA focused on the use of data in HIV outreach, in-reach, and prevention efforts. Fenway Community Health Center will provide T/TA focused on expanding the use of pre-exposure prophylaxis and addressing barriers to patients seeking HIV prevention care. Supplemental funds are necessary to support timely implementation of critical T/TA to health centers in geographic locations identified by the Ending the HIV Epidemic initiative. The award recipients have the demonstrated expertise and scalable experience required to swiftly address these time-sensitive T/TA needs.

TABLE 1—RECIPIENTS AND AWARD AMOUNTS

Grant No.	Award recipient name	Award amount ($)
U30CS29366	JSI Research and Training Institute, Inc	130,000
U30CS22742	Fenway Community Health Center	119,000

Dated: July 30, 2019.

George Sigounas,

Administrator.

[FR Doc. 2019–16585 Filed 8–1–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

COBRA Fees To Be Adjusted for Inflation in Fiscal Year 2020 CBP Dec. 19–08

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP) is adjusting certain customs user fees and corresponding limitations established by the Consolidated Omnibus Budget Reconciliation Act (COBRA) for Fiscal Year 2020 in accordance with the Fixing America's Surface Transportation Act (FAST Act) as implemented by CBP regulations.

DATES: The adjusted amounts of customs COBRA user fees and their corresponding limitations set forth in this notice for Fiscal Year 2020 are required as of October 1, 2019.

FOR FURTHER INFORMATION CONTACT: Tina Ghiladi, Director—Office of Finance, 202–344–3722, *UserFeeNotices@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

On December 4, 2015, the Fixing America's Surface Transportation Act (FAST Act, Pub. L. 114–94) was signed into law. Section 32201 of the FAST Act amended section 13031 of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (19 U.S.C. 58c) by requiring certain customs COBRA user fees and corresponding limitations to be adjusted by the Secretary of the Treasury (Secretary) to reflect certain increases in inflation.

Sections 24.22 and 24.23 of title 19 of the Code of Federal Regulations (19 CFR 24.22 and 24.23) describe the procedures that implement the requirements of the FAST Act. Specifically, paragraph (k) in section 24.22 (19 CFR 24.22(k)) sets forth the methodology to determine the change in inflation as well as the factor by which the fees and limitations will be adjusted, if necessary. The fees and limitations subject to adjustment, which are set forth in Appendix A and Appendix B of part 24, include the commercial vessel arrival fees, commercial truck arrival fees, railroad car arrival fees, private vessel arrival fees, private aircraft arrival fees, commercial aircraft and vessel passenger arrival fees, dutiable mail fees, customs broker permit user fees, barges and other bulk carriers arrival fees, and merchandise processing fees, as well as the corresponding limitations.

Determination of Whether an Adjustment Is Necessary for Fiscal Year 2020

In accordance with 19 CFR 24.22, CBP must determine annually whether the fees and limitations must be adjusted to reflect inflation. For fiscal year 2020, CBP is making this determination by comparing the average of the Consumer Price Index—All Urban Consumers, U.S. All items, 1982–84 (CPI–U) for the current year (June 2018–May 2019) with the average of the CPI–U for the comparison year (June 2017–May 2018) to determine the change in inflation, if any. If there is an increase in the CPI of greater than one (1) percent, CBP must adjust the customs COBRA user fees and corresponding limitations using the methodology set forth in 19 CFR 24.22(k). Following the steps provided in paragraph (k)(2) of section 24.22, CBP has determined that the increase in the CPI between the most recent June to May 12-month period (June 2018–May 2019) and the comparison year (June 2017–May 2018) is 2.02 [1] percent. As the increase in the CPI is greater than one (1) percent, the customs COBRA user fees and corresponding limitations must be adjusted for Fiscal Year 2020.

Determination of the Adjusted Fees and Limitations

Using the methodology set forth in section 24.22(k)(2) of the CBP regulations (19 CFR 24.22(k)), CBP has determined that the factor by which the base fees and limitations will be adjusted is 7.167 percent (base fees and limitations can be found in Appendix A and B to part 24 of title 19). In reaching this determination, CBP calculated the values for each variable found in

[1] The figures provided in this notice may be rounded for publication purposes only. The calculations for the adjusted fees and limitations were made using unrounded figures, unless otherwise noted.

paragraph (k) of 19 CFR 24.22 as follows:

- The arithmetic average of the CPI–U for June 2018–May 2019, referred to as (A) in the CBP regulations, is 252.922;
- The arithmetic average of the CPI–U for Fiscal Year 2014, referred to as (B), is 236.009;
- The arithmetic average of the CPI–U for the comparison year (June 2017–May 2018), referred to as (C), is 247.540;
- The difference between the arithmetic averages of the CPI–U of the comparison year (June 2017–May 2018) and the current year (June 2018–May 2019), referred to as (D), is 5.382;
- This difference rounded to the nearest whole number, referred to as (E), is 5;
- The percentage change in the arithmetic averages of the CPI–U of the comparison year (June 2017–May 2018) and the current year (June 2018–May 2019), referred to as (F), is 2.02 percent;
- The difference in the arithmetic average of the CPI–U between the current year (June 2018–May 2019) and the base year (Fiscal Year 2014), referred to as (G), is 16.914; and
- Lastly, the percentage change in the CPI–U from the base year (Fiscal Year 2014) to the current year (June 2018–May 2019), referred to as (H), is 7.167 percent.

Announcement of New Fees and Limitations

The adjusted amounts of customs COBRA user fees and their corresponding limitations for Fiscal Year 2020 as adjusted by 7.167 percent set forth below are required as of October 1, 2019. Table 1 provides the fees and limitations found in 19 CFR 24.22 as adjusted for Fiscal Year 2020 and Table 2 provides the fees and limitations found in 19 CFR 24.23 as adjusted for Fiscal Year 2020.

TABLE 1—CUSTOMS COBRA USER FEES AND LIMITATIONS FOUND IN 19 CFR 24.22 AS ADJUSTED FOR FISCAL YEAR 2020

19 U.S.C. 58c	19 CFR 24.22	Customs COBRA user fee/limitation	New fee/limitation adjusted in accordance with the FAST Act
(a)(1)	(b)(1)(i)	Fee: Commercial Vessel Arrival Fee	$468.32
(b)(5)(A)	(b)(1)(ii)	Limitation: Calendar Year Maximum for Commercial Vessel Arrival Fees	6,381.77
(a)(8)	(b)(2)(i)	Fee: Barges and Other Bulk Carriers Arrival Fee	117.88
(b)(6)	(b)(2)(ii)	Limitation: Calendar Year Maximum for Barges and Other Bulk Carriers Arrival Fees.	1,607.50
(a)(2)	(c)(1)	Fee: Commercial Truck Arrival Fee [2]	[3] 5.85
(b)(2)	(c)(2) and (3)	Limitation: Commercial Truck Calendar Year Prepayment Fee [4]	107.17
(a)(3)	(d)(1)	Fee: Railroad Car Arrival Fee	8.84
(b)(3)	(d)(2) and (3)	Limitation: Railroad Car Calendar Year Prepayment Fee	107.17
(a)(4)	(e)(1) and (2)	Fee and Limitation: Private Vessel or Private Aircraft First Arrival/Calendar Year Prepayment Fee.	29.47
(a)(6)	(f)	Fee: Dutiable Mail Fee	5.89
(a)(5)(A)	(g)(1)(i)	Fee: Commercial Vessel or Commercial Aircraft Passenger Arrival Fee	5.89
(a)(5)(B)	(g)(1)(ii)	Fee: Commercial Vessel Passenger Arrival Fee (from one of the territories and possessions of the United States).	2.07
(a)(7)	(h)	Fee: Customs Broker Permit User Fee	147.89

TABLE 2—CUSTOMS COBRA USER FEES AND LIMITATIONS FOUND IN 19 CFR 24.23 AS ADJUSTED FOR FISCAL YEAR 2020

19 U.S.C. 58c	19 CFR 24.23	Customs COBRA user fee/limitation	New fee/limitation adjusted in accordance with the FAST Act
(b)(9)(A)(ii)	(b)(1)(i)(A)	Fee: Express Consignment Carrier/Centralized Hub Facility Fee, Per Individual Waybill/Bill of Lading Fee.	$1.07
(b)(9)(B)(i)	(b)(1)(i)(B)(2)	Limitation: Minimum Express Consignment Carrier/Centralized Hub Facility Fee [5].	0.38
(b)(9)(B)(i)	(b)(1)(i)(B)(2)	Limitation: Maximum Express Consignment Carrier/Centralized Hub Facility Fee	1.07
(a)(9)(B)(i); (b)(8)(A)(i).	(b)(1)(i)(B)(1)	Limitation: Minimum Merchandise Processing Fee [6]	26.79
(a)(9)(B)(i); (b)(8)(A)(i).	(b)(1)(i)(B)(1)	Limitation: Maximum Merchandise Processing Fee [7] [8]	519.76
(b)(8)(A)(ii)	(b)(1)(ii)	Fee: Surcharge for Manual Entry or Release	3.21
(a)(10)(C)(i)	(b)(2)(i)	Fee: Informal Entry or Release; Automated and Not Prepared by CBP Personnel.	2.14
(a)(10)(C)(ii)	(b)(2)(ii)	Fee: Informal Entry or Release; Manual and Not Prepared by CBP Personnel	6.43
(a)(10)(C)(iii)	(b)(2)(iii)	Fee: Informal Entry or Release; Automated or Manual; Prepared by CBP Personnel.	9.64

[2] The Commercial Truck Arrival fee is the CBP fee only, it does not include the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) agricultural quarantine and inspection (AQI) fee that is collected by CBP on behalf of USDA. *See* 7 CFR 354.3(c) and 19 CFR 24.22(c)(1). Once 19 Single Crossing Fees have been paid and used for a vehicle identification number (VIN)/vehicle in a Decal and Transponder Online Procurement System (DTOPS) account within a calendar year, the payment required for the 20th (and subsequent) single-crossing is only the APHIS/AQI fee and no longer includes the CBP Commercial Truck Arrival fee (for the remainder of that calendar year).

[3] The Commercial Truck Arrival fee is adjusted down from $5.89 to the nearest lower nickel. *See* 82 FR 50523 (November 1, 2017).

[4] *See* footnote 2 above.

TABLE 2—CUSTOMS COBRA USER FEES AND LIMITATIONS FOUND IN 19 CFR 24.23 AS ADJUSTED FOR FISCAL YEAR 2020—Continued

19 U.S.C. 58c	19 CFR 24.23	Customs COBRA user fee/limitation	New fee/limitation adjusted in accordance with the FAST Act
(b)(9)(A)(ii)	(b)(4)	Fee: Express Consignment Carrier/Centralized Hub Facility Fee, Per Individual Waybill/Bill of Lading Fee.	1.07

Tables 1 and 2, setting forth the adjusted fees and limitations for Fiscal Year 2020, will also be maintained for the public's convenience on the CBP website at *www.cbp.gov.*

Dated: July 30, 2019.

Robert E. Perez,

Deputy Commissioner.

[FR Doc. 2019–16582 Filed 8–1–19; 8:45 am]

BILLING CODE 9111–14–P

[5] Although the minimum limitation is published, the fee charged is the fee required by 19 U.S.C. 58c(b)(9)(A)(ii).

[6] Only the limitation is increasing; the ad valorem rate of 0.3464% remains the same. *See* 82 FR 32661 (July 17, 2017).

[7] *Id.*

[8] For monthly pipeline entries, see: *https://www.cbp.gov/trade/entry-summary/pipeline-monthly-entry-processing/pipeline-line-qa.*

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2019–0021]

Commercial Customs Operations Advisory Committee (COAC)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

ACTION: Committee management; notice of Federal Advisory Committee meeting.

SUMMARY: The Commercial Customs Operations Advisory Committee (COAC) will hold its quarterly meeting on Wednesday, August 21, 2019 in Buffalo, New York. The meeting will be open to the public to attend in person or via webinar.

DATES: The COAC will meet on Wednesday, August 21, 2019, from 1:00 p.m. to 5:00 p.m. EDT. Please note that the meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held at the Buffalo Niagara Convention Center, Convention Center Plaza, Buffalo, New York 14202. For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs & Border Protection, at (202) 344–1440 as soon as possible.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using one of the methods indicated below:

For members of the public who plan to attend the meeting in person, please register by 5:00 p.m. EDT August 20, 2019, either: Online at *https://teregistration.cbp.gov/index.asp?w=166;* by email to *tradeevents@dhs.gov;* or by fax to (202) 325–4290. You must register prior to the meeting in order to attend the meeting in person.

For CBP personnel who plan to attend in-person, please register online by 5:00 p.m. EDT August 20, 2019, at *https://teregistration.cbp.gov/index.asp?w=165.*

For members of the public who plan to participate via webinar, please register online at *https://teregistration.cbp.gov/index.asp?w=167* by 5:00 p.m. EDT on August 20, 2019.

Please feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered to attend and later need to cancel, please do so by August 20, 2019, utilizing the following links: *https://teregistration.cbp.gov/cancel.asp?w=166* to cancel an in-person registration; or *https://teregistration.cbp.gov/cancel.asp?w=167* to cancel a webinar registration. For CBP personnel who are registered to attend in-peron and later need to cancel, please do so by utilizing the following link: *https://teregistration.cbp.gov/cancel.asp?w=165.*

To facilitate public participation, we are inviting public comment on the issues the committee will consider prior to the formulation of recommendations as listed in the Agenda section below.

Comments must be submitted in writing no later than August 20, 2019, and must be identified by Docket No. USCBP–2019–0021, and may be submitted by *one (1)* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: tradeevents@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290, Attention Florence Constant-Gibson.
- *Mail:* Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number (USCBP–2019–0021) for this action. Comments received will be posted without alteration at *http://www.regulations.gov.* Please do not submit personal information to this docket.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* and search for Docket Number USCBP–2019–0021. To submit a comment, click the ''Comment Now!'' button located on the top-right hand side of the docket page.

There will be multiple public comment periods held during the meeting on August 21, 2019. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP web page, *http://www.cbp.gov/trade/stakeholder-engagement/coac.*

FOR FURTHER INFORMATION CONTACT: Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229; telephone (202) 344–1440; facsimile (202) 325–4290; or Mr. Bradley Hayes, Executive Director and Designated Federal Officer at (202) 344–1440.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix. The Commercial Customs

Operations Advisory Committee (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within the Department of Homeland Security and the Department of the Treasury.

Agenda

1. The Next Generation Facilitation Subcommittee will discuss the Emerging Technologies Working Group's progress on various Blockchain Proof of Concept Projects and other initiatives. An update will be provided regarding the creation of the new Interagency Collaboration/One U.S. Government Working Group. This new working group is a collaborative effort between the government and the trade community to discuss operational and technical issues impacting one or more U.S. government agencies; including, but not limited to, the CBP trade strategy. Finally, CBP will provide an update on the efforts of E-Commerce projects and next steps for the COAC E-Commerce Working Group.

2. The Intelligent Enforcement (IE) Subcommittee will discuss the progress made on CBP's Joint Strategic Plan required under Section 105 of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA). The subcommittee will also provide updates from the Anti-Dumping and Countervailing Duties (AD/CVD) and Bond Working Groups on risk-based bonding. Additionally, the Intellectual Property Rights (IPR) Working Group will discuss the progress made on prior recommendations and plans to address the Presidential Memorandum on Combatting Trafficking in Counterfeit and Pirated Goods. Lastly, the IE Subcommittee will discuss new topics to be addressed by the Forced Labor Working Group.

3. The Rapid Response Subcommittee will provide an update on progress made by the Northern Triangle Working Group and a preliminary report. The report will outline initial findings and actionable short, medium, and long-term recommendations.

4. The Secure Trade Lanes Subcommittee will present a summary of the activities of the Trusted Trader Working Group as well as the activities to date regarding the Customs Trade Partnership Against Terrorism (CTPAT) Trade Compliance Program. The subcommittee will also provide an update on the progress of the In-Bond Working Group's analysis of the current In-Bond processes and proposed changes. The newly launched Export Modernization Working Group will provide updates regarding the expansion of CBP's post departure filing program and other related subcommittee activities.

Meeting materials will be available by August 19, 2019, at: *http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings.*

Dated: July 30, 2019.

Valarie Neuhart,

Acting Executive Director, Office of Trade Relations.

[FR Doc. 2019–16584 Filed 8–1–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; notice of open Federal Advisory Committee meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet on September 9–10, 2019, in Emmitsburg, Maryland. The meeting will be open to the public.

DATES: The meeting will take place on Monday, September 9, 8 a.m. to 5 p.m. Eastern Daylight Time and on Tuesday, September 10, 8 a.m. to 5 p.m. Eastern Daylight Time. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: The meeting will be held at the National Emergency Training Center, 16825 South Seton Avenue, Building H, Room 300, Emmitsburg, Maryland. Members of the public who wish to obtain details on how to gain access to the facility and directions may contact Deborah Gartrell-Kemp as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business September 2, 2019. Photo identification that meets *REAL ID ACT* standards (*https://www.usfa.fema.gov/training/nfa/admissions/campus_access.html*) is required for access. Members of the public may also participate by teleconference and may contact Deborah Gartrell-Kemp to obtain the call-in number and access code. For information on services for individuals with disabilities or to request special assistance, contact Deborah Gartrell-Kemp as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Comments must be submitted in writing no later than September 2, 2019, must be identified by Docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail/Hand Delivery:* Deborah Gartrell-Kemp, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, post-marked no later than September 2, 2019.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the Docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Fire Academy Board of Visitors, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By Agency,'' and then click ''Search.''

FOR FURTHER INFORMATION CONTACT:

Alternate Designated Federal Officer: Kirby E. Kiefer, telephone (301) 447–1117, email *Kirby.Kiefer@fema.dhs.gov.*

Logistical Information: Deborah Gartrell-Kemp, telephone (301) 447–7230 and email *Deborah.GartrellKemp@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Board will meet on Monday, September 9, and Tuesday, September 10, 2019. The meeting will be open to the public. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (Academy) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the

physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits a written annual report through the United States Fire Administrator to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the Academy.

Agenda

On Monday, September 9, there will be five sessions, with deliberations and voting at the end of each session as necessary:

1. The Board will conduct a swearing in of new Board members and will then select a Chairperson and Vice Chairperson for Fiscal Year 2020.

2. The Board will discuss the USFA Strategic Plan.

3. The Board will discuss deferred maintenance and capital improvements on the National Emergency Training Center campus and Fiscal Year 2019 Budget Request/Budget Planning.

4. The Board will deliberate and vote on recommendations on Academy program activities.

5. The Board will receive activity reports on the National Fire Incident Reporting System Subcommittee, and the Professional Development Initiative Subcommittee. The board will also visit classrooms and tour the campus.

On Tuesday, September 10, 2019, the Board will receive updates on U.S. Fire Administration data, research, and response support initiatives, and will receive ethics and FACA training. The Board will also engage in an annual report writing session. Deliberations or voting may occur as needed during the report writing session.

There will be a 10-minute comment period after each agenda item and each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact Deborah Gartrell-Kemp to register as a speaker. Meeting materials will be posted at *https://www.usfa.fema.gov/training/nfa/about/bov.html* by September 6, 2019.

Tonya L. Hoover,

Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2019–16475 Filed 8–1–19; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

30-Day Notice and Request for Comments; New Collection, 1670–NEW: Communications Assets Survey and Mapping Tool

AGENCY: Emergency Communications Division (ECD), Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: Information collection; request for comments.

SUMMARY: DHS CISA ECD will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS previously published this information collection request (ICR) for a 60-day public comment period. 0 comments were received by DHS. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until September 3, 2019.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.* All submissions must include the words ''Department of Homeland Security'' and the OMB Control Number 1670–NEW—Communications Assets Survey and Mapping Tool.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Kendall Carpenter at 703.705.6376 or at *Kendall.Carpenter@HQ.DHS.GOV.*

SUPPLEMENTARY INFORMATION: The CISA ECD, formed under Title XVIII of the Homeland Security Act of 2002, 6 U.S.C. 571 *et seq.,* as amended, is required to develop and maintain the Nationwide Emergency Communications Plan (NECP). The vision of the NECP is to ensure emergency response personnel can communicate as needed, on demand, and as authorized. To achieve this vision, ECD provides the Communications Assets and Survey Mapping (CASM) Tool. The CASM Tool is the primary resource nationwide for the emergency communications community to inventory and share asset and training information for the purpose of planning public safety communications operability and interoperability.

DHS provides the CASM Tool as a secure and free nationwide database to contain communications capabilities for use by Federal, State, Local, Territorial, and Tribal (SLTT) emergency personnel. CASM allows Federal employees and SLTT Statewide Interoperability Coordinators (SWIC) to inventory emergency communication equipment and resources. The information entered is voluntary and used by SWIC to support tactical planning and coordination during emergencies. DHS does not utilize the information entered into CASM. DHS only provides, maintains, and stores the information entered in the CASM database and only has administrative access to the information entered. All information is collected via electronic means. The CASM registration and database tool is available online via *https://casm.dhs.gov/.* Users can also access and enter information via the CASM Resource Finder mobile app.

This is a new information collection.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or

other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: Communications Assets Survey and Mapping Tool.

OMB Control Number: 1670–NEW.

Frequency: Annually.

Affected Public: State, Local, Tribal, and Territorial Governments.

Number of Annualized Respondents: 56.

Estimated Time per Respondent: 0.08 or 0.5 hours.

Total Annualized Burden Hours: 341 hours.

Total Annualized Respondent Opportunity Cost: $14,161.

Total Annualized Respondent Out-of-Pocket Cost: $0.

Total Annualized Government Cost: $2,200,000.

David Epperson,

Chief Information Officer.

[FR Doc. 2019–15953 Filed 8–1–19; 8:45 am]

BILLING CODE 9110–09–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7013–N–01]

60-Day Notice of Proposed Information Collection; Comment Request Fair Housing Initiatives Program Grant Application and Monitoring Reports

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 1, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: 25 CFR 125, Fair Housing Initiatives Program.

OMB Approval Number: 2529–0033.

Type of Request: Extension of currently approved collection.

Form Number: HUD 904 A, B and C, SF–425, SF–424, SF–LLL, HUD–2880, HUD–2990, HUD–2993, HUD–424CB, HUD–424–CBW, HUD2994–A, HUD–96010, and HUD–27061.

Description of the need for the information and proposed use: The collection is needed to allow the Fair Housing Initiatives Program (FHIP) to request information necessary to complete a grant application package during the Notice of Funding Availability (NOFA) grant application process. The collection is used to assist the Department in effectively evaluating grant application packages to select the highest ranked applications for funding to carry out fair housing enforcement and/or education and outreach activities under the following FHIP initiatives: Private Enforcement, Education and Outreach, and Fair Housing Organization. The collection is also needed for the collection of post-award reports and other information used to monitor grants and grant funds. Information collected from quarterly and final progress reports and enforcement logs will enable the Department to evaluate the performance of agencies that receive funding and determine the impact of the program on preventing and eliminating discriminatory housing practices.

Respondents (i.e., affected public): Fair Housing Enforcement Organizations, Fair Housing organizations, non-profit and other organizations eligible to apply for FHIP funding.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Application Development	400	1	400	76.50	30,600	00	00
Quarterly Report	104	4	416	19	7,904	00	00
Supplemental Outcome Report	104	1	104	19	1,976	00	00
Enforcement Log	59	4	236	7	1,652	00	00
Final Report	102	1	102	20	2,040	00	00
Recordkeeping	104	1	104	21	2,184	00	00
Total	873	12	1,362	162.50	46,356	00	00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(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 through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 3, 2019.

Anna Maria Farías,

Assistant Secretary for the Office of Fair Housing and Equal Opportunity.

[FR Doc. 2019–16591 Filed 8–1–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7021–N–01]

60-Day Notice of Proposed Information Collection: Electronic Line of Credit Control System (eLOCCS) System Access Authorization Form Collection

AGENCY: Office of the Chief Financial Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 1, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Electronic Line of Credit Control System (eLOCCS) System Access Authorization Form.

OMB Approval Number: 2535–0102.

Type of Request: Extension.

Form Number: HUD—27054e.

Description of the need for the information and proposed use: Establish access to the eLOCCS payment system.

Respondents (*i.e.,* affected public): State or Local Government; Public Housing Authorities (PHAs), Individuals or Households.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD—27054e	2,420.00	1.00	2,420.00	0.17	411.00	$24.29	$9,992.91
Total					411.00	24.29	9,992.91

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(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 through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 19, 2019.

George J. Tomchick III,

Deputy Chief Financial Officer.

[FR Doc. 2019–16594 Filed 8–1–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–30]

30-Day Notice of Proposed Information Collection: HUD-Administered Small Cities Program Performance Assessment Report

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 3, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on (Need the **Federal Register** date when the 60 day get publish).

A. Overview of Information Collection

Title of Information Collection: HUD-Administered Small Cities Program Performance Assessment Report.

OMB Approval Number: 2506–0020.

Type of Request: Extension of currently approved collection.

Form Number: HUD–4052.

Description of the need for the information and proposed use: The information collected from grant recipients participating in the HUD-administered CDBG program provides HUD with financial and physical development status of each activity funded. These reports are used to determine grant recipient performance.

Respondents (i.e., affected public): This information collection applies solely to local governments in New York State that have HUD-administered CDBG grants that remain open or continue to generate program income.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
2506–0020	40.00	1.00	40.00	4.00	160.00	$31.50	$5,040.00
Total	40.00	1.00	40.00	4.00	160.00	31.50	5,040.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(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 through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 17, 2019.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–16593 Filed 8–1–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2019–N085; FXES11140100000–190–FF01E00000]

Final Programmatic Environmental Impact Statement, Habitat Conservation Plan, and Habitat Conservation Plan Amendments; Incidental Take Permits for Four Wind Energy Projects in Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a final programmatic environmental impact statement (PEIS), prepared in accordance with the National Environmental Policy Act, analyzing the impacts of the issuance of incidental take permits (ITPs) or ITP amendments for the continued operation of four similar wind energy facilities. The permit actions would involve implementation of a new habitat conservation plan (HCP) for the Pakini Nui Wind Farm on the Island of Hawaii and major amendments to three existing HCPs: The Auwahi Wind and Kaheawa Wind Power II projects located on Maui, and the Kawailoa Wind project on Oahu. All four wind energy facilities are already in operation. The four applicants are requesting ITPs covering the take of species listed as endangered under the Endangered Species Act likely to be caused by the continued operation of the projects. The HCPs describe the steps each applicant proposes to minimize, mitigate, and monitor incidental take of the covered species.

DATES: A record of decision for each of the four HCPs will be finalized no sooner than September 3, 2019.

ADDRESSES: Electronic copies of the final PEIS, HCP, and HCP amendments are available at *https://www.fws.gov/pacificislands.* Copies of these documents are also available for public inspection during regular business hours, at the Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Honolulu, HI 96850.

FOR FURTHER INFORMATION CONTACT: Michelle Bogardus, at 808–792–9473, or Darren LeBlanc at 808–792–9403. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 800–877–8339 during normal business hours. The FRS is also available 24 hours a day, 7 days a week, to leave a message or question.

SUPPLEMENTARY INFORMATION: The Service received incidental take permit (ITP) applications from four wind energy companies (applicants) in accordance with the requirements of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The proposed ITP and ITP amendments would authorize take of one or more of the following species: The endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), the endangered Hawaiian goose (*Branta sandvicensis*), and the endangered Hawaiian petrel (*Pterodroma sandwichensis*), hereafter

collectively referred to as the covered species.

Pakini Nui Wind Farm

The Pakini Nui Wind Farm is operated by Tawhiri Power, LLC, and is located on Ka Lae or South Point on the Island of Hawaii. Tawhiri Power, LLC, submitted a draft HCP to support their request for an ITP, but has not yet obtained an ITP for their project. The Pakini Nui Wind Farm, which began operations in April 2007, consists of fourteen 1.5 megawatt (MW) wind turbine generators. Ancillary facilities include 1 mile of underground connector lines, an operation and maintenance building, a substation, and an overhead electrical transmission line connecting the facility substation to the County's electrical grid. The entire project facility footprint is 79.42 acres. Tawhiri Power, LLC, is requesting incidental take authorization for 26 Hawaiian hoary bats, 3 Hawaiian petrels, and 3 Hawaiian geese over an 8-year permit term.

Pakini Nui proposes to implement nighttime low-wind speed curtailment (LWSC) at 5.0 meters per second (m/s) year round to minimize take of Hawaiian hoary bats. To mitigate for bats, they propose to fund the restoration of 1,200 acres at Hawaii Volcanoes National Park. Pakini Nui also proposes to fund an increase in predator control and commit funds for maintenance of a 5-mile cat barrier fence encompassing 600 acres of breeding habitat for the Hawaiian petrel on Mauna Loa. For Hawaiian goose mitigation, they propose to provide funds for the construction of a new 7-acre fenced enclosure at Piihonua on the Island of Hawaii.

Auwahi Wind

The Auwahi Wind project began commercial operation on December 28, 2012, and is located on Ulupalakua Ranch in east Maui. Auwahi Wind Energy, LLC, was originally issued an ITP from the Service on February 24, 2012. The Auwahi Wind project consists of eight Siemens 3.0-MW wind turbines, augmented with an 11-MW battery storage system. Ancillary facilities include an underground electrical collection system, an operation and maintenance facility, an approximately 9-mile 34.5-kilovolt (kV) above-ground generator-tie line, and an interconnection substation.

The original ITP, which was amended in 2014, authorized the following amounts of incidental take over the 25-year permit term: 5 Hawaiian geese; 87 Hawaiian petrels; 21 Hawaiian hoary bats; and all Blackburn's sphinx moths (*Manduca blackburni*) larvae and eggs within the footprint of the facility.

Auwahi Wind Energy, LLC, is requesting a permit amendment to address a higher than anticipated amount of take of the Hawaiian hoary bat that has occurred during the first 5 years of operation. Auwahi Wind Energy, LLC, is requesting incidental take coverage for an additional 119 Hawaiian hoary bats (for a total of 140) over the 25-year permit term, which expires in 2037.

Auwahi Wind proposes to implement nighttime LWSC year-round at 5.0 m/s cut-in speed, and increase the LWSC to 6.9 m/s during the period August to October, when higher rates of take have occurred. They also propose to mitigate the take through reforestation and the creation of water features on up to 2,950 acres of ranchland.

Kaheawa Wind Power II

The KWP II project is located at Kaheawa Pastures above Maalaea town in the southwestern portion of the island of Maui, and began commercial operations in July 2012. KWP II, LLC, was issued an ITP in January 2012. The KWP II project consists of fourteen 1.5-MW wind turbine generators. Ancillary facilities include an underground electrical collection and communication system, an operation and maintenance facility, a battery energy storage system, and an overhead electrical transmission line connecting the facility substation to the County's electrical grid.

The original ITP authorized the following levels of incidental take over the 20-year permit term, which expires in 2032: 8 Newell's shearwaters (*Puffinus auricularis newelli*), 11 Hawaiian hoary bats, 30 Hawaiian geese, and 43 Hawaiian petrels.

KWP II, LLC, is requesting a permit amendment to address a higher than anticipated amount of take of the Hawaiian hoary bat and the Hawaiian goose that has occurred during the first 6 years of operation. KWP II, LLC, is requesting incidental take authorization for an additional 27 Hawaiian hoary bats (for a total of 38 bats) and an additional 14 Hawaiian geese (for a total of 44 geese) over the 20-year permit term. KWP II proposes to implement nighttime LWSC at 5.0 m/s year-round and increase LWSC to 5.5 m/s from February 15 to December 15.

Proposed mitigation activities for the Hawaiian goose include funding the Hawaii Division of Forestry and Wildlife to conduct predator control activities at a breeding pen on Maui, at either Piiholo Ranch or Haleakala Ranch. For Hawaiian hoary bat mitigation, KWP II proposes to fund a research project being conducted by the U.S. Geological Survey to examine home range size, habitat use, diet, and breeding demography at roosting sites on the Island of Hawaii.

Kawailoa Wind Power

The Kawailoa Wind Power project is located approximately 4 miles from Haleiwa town on the north shore of the island of Oahu, and began commercial operations in November of 2012. Kawailoa Wind Power, LLC, was issued an ITP on December 8, 2011. The Kawailoa Wind Power project consists of thirty 2.3-MW wind turbine generators. Ancillary facilities include an underground electrical collection system, an operation and maintenance facility, and an approximately 4-mile above-ground transmission line.

The original ITP authorized the following amounts of incidental take over a 20-year permit term: 60 Hawaiian hoary bats; 12 Hawaiian ducks (*Anas wyvilliana*); 18 Hawaiian moorhens (*Gallinula galeata sandvicensis,* also known as the Hawaiian gallinule); 18 Hawaiian coots (*Fulica americana alai*); 24 Hawaiian stilts (*Himantopus mexicanus knudseni*); and 15 Newell's shearwaters.

Kawailoa Wind Power, LLC, is requesting a permit amendment to address a higher than anticipated amount of take of the Hawaiian hoary bat that has occurred during the first 5 years of operation. Kawailoa Wind Power, LLC, is requesting incidental take coverage for an additional 160 Hawaiian hoary bats (for a total of 220 bats) over the 20-year permit term, which expires in 2031. Additionally, Kawailoa Wind Power has documented the take of two Hawaiian petrels at the site. Incidental take of this species was not authorized in their existing ITP; therefore, Kawailoa Wind Power, LLC, is requesting incidental take authorization for 24 Hawaiian petrels in their permit amendment.

Kawailoa Wind Power proposes to extend nighttime LWSC to year-round at 5.2 m/s, and test a bat deterrent in collaboration with NRG Systems. They also propose to provide a portion of the funding for the protection of 2,882 acres in the Koolau Mountains of Oahu, and protect/preserve or restore an additional 2,131 acres as mitigation for bat take impacts. To mitigate Hawaiian petrel take impacts, Kawailoa Wind proposes to fund the Hawaii Division of Forestry and Wildlife to conduct predator control activities within a petrel breeding colony at Hanakapiai and Hanakoa, Kauai.

Background

The Pakini Nui Wind Farm, Auwahi Wind, KWP II, and the Kawailoa Wind Power projects have each applied for a separate ITP under section 10(a)(1)(B) of the ESA. The PEIS was developed in response to these four ITP applications in accordance with the requirements of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). A programmatic NEPA analysis of similar wind energy project-related permit decisions provides the following benefits: A comprehensive analysis of cumulative impacts across all projects; creation of a single document that the public is more likely to understand; a reduction in duplicative information that would otherwise appear in four EISs; improved consistency in the NEPA analysis; and a more efficient and comprehensive solicitation of public input.

The HCP and HCP amendments describe how impacts to covered species would be minimized and mitigated. The HCPs also describe the covered species' life history and ecology, the HCP biological goals and objectives, the estimated take and its potential impact on covered species' populations, adaptive management and monitoring procedures, and mitigation measures for each project.

Endangered Species Act

Section 9 of the ESA and its implementing regulations in title 50 of the Code of Federal Regulations prohibit take of fish and wildlife species listed as endangered. The ESA implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Under section 3 of the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (16 U.S.C. 1532(19)).

Section 10(a)(1)(B) of the ESA contains provisions for issuing ITPs for the take of endangered and threatened species, provided the following criteria are met: (1) The taking will be incidental to otherwise lawful activities; (2) an applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3) an applicant has ensured that adequate funding for the plan will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) an applicant will carry out any other measures we require as necessary or appropriate for the purposes of the plan. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. The Service's general permitting regulations, found at 50 CFR 13.1–13.29, also apply to these actions.

National Environmental Policy Act

The development of an HCP and the proposed issuance of an ITP comprise a Federal action that triggers the need for compliance with NEPA. We reviewed public comments on the draft PEIS to inform preparation of a final PEIS analyzing the environmental impacts of a range of alternatives related to the issuance of the ITPs and implementation of the proposed mitigation actions under each HCP. The alternatives include: No Action, the Proposed Action, and Increased Curtailment.

Under the No Action Alternative, the Service would not issue the requested project ITP or ITP amendments, and the respective HCP or amendments would not be implemented. The Service expects that the applicants would act in a reasonable manner in order not to be legally liable for unauthorized take of the Hawaiian hoary bat, Hawaiian petrel, and the Hawaiian goose. The Service assumes that (a) all applicants would shut off wind turbine operations at night to fully avoid take of Hawaiian hoary bat, (b) that the three applicants seeking to amend their existing permits would continue operating turbines during the day as long as they continued to be in compliance with their existing ITPs, and (c) that Pakini Nui would implement other reasonable measures to avoid take of listed species.

Under the Proposed Action Alternative, the applicants would implement their HCPs in accordance with the descriptions provided above in **SUPPLEMENTARY INFORMATION**.

Under the Increased Curtailment alternative, the Service would issue the ITPs with a condition that the applicant would shut down turbines at night, between April 15 and September 15, when Hawaiian hoary bats are observed to be rearing young and are most active. Mitigation activities would be reduced commensurate with take levels. Nighttime LWSC activities listed under the Proposed Action alternative would occur during the remainder of the year (September 16 through April 14).

Under the Increased Curtailment alternative, the Service would issue an ITP amendment to Auwahi Wind Power for up to 84 additional Hawaiian hoary bats through the end of its permit term in 2037. Kawailoa Wind would be issued a permit amendment for up to 83 additional Hawaiian hoary bats and 24 Hawaiian petrels through the permit term ending in 2031. KWP II would be issued an ITP amendment for take of an additional 16 Hawaiian hoary bats and 14 Hawaiian geese under alternative 3 for a permit term ending in 2032. Finally, Pakini Nui Wind Farm would be issued a new ITP allowing take of 16 Hawaiian hoary bats, 3 Hawaiian petrels, and 3 Hawaiian geese through the permit term ending in 2029.

EPA's Role in the EIS Process

In addition to this notice, the EPA is publishing a notice in the **Federal Register** announcing this EIS, as required under section 309 of the Clean Air Act. The publication date of EPA's notice of availability is the official beginning of the public comment period. EPA's notices are published on Fridays.

EPA serves as the repository (EIS database) for EISs prepared by Federal agencies. All EISs must be filed with EPA. You may search for EPA comments on EISs, along with EISs themselves, at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

Public Involvement

The notice of intent to prepare a programmatic EIS was published in the **Federal Register** on June 1, 2018 (83 FR 25475), announcing the start of a 30-day public scoping period. During the scoping period, public scoping meetings were held on each of the three islands where the proposed wind projects were located: Oahu, on June 21, 2018; Maui, on June 20, 2018; and the Island of Hawaii, on June 18, 2018. Eighteen members of the public attended the scoping meetings, and 12 scoping comment letters were received by the Service.

The notice of availability for the draft Programmatic EIS was published in the **Federal Register** on April 26, 2019 (84 FR 17875), for a 45-day public comment period. Public information meetings were held on Oahu, Maui, and the Island of Hawaii on May 21, 22, and 23, 2019, respectively. A total of 29 members of the public attended the meetings, and 41 comment letters were received during the comment period.

Next Steps

We will evaluate the permit applications, associated documents, and public comments in reaching a final decision on whether the applications meet the requirements of section 10(a) of the ESA (16 U.S.C. 1531 *et seq.*). We will evaluate whether each proposed permit action would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will use the results of this consultation,

in combination with the above findings, in our final analysis to determine whether or not to issue an ITP to each applicant. We will issue a record of decision and issue or deny each ITP no sooner than the date specified above in **DATES**.

Public Review

We are not requesting public comments on the final PEIS and HCPs, but any written comments we receive will become part of the public record associated with these actions. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32), and per NEPA and its implementing regulations (40 CFR 1506.6).

Robyn Thorson,

Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2019–16398 Filed 8–1–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2019–N040; FXES11140600000–190–FF06E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments by September 3, 2019.

ADDRESSES: *Document availability and comment submission:* Use one of the following methods to request documents or submit comments. Requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TE123456):

- *Email: permitsR6ES@fws.gov.*
- *U.S. Mail:* Marjorie Nelson, Chief, Division of Ecological Services, U.S. Fish and Wildlife Service, 134 Union Blvd., Suite 670, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Recovery Permits Coordinator, Ecological Services, 303–236–4224 (phone), or *permitsR6ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
TE09897C–1	Deidre Duffy, Durango, CO.	Southwestern willow flycatcher (*Empidonax traillii extimus*), New Mexico meadow jumping mouse (*Zapus hudsonius luteus*).	CO, UT, NM	Presence/absence surveys, population monitoring.	Renew.
TE35101D–0	Schmueser Gordon Meyer, Inc., Glenwood Springs, CO.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	CO	Presence/absence surveys, population monitoring.	New.
TE37953D–0	University of Wyoming, Laramie, WY.	Wyoming toad (*Bufo hemiophrys baxteri*).	WY	Presence/absence surveys using radio transmitters, bio samples to determine disease prevalence, genetic analysis using skin swabs, population enhancement via releases of propagated toads at multiple established reintroduction sites.	New.
TE145090–2	Wind Cave National Park, Hot Springs, SD.	Black-footed ferret (*Mustela nigripes*)	SD	Presence/absence surveys, capture, mark, vaccinate, release, reintroduce, and monitor populations.	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may

be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Stephen Small,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2019–16474 Filed 8–1–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0079; FF09A30000–190FXIA16710900000]

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Eighteenth Regular Meeting; Tentative U.S. Negotiating Positions for Agenda Items and Species Proposals Submitted by Foreign Governments and the CITES Secretariat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), will attend the eighteenth regular meeting of the Conference of the Parties to CITES (CoP18) in Geneva, Switzerland, August 17 to 28, 2019. This notice announces the availability of tentative U.S. negotiating positions on proposed resolutions, decisions, and amendments to the CITES Appendices (species proposals), as well as other agenda items that have been submitted by other Parties, the permanent CITES committees, and the CITES Secretariat for consideration at CoP18. With this notice we announce that we will publish a summary of our proposed negotiating positions and the reasons for our proposed positions on or before August 16, 2019, on our website at *https://www.fws.gov/international/cites/cop18/index.html.*

ADDRESSES: Information on tentative U.S. negotiating positions on amendments to the CITES Appendices (species proposals), draft resolutions and decisions, and agenda items submitted by other countries and the CITES Secretariat for consideration at CoP18 will be available on our website, *https://www.fws.gov/international/cites/cop18/index.html,* on or before August 16, 2019, and:

- *Electronically using the Federal eRulemaking Portal: http://www.regulations.gov* in Docket No. FWS–HQ–IA–2017–0079 (the docket number for this notice).
- *By email request to: managementauthority@fws.gov;* or
- *By postal mail or in person, by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at:* U.S. Fish and Wildlife Service Headquarters, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095.

FOR FURTHER INFORMATION CONTACT: For information pertaining to resolutions, decisions, and other agenda items, contact: Pamela Scruggs, Chief, Division of Management Authority; telephone 703–358–2095; facsimile 703–358–2298. For information pertaining to species proposals, contact: Rosemarie Gnam, Chief, Division of Scientific Authority; telephone 703–358–1708; facsimile 703–358–2276.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may become threatened with extinction. These species are listed in Appendices to CITES, which are available on the CITES Secretariat's website at *http://www.cites.org/eng/app/index.php.*

Currently 182 countries and the European Union have ratified, accepted, approved, or acceded to CITES; these 183 entities are known as Parties. The Convention calls for regular biennial meetings of the Conference of the Parties, unless the Conference of the Parties decides otherwise. At these meetings, the Parties review the implementation of CITES, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the lists of species in Appendices I and II, consider reports presented by the Secretariat and the permanent CITES committees (Standing, Animals, and Plants Committees), and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and other agenda items for consideration by all of the Parties at the meetings.

This is our fifth in a series of **Federal Register** notices on the development of U.S. submissions and tentative negotiating positions for CoP18. In this notice, we announce the availability of tentative U.S. negotiating positions on species proposals, draft resolutions and decisions, and agenda items submitted by other Parties and the Secretariat for consideration at CoP18. The **ADDRESSES** section, above, explains how to obtain this information.

We published our first CoP18-related **Federal Register** notice on January 23, 2018 (83 FR 3179), in which we requested information and recommendations on species proposals for the United States to consider submitting for consideration at CoP18. In that notice, we also described the U.S. approach to preparations for CoP18. We published our second such **Federal Register** notice on March 12, 2018 (83 FR 10736), in which we requested information and recommendations on proposed resolutions, decisions, and other agenda items for the United States to consider submitting for consideration at CoP18, and provided preliminary information on how to request approved observer status for non-governmental organizations that wish to attend the meeting. In our third CoP18-related **Federal Register** notice, published on October 1, 2018 (83 FR 49421), we requested public comments and information on species proposals that the United States was considering submitting for consideration at CoP18. We also requested public comments and information on proposed resolutions, decisions, and other agenda items that the United States was considering submitting for consideration at CoP18, and provided more information on how to request approved observer status for non-governmental organizations that wish to attend the meeting. In our fourth CoP18-related **Federal Register** notice, published on March 6, 2019 (84 FR 8104), we announced the provisional agenda for CoP18, solicited comments

on the items on the provisional agenda, and announced a public meeting on March 13, 2019.

A link to the complete list of those **Federal Register** notices, along with information on U.S. preparations for CoP18, can be found at *https://www.fws.gov/international/cites/cop18/index.html.* The notices and public comments received can be viewed at *http://www.regulations.gov* in Docket No. FWS–HQ–IA–2017–0079. You may obtain additional information on those **Federal Register** notices from the following sources: For further information on proposed resolutions, decisions, and other agenda items, contact the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, MS–IA, Falls Church, VA 22041; and for information on species proposals, contact the Division of Scientific Authority, 5275 Leesburg Pike, MS–IA, Falls Church, VA 22041. Our regulations governing this public process are found in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 23.87. Pursuant to 50 CFR 23.87(a)(3)(iii), with this notice we are announcing that we will soon make available to the public a summary of our tentative negotiating positions on the items included on the CoP18 agenda and proposed amendments to the Appendices, and the reasons for our tentative positions. This information and the ways that we will make it available to the public are described in detail below under Tentative Negotiating Positions.

Announcement of Provisional Agenda for CoP18

The provisional agenda for CoP18 is currently available on the CITES Secretariat's website at *https://cites.org/eng/cop/18/doc/index.php.* The working documents associated with the items on the provisional agenda, including proposed resolutions, proposed decisions, and discussion documents, are also available on the Secretariat's website. To view the working document associated with a particular agenda item, access the provisional agenda at the above website, locate the particular agenda item, and click on the document link for that agenda item in the column entitled ''Document.'' The species proposals that will be considered at CoP18 are also available on the Secretariat's website. Proposals for amendment of Appendices I and II can be accessed at *https://cites.org/eng/cop/18/prop/index.php.*

Tentative Negotiating Positions

On or before August 16, 2019, we will post on *http://www.regulations.gov* (see Docket No. FWS–HQ–IA–2017–0079) and on our website (*https://www.fws.gov/international/cites/cop18/index.html*) a summary of our tentative negotiating positions on the items included on the CoP18 agenda and proposed amendments to the Appendices, and the reasons for our tentative positions. Documents submitted by the United States either alone or as a co-proponent for consideration by the Parties at CoP18 can be found on the Secretariat's website at: *https://cites.org/eng/cop/18/doc/index.php.* Those documents are: CoP18 Docs. 21.3, 40, and 94 and (co-sponsored with Sri Lanka) Docs. 66, 72, and 79. The United States is pleased to co-sponsor the following proposals to amend the CITES Appendices for CoP18: CoP18 Props. 2, 28, 37, 45, and (co-sponsored with Sri Lanka) Prop. 46. We will not provide any additional explanation of the U.S. negotiating positions for documents and proposals that the United States submitted. The introduction in the text of each of the documents the United States submitted contains a discussion of the background of the issue and the rationale for submitting the document.

New information that may become available prior to or at CoP18 could lead to modifications of tentative U.S. positions. The U.S. delegation will disclose changes in our negotiating positions and the explanations for those changes during public briefings at CoP18. Species proposals are considered pursuant to 50 CFR 23.89. The United States is concerned about the budgetary implications and workload burden that will be placed upon the Parties, the Committees, and the Secretariat, and intends to evaluate all proposed resolutions, decisions, and other agenda items for CoP18 in view of these concerns.

Available Information on CoP18

Information concerning the results of CoP18 will be available after the close of the meeting on the Secretariat's website at *http://www.cites.org,* or upon request from the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT**, above), or on our website (*https://www.fws.gov/international/cites/cop18/index.html*).

Author

The primary author of this notice is Monika T. Thiele, Division of Management Authority; under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 21, 2019.

Margaret E. Everson,

Principal Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2019–16592 Filed 8–1–19; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments; Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Filament Light-Emitting Diodes and Products Containing Same, DN 3401;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of The

Regents of the University of California on July 30, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain filament light-emitting diodes and products containing same. The complaint names as respondents: Amazon.com, Inc. of Seattle, WA; Amazon.com Services, Inc. of Seattle, WA; Bed Bath & Beyond Inc. of Union, NJ; IKEA of Sweden AB of Sweden; IKEA Supply AG of Switzerland; IKEA Distribution Services Inc. of Conshohocken, PA; IKEA North America Services, LLC of Conshohocken, PA; Target Corporation of Minneapolis, MN; and Walmart Inc. of Bentonville, AR. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3401'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 30, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–16586 Filed 8–1–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Modification to Consent Decree Under The Clean Air Act

On July 25, 2019, the Department of Justice lodged a proposed Modification to Schedule to Defendant's Long Term CSO Plan (Modification). The original schedule for implementation of the Defendant's Long Term CSO Plan was incorporated in a Consent Decree (''Consent Decree'') entered on by the United States District Court for the District of Massachusetts in the lawsuit entitled *United States and the Commonwealth of Massachusetts* v. *City of Chicopee,* Civil Action No. 06–30121–MAP.

Based on a new schedule proposed by the City of Chicopee in its October 2016 Integrated Management Plan, the Parties seek court approval of a material modification to the Consent Decree extending the date for implementation of the final Long Term Control CSO Plan, specified in Paragraph 12 of the Consent Decree, from end of 2026 until the end of 2034.

The publication of this notice opens a period for public comment on the proposed Modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the Commonwealth of Massachusetts* v. *City of Chicopee,* D.J. Ref. No. 90–5–1–1–07953. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Modification may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Modification upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $1.00 (25 cents per page reproduction cost), payable to the United States Treasury.

Jeffrey Sands,

Assistant Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2019–16477 Filed 8–1–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On July 26, 2019, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Minnesota in the lawsuit entitled *United States* v. *FilmTec Corporation,* Civil Action No. 19–cv–1985.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the regulations and permit that govern emissions of volatile organic compounds and hazardous air pollutants from the defendant's water filtration manufacturing facility in Edina, Minnesota. The consent decree requires the defendant to perform injunctive relief and pay a $250,000 civil penalty.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Deputy Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *FilmTec Corporation,* D.J. Ref. No. 90–5–2–1–11723. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Deputy Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $16.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signatures pages, the cost is $8.50.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–16512 Filed 8–1–19; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Subject 60-Day Notice for the "USArtists International Program Information Collection"

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection for the Survey of American Artists Participating in International Exchanges. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**.

ADDRESSES: Send comments to: Sunil Iyengar, National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506–0001, telephone (202) 682–5424 (this is not a toll-free number), fax (202) 682–5677, or send via email to *research@arts.gov.*

SUPPLEMENTARY INFORMATION: The NEA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Dated: July 29, 2019.

Gregory Gendron,

Director of Administrative Services, National Endowment for the Arts.

[FR Doc. 2019–16506 Filed 8–1–19; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Record of Decision; Green Bank Observatory

AGENCY: National Science Foundation.

ACTION: Notice of Record of Decision.

SUMMARY: On July 26, 2019, the National Science Foundation (NSF) signed a Record of Decision (ROD) for the Green Bank Observatory in Green Bank, West

Virginia. This important step concludes the agency's decision-making process with respect to the general path forward for facility operations in a budget-constrained environment.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Pentecost, Project Administrator, National Science Foundation, Division of Astronomical Sciences, 2415 Eisenhower Avenue, Room W 9152, Alexandria, VA 22314. *Telephone:* 703–292–4907, *Email: epenteco@nsf.gov.*

SUPPLEMENTARY INFORMATION: NSF issued its ROD following an extensive environmental impact analysis and broad input from the public and the scientific community, including the National Academies 6th Decadal Survey released in 2010, and the NSF Division of Astronomical Sciences Portfolio Review Committee Report released in 2012.

The ROD formalizes NSF's selection of Alternative A: Collaboration with interested parties for continued science- and education-focused operations with reduced NSF funding (Agency-Preferred Alternative). The selection of this Alternative will allow important research at GBO to continue while simultaneously addressing NSF's need to reduce its share of the operations cost within the context of scientific priorities and a constrained budgetary environment.

Prior to issuance of the ROD, a Final Environmental Impact Statement (FEIS) was prepared in compliance with the National Environmental Policy Act, 42 U.S.C. 4321, *et seq.* (NEPA), dated February 22, 2109, and availability of it was noticed in the **Federal Register** on February 22, 2019. As detailed in the FEIS, five Action Alternatives and a No-Action Alternative, were considered for the proposed change in operations of Arecibo Observatory. These Alternatives include:

- *Alternative A:* Collaboration with Interested Parties for Continued Science-and Education-focused Operations with Reduced NSF Funding (Agency-preferred Alternative)
- *Alternative B:* Collaboration with Interested Parties for Operations as a Technology Park
- *Alternative C:* Mothballing of Facilities
- *Alternative D:* Demolition and Site Restoration
- *No-Action Alternative:* Continued NSF Investment for Science-focused Operations

The Agency-Preferred Alternative, which is also the environmentally preferable Action Alternative, was selected and documented in the ROD. The ROD also reflects NSF's consideration of the outcomes of its comprehensive compliance with Section 106 of the National Historic Preservation Act (54 U.S.C. 306108 (formerly 16 U.S.C. 470f) and its implementing regulations found at 36 CFR part 800) and the Endangered Species Act (16 U.S.C. 1531–1544 and its implementing regulations at 50 CFR part 402).

The ROD is now available on the internet at: *http://www.nsf.gov/mps/ast/env_impact_reviews/greenbank/greenbank_rod.jsp.* in Adobe® portable document format (PDF). Limited hard copies of the ROD are also available, on a first request basis, by contacting the NSF contact, Elizabeth A. Pentecost, Project Administrator, National Science Foundation, Division of Astronomical Sciences, 2415 Eisenhower Avenue, Room W9152, Alexandria, VA 22314, *Telephone:* 703–292–4907, *Email: epenteco@nsf.gov.*

Dated: July 29, 2019.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2019–16479 Filed 8–1–19; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–175 and CP2019–197]

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:* August 2, 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:

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I. Introduction

II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* MC2019–175 and CP2019–197; *Filing Title:* USPS Request to Add Priority Mail Contract 542 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 26, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Kenneth R.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Moeller; *Comments Due:* August 5, 2019.

This Notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2019–16466 Filed 8–1–19; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–176 and CP2019–198; MC2019–177 and CP2019–199]

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:* August 6, 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:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2019–176 and CP2019–198; *Filing Title:* USPS Request to Add Priority Mail Contract 543 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 29, 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:* August 6, 2019.

2. *Docket No(s).:* MC2019–177 and CP2019–199; *Filing Title:* USPS Request to Add Priority Mail Contract 544 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 29, 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:* August 6, 2019.

This Notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2019–16572 Filed 8–1–19; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* August 2, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 29, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 543 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–176, CP2019–198.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–16473 Filed 8–1–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* August 2, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 29, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 544 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–177, CP2019–199.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–16471 Filed 8–1–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 155, SEC File No. 270–492, OMB Control No. 3235–0549

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 155 (17 CFR 230.155) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) provides safe harbors for a registered offering of securities from integration in two circumstances: (1) A registered offering that follows an abandoned private offering; and (2) a private offering that follows a withdrawn registered offering. Each of the rule's safe harbors imposes conditions designed to assure that there is a clean break between the abandoned offering and the later offering. In each safe harbor, these conditions include specified disclosure designed to assure that investors understand this break as they consider an investment decision in the later offering. We estimate Rule 155 takes approximately 4 hours per response to prepare and is filed by approximately 600 respondents annually. We estimate that 50% of the 4 hours per response (2 hours per response) is prepared by the filer for a total annual reporting burden of 1,200 hours (2 hours per response x 600 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16532 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rules 7a–15 thru 7a–37, SEC File No. 270–115, OMB Control No. 3235–0132

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rules 7a–15 through 7a–37 (17 CFR 260.7a–15—260.7a–37) under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*) set forth the general requirements as to form and content of applications, statements and reports that must be filed under the Trust Indenture Act. The respondents are persons and entities subject to requirements of the Trust Indenture Act. Trust Indenture Act Rules 7a–15 through 7a–37 are disclosure guidelines and do not directly result in any collection of information. The rules are assigned only one burden hour for administrative convenience.

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16528 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17a–1, SEC File No. 270–244, OMB Control No. 3235–0208

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17a–1 (17 CFR 240.17a–1) under the Securities Exchange Act of 1934, as amended (the ''Act'') (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17a–1 requires that every national securities exchange, national securities association, registered clearing agency, and the Municipal Securities Rulemaking Board keep on file for a period of not less than five years, the first two years in an easily accessible place, at least one copy of all

documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records made or received by it in the course of its business as such and in the conduct of its self-regulatory activity, and that such documents be available for examination by the Commission.

There are 34 entities required to comply with the rule: 23 national securities exchanges, 1 national securities association, 9 registered clearing agencies, and the Municipal Securities Rulemaking Board. The Commission staff estimates that the average number of hours necessary for compliance with the requirements of Rule 17a–1 is 52 hours per year. In addition, 4 national securities exchanges notice-registered pursuant to Section 6(g) of the Act (15 U.S.C. 78f(g)) are required to preserve records of determinations made under Rule 3a55–1 under the Act (17 CFR 240.3a55–1), which the Commission staff estimates will take 1 hour per exchange, for a total of 4 hours. Accordingly, the Commission staff estimates that the total number of hours necessary to comply with the requirements of Rule 17a–1 is 1,772 hours. The total internal cost of compliance for all respondents is $124,040, based on an average cost per hour of $70.

Written comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16522 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Schedule 13E–4F; SEC File No. 270–340, OMB Control No. 3235–0375

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Schedule 13E–4F (17 CFR 240.13e–102) may be used by an issuer that is incorporated or organized under the laws of Canada to make a cash tender or exchange offer for the issuer's own securities if less than 40 percent of the class of such issuer's securities outstanding that are the subject of the tender offer is held by U.S. holders. The information collected must be filed with the Commission and is publicly available. We estimate that it takes approximately 2 hours per response to prepare Schedule 13E–4F and that the information is filed by approximately 3 respondents for a total annual reporting burden of 6 hours (2 hours per response × 3 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16521 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 607, SEC File No. 270–561, OMB Control No. 3235–0747, Request for a New OMB Control No.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Regulation E (17 CFR 230.601–230.610a) exempts from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') securities issued by a small business investment company (''SBIC'') which is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') or a closed-end investment company that has elected to be regulated as a business development company (''BDC'') under the Investment Company Act, so long as the aggregate offering price of all securities of the issuer that may be sold within a 12-month period does not exceed $5,000,000 and certain other conditions are met. Rule 607 under Regulation E (17 CFR 230.607) entitled, ''Sales material to be filed,'' requires sales material used in connection with securities offerings under Regulation E to be filed with the Commission at least five days (excluding weekends and

holidays) prior to its use.[1] Commission staff reviews sales material filed under rule 607 for materially misleading statements and omissions. The requirements of rule 607 are designed to protect investors from the use of false or misleading sales material in connection with Regulation E offerings.

Respondents to this collection of information include SBICs and BDCs making an offering of securities pursuant to Regulation E. Two filings were submitted to the Commission under rule 607 in 2016, 2017, and 2018. Accordingly, we estimate one annual response. Each respondent's reporting burden under rule 607 relates to the burden associated with filing its sales material electronically, which is negligible. For administrative purposes, we estimate an annual burden of one hour.

The requirements of this collection of information are mandatory. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *lindsay.m.abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 29, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16472 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

[1] Sales material includes advertisements, articles or other communications to be published in newspapers, magazines, or other periodicals; radio and television scripts; and letters, circulars or other written communications proposed to be sent given or otherwise communicated to more than ten persons.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86509; File No. SR–FINRA–2019–012]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change To Amend FINRA Rule 5110 (Corporate Financing Rule—Underwriting Terms and Arrangements) To Make Substantive, Organizational and Terminology Changes

July 29, 2019.

I. Introduction

On April 11, 2019, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA Rule 5110 (Corporate Financing Rule—Underwriting Terms and Arrangements) (''Rule'' or Rule 5110) to make substantive, organizational and terminology changes to the Rule.

The proposed rule change was published for comment in the **Federal Register** on May 1, 2019.[3] On June 12, 2019, the Commission extended to July 30, 2019, the time period in which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[4] The Commission received six comment letters on the proposal.[5]

On July 11, 2019, FINRA responded to the comments and filed Partial Amendment No. 1 to the proposal.[6] The Commission is publishing this notice and order to solicit comments on the proposal as modified by Partial Amendment No. 1 from interested persons and to institute proceedings pursuant to Exchange Act Section 19(b)(2)(B)[7] to determine whether to approve or disapprove the proposed rule change, as modified by Partial Amendment No. 1.

Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change, nor does it mean that the Commission will ultimately disapprove the proposed rule change. Rather, as discussed below, the Commission seeks additional input on the proposed rule change, as modified by Partial Amendment No. 1, and on the issues presented by the proposal.

II. Description of the Proposed Rule Change

A. Proposed Rule Change as Originally Filed

The following is a summary of the proposed rule change as originally filed by FINRA.[8]

As described in more detail in the Notice, FINRA proposes to modify Rule 5110 in an effort to modernize, simplify, and streamline the Rule. Specifically, FINRA proposes changes to the following: (1) Filing requirements; (2) filing requirements for shelf offerings; (3) exemptions from filing and substantive requirements; (4) underwriting compensation; (5) venture capital exceptions; (6) treatment of non-convertible or non-exchangeable debt securities and derivatives; (7) lock-up restrictions; (8) prohibited terms and arrangements; and (9) defined terms.[9]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85715 (April 25, 2019), 84 FR 18592 (May 1, 2019) (''Notice'').

[4] *See* Securities Exchange Act Release No. 34–86091 (June 12, 2019), 84 FR 28371 (June 18, 2019).

[5] *See* Letter from Suzanne Rothwell, Managing Member, Rothwell Consulting LLC, to Secretary, Commission, dated May 14, 2019 (''Rothwell''); letter from Stuart J. Kaswell, Esq., to Vanessa Countryman, Acting Director, Commission, dated May 17, 2019 (''Kaswell''); letter from Eversheds Sutherland (US) LLP, on behalf of the Committee of Annuity Insurers, to Brent J. Fields, Secretary, Commission, dated May 21, 2019 (''CAI''); letter from Aseel Rabie, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, to Vanessa Countryman, Acting Secretary, Commission, dated May 30, 2019 (''SIFMA''); letter from Robert E. Buckholz, Chair, Federal Regulation of Securities Committee, ABA Business Law Section, American Bar Association, to Vanessa Countryman, Acting Secretary, Commission, dated May 30, 2019 (''ABA''); letter from Davis Polk & Wardwell LLP, to Vanessa Countryman, Acting Secretary, Commission, dated June 5, 2019 (''Davis Polk'').

[6] *See* Letter from Jeanette Wingler, Associate General Counsel, FINRA, to Vanessa Countryman, Secretary, Commission, dated July 11, 2019 (''FINRA Response''). Partial Amendment No. 1 and FINRA's response to comments received are available at *https://www.finra.org/industry/rule-filings/sr-finra-2019-012. See also* Section II.B *infra.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Notice, *supra* note 3, for a complete description of the proposal as originally filed.

[9] As discussed below, the proposal retains the current approach to itemized disclosure of underwriting compensation, but makes explicit the existing practice of disclosing specified material terms and arrangements related to underwriting compensation, such as exercise terms, in the prospectus. In addition, the proposed rule change does not include any changes to current Rule 5110(h) (Non-Cash Compensation). According to FINRA, these provisions are the subject of a separate consolidated approach to non-cash

Continued

FINRA believes that these changes should lessen the regulatory costs and burdens incurred when complying with the Rule.

Filing Requirements

FINRA proposes to allow members more time to make the required filings with FINRA from one business day after filing with the SEC or a state securities commission or similar state regulatory authority to three business days.[10]

FINRA also proposes to clarify and reduce filing requirements by directing members to provide SEC document identification number if available.[11] FINRA also proposes to require filing: (1) Industry-standard master forms of agreement *only* if specifically requested to do so by FINRA;[12] (2) amendments to previously filed documents *only* if there have been changes relating to the disclosures that impact the underwriting terms and arrangements for the public offering in those documents;[13] (3) a representation as to whether any associated person or affiliate of a participating member is a beneficial owner of 5% or more of ''equity and equity-linked securities'';[14] and (4) an estimate of the maximum value for each item of underwriting compensation.[15]

FINRA also proposes to make a number of other clarifications regarding filing requirements to FINRA and filing requirements of specific members participating in the public offering.[16]

FINRA proposes to adopt a new provision addressing terminated offerings, which provides that, when an offering is not completed according to the terms of an agreement entered into by the issuer and a member, but the member has received underwriting compensation, the member must give written notification to FINRA of all underwriting compensation received or to be received, including a copy of any agreement governing the arrangement.[17]

Filing Requirements for Shelf Offerings

FINRA proposes to codify exemptions from the filing requirements for certain shelf offerings that have historically been exempt from Rule 5110 and to streamline the filing requirements for the remaining shelf offerings.[18]

Public Offerings Exempt From the Filing Requirement

FINRA proposes to expand and clarify the scope of the exemptions under current Rule 5110. For example, FINRA proposes to exempt from Rule 5110's filing requirement a public offering by an ''experienced issuer.''[19] Although the proposed rule change would continue to apply Rule 5110's filing requirement to shelf offerings by issuers that do not meet the ''experienced issuer'' standard, such issuer would only need to file the following: (1) The Securities Act of 1933 (''Securities Act'') registration statement number; and (2) if specifically requested by FINRA, other documents and information set forth in Rule 5110(a)(4)(A) and (B).[20] FINRA also proposes to clarify that securities of banks that have qualifying outstanding debt securities are exempt from the filing requirement.[21]

FINRA proposes to expand the current list of offerings that are exempt from both the filing requirements and substantive provisions of Rule 5110 to include public offerings of closed-end ''tender offer'' funds (*i.e.,* closed-end funds that repurchase shares from shareholders pursuant to tender offers), insurance contracts and unit investment trusts.[22] In addition, the proposed rule change reclassifies three items from the offerings exempt from filing and rule compliance to offerings excluded from the definition of public offering. The three items are: (1) Offerings exempt from registration with the SEC pursuant to Section 4(a)(1), (2) and (6) of the Securities Act; (2) offerings exempt from registration under specified Regulation D provisions; and (3) offerings of exempted securities as defined in Section 3(a)(12) of the Exchange Act.

Disclosure Requirements

FINRA states that the proposed rule change would retain the current requirements for itemized disclosure of underwriting compensation and disclosing dollar amounts ascribed to each such item.[23] FINRA also proposes to incorporate into proposed Supplementary Material .05 to Rule 5110 the requirements for disclosure of specified material terms and arrangements that it believes are consistent with current practice.[24] Further, the proposal makes explicit the existing practice of disclosing specified material terms and arrangements related to underwriting compensation in the prospectus, and requires a description for: (1) Any right of first refusal (''ROFR'') granted to a participating member and its duration; and (2) the material terms and arrangements of the securities acquired by the participating member (*e.g.,* exercise terms, demand rights, piggyback registration rights and lock-up periods).[25]

Underwriting Compensation

FINRA proposes to define the term ''Underwriting Compensation'' in proposed Rule 5110 to mean ''any payment, right, interest, or benefit received or to be received by a participating member from any source for underwriting, allocation, distribution, advisory and other investment banking services in connection with a public offering. In addition, underwriting compensation shall include finder's fees, underwriter's counsel fees and securities.''[26]

Rule 5110 currently provides that all items of value received or to be received from any source are presumed to be underwriting compensation when received during the period commencing 180 days before the required filing date of the registration statement, and up to 90 days following the effectiveness or commencement of sales of a public offering. FINRA states that, to better reflect the different types of offerings subject to the Rule, the proposed rule change would introduce the defined term ''review period'', and that the applicable time period would vary based on the type of offering. The proposed rule change would define the term ''review period'' to mean: (1) For a firm commitment offering, the 180-day period preceding the required filing date through the 60-day period following the effective date of the offering; (2) for a best efforts offering, the 180-day period preceding the required filing date through the 60-day period following the

compensation. *See Regulatory Notice* 16–29 (August 2016).

[10] *See* proposed Rule 5110(a)(3)(A).

[11] *See* proposed Rule 5110(a)(4)(A).

[12] *See* proposed Rule 5110(a)(4)(A)(ii).

[13] *See* proposed Rule 5110(a)(4)(A)(iii).

[14] *See* proposed Rule 5110(a)(4)(B)(iii) and proposed Rule 5110(j)(7).

[15] *See* proposed Rule 5110(a)(4)(B)(ii).

[16] *See* proposed Rule 5110(a)(3)(B), 5110(a)(2), 5110(a)(1)(C), and 5110(a)(1)(B). *See also* Notice, *supra* note 3, 84 FR at 18593.

[17] *See* proposed Rule 5110(a)(4)(C) and proposed Rule 5110(g)(5).

[18] *See* Notice, *supra* note 3, 84 FR at 189593–594.

[19] The proposed rule change would delete references to the pre-1992 standards for Form S–3 and standards approved in 1991 for Form F–10 and instead codify the requirement that the issuer have a 36-month reporting history and at least $150 million aggregate market value of voting stock held by non-affiliates or alternatively the aggregate market value of voting stock held by non-affiliates is at least $100 million and the issuer has an annual trading volume of three million shares or more in the stock. *See* proposed Rule 5110(j)(6) and Notice, *supra* note 3.

[20] *See* proposed Rule 5110(a)(4)(E).

[21] *See* proposed Rule 5110(h)(1)(A).

[22] *See* proposed Rule 5110(h)(2)(E), (K) and (L).

[23] *See* proposed Rule 5110(b)(1) and Supplementary Material .05 to Rule 5110. *See also* proposed Rule 5110(e)(1)(B) requiring disclosure of lock-ups.

[24] *See* proposed Supplementary Material .05 to Rule 5110.

[25] *See* proposed Supplementary Material .05 to Rule 5110.

[26] *See* proposed Rule 5110(j)(22).

final closing of the offering; and (3) for a firm commitment or best efforts takedown or any other continuous offering made pursuant to Rule 415 of the Securities Act, the 180-day period preceding the required filing date of the takedown or continuous offering through the 60-day period following the final closing of the takedown or continuous offering.[27]

The proposed rule change would continue to provide two non-exhaustive lists of examples of payments or benefits that would and would not be considered underwriting compensation, with streamlining and clarifying modifications.[28]

In addition, the proposed rule change would take a principles-based approach in considering whether issuer securities acquired from third parties or in directed sales programs may be excluded from underwriting compensation. Such approach would start with the presumption that the issuer securities received during the review period would be underwriting compensation. FINRA, however, would consider the following factors, as well as any other relevant factors and circumstances when considering whether securities of the issuer acquired from third parties may be excluded from underwriting compensation. Specifically, these include: (1) The nature of the relationship between the issuer and the third party, if any; (2) the nature of the transactions in which the securities were acquired, including, but not limited to, whether the transactions are engaged in as part of the participating member's ordinary course of business; and (3) any disparity between the price paid and the offering price or market price.

With respect to issuer securities acquired in directed sales programs (commonly called friends and family programs), the proposed definition of ''participating member'' includes any FINRA member that is participating in a public offering, any affiliate or associated person of the member, and any immediate family of an associated person of the member, but does not include the issuer.[29] Under proposed Supplementary Material .04 to Rule 5110, FINRA would consider the following factors, as well as any other relevant factors and circumstances when considering whether an acquisition of securities by a participating member pursuant to an issuer's directed sales program may be excluded from underwriting compensation: (1) The existence of a pre-existing relationship between the issuer and the person acquiring the securities; (2) the nature of the relationship; and (3) whether the securities were acquired on the same terms and at the same price as other similarly-situated persons participating in the directed sales program.

Venture Capital Exceptions

FINRA states that the proposed rule change would modify, clarify and expand the venture capital exceptions.[30] Specifically, the proposed rule change would no longer treat as underwriting compensation securities acquisitions covered by two of the current exceptions: (1) Securities acquisitions and conversions to prevent dilution; and (2) securities purchases based on a prior investment history. This treatment is conditioned on prior investments in the issuer occurring before the review period.[31] When subsequent securities acquisitions take place (*e.g.,* as a result of a stock split, a right of preemption, a securities conversion or when additional securities are acquired to prevent dilution of a long-standing interest in the issuer), the acquisition of the additional securities would not be treated as underwriting compensation under the proposed Rule.[32]

FINRA also proposes to broaden two of the current venture capital exceptions regarding purchases and loans by certain affiliates, and investments in and loans to certain issuers, by removing a limitation on acquiring more than 25% of the issuer's total equity securities.[33] These venture capital exceptions specify that the affiliate must be primarily in the business of making investments or loans. FINRA states that the proposed rule change expands the scope of these exceptions to include that the affiliate, directly or through a subsidiary it controls, must be in such business and further permits that the entity may be newly formed by such affiliate.

With respect to the current venture capital exception relating to private placements with institutional investors, the proposal would require that the institutional investors participating in the offering are not affiliates of a FINRA member and must purchase at least 51% of the total number of securities sold in the private placement at the same time and on the same terms.[34] In addition, the proposed rule change would raise the percent that participating members in the aggregate may acquire from 20% to 40% of the securities sold in the private placement.[35] The proposed rule change would expand the scope of proposed FINRA Rule 5110(d)(3) to include providing services for a private placement (rather than just acting as a placement agent).[36]

FINRA proposes to adopt a new venture capital exception where a highly regulated entity with significant disclosure requirements and independent directors who monitor investments is also making a significant co-investment in an issuer and is receiving securities at the same price and on the same terms as the participating member. The exception applies for securities acquired in a private placement before the required filing date of the public offering by a participating member if at least 15% of the total number of securities sold in the private placement were acquired, at the same time and on the same terms, by one or more entities that is an open-end investment company not traded on an exchange, and no such entity is an affiliate of a FINRA member participating in the offering.

The proposed rule change would also provide some additional flexibility in the availability of the venture capital exceptions for securities acquired where the public offering has been significantly delayed. The proposed rule change would take a principles-based approach in considering whether it is appropriate to treat as underwriting compensation securities acquired by a member after the required filing date in a transaction that, except for the timing,

[27] *See* proposed Rule 5110(j)(20). FINRA states that, in accordance with this proposal, payments and benefits received during the applicable review period would be considered in evaluating underwriting compensation.

[28] *See* proposed Supplementary Material .01 to Rule 5110. *See also* Notice, *supra* note 3, for a full description of the proposal.

[29] *See* proposed Rule 5110(j)(15).

[30] Rule 5110(d)(5) currently provides exceptions designed to distinguish securities acquired in bona fide venture capital transactions from those acquired as underwriting compensation (for brevity, referred to herein as the ''venture capital exceptions''). The proposed rule change would modify, clarify and expand the exceptions to further facilitate members' participation in bona fide venture capital transactions. FINRA states that the venture capital exceptions would include several restrictions to ensure the protection of other market participants and that the exceptions are not misused to circumvent the requirements of Rule 5110. *See* Notice, *supra* note 3.

[31] *See* proposed Supplementary Material .01(b)(14), (16–18).

[32] The proposed rule change would add these acquisitions to the list of examples of payments that are not underwriting compensation because they are based on a prior investment history and are subject to the terms of the original securities that were acquired before the review period. *See* proposed Supplementary Material .01(b)(14), (16–18).

[33] *See* proposed Rule 5110(d)(1) and (2).

[34] *See* Notice, *supra* note 3, 84 FR at 18597.

[35] *See* proposed Rule 5110(d)(3)(C).

[36] *See* proposed Rule 5110(d)(3).

would otherwise meet the requirements of a venture capital exception.[37]

Treatment of Non-Convertible or Non-Exchangeable Debt Securities and Derivatives

The proposed rule change would expressly provide that non-convertible or non-exchangeable debt securities and derivative instruments[38] acquired in a transaction *unrelated* to a public offering would *not* be underwriting compensation.[39] In contrast, for any non-convertible or non-exchangeable debt securities and derivative instruments acquired in a transaction *related* to the public offering, the proposed rule change would clarify that: (1) A description of those securities and derivative instruments must be filed with FINRA; and (2) this description must be accompanied by a representation that a registered principal or senior manager of the participating member has determined if the transaction was or will be entered into at a fair price.[40]

FINRA also proposes to clarify that non-convertible or non-exchangeable debt securities and derivative instruments acquired in a transaction related to the public offering at a fair price would be considered underwriting compensation but would have *no* compensation value. In contrast, the proposed rule change would provide that non-convertible or non-exchangeable debt securities and derivative instruments acquired in a transaction related to the public offering but not at a fair price would be considered underwriting compensation and subject to the *normal* valuation requirements of Rule 5110.[41]

Lock-Up Restrictions

FINRA states that, subject to some exceptions, Rule 5110 requires in any public equity offering a 180-day lock-up restriction on securities that are considered underwriting compensation. The proposed rule change would provide that the lock-up period begins on the date of commencement of sales of the public equity offering (rather than the date of effectiveness of the prospectus).[42]

FINRA proposes to add an exception from the lock-up restriction for securities acquired from an issuer that meets the registration requirements of Registration Forms S–3, F–3 or F–10.[43] The proposed rule change would also add an exception from the lock-up restriction for securities that were acquired in a transaction meeting one of Rule 5110's venture capital exceptions.[44] The proposed rule change would also add an exception from the lock-up restriction for securities that were received as underwriting compensation and are registered and sold as part of a firm commitment offering.[45]

FINRA proposes to provide clarity about the treatment of non-convertible or non-exchangeable debt securities and derivative instruments acquired in transactions related to a public offering and whether those securities are subject to the lock-up requirement.[46]

The proposed rule change would provide that the lock-up restriction does not apply to derivative instruments acquired in connection with a hedging transaction related to the public offering and at a fair price.[47] In addition, FINRA proposes to add an exception to the lock-up restriction to permit the transfer or sale of the security back to the issuer in a transaction exempt from registration with the SEC.[48] FINRA also proposes to modify the lock-up exception in current Rule 5110(g)(2)(A)(ii) to permit the transfer of any security to the member's registered persons or affiliates if all transferred securities remain subject to the restriction for the remainder of the lock-up period.[49]

Finally, because proposed Supplementary Material .01(b)(20) would provide that securities acquired subsequent to the issuer's IPO in a transaction exempt from registration under Rule 144A of Securities Act would not be underwriting compensation, FINRA states that the proposed rule change would correspondingly delete as unnecessary the current exception from the lock-up restriction for those securities.[50]

Prohibited Terms and Arrangements

FINRA proposes to clarify and amend the list of prohibited unreasonable terms and arrangements in connection with a public offering of securities.[51] For example, the proposed rule change would clarify that it would be considered a prohibited arrangement for any underwriting compensation to be paid prior to the commencement of sales of public offering, except: (1) An advance against accountable expenses actually anticipated to be incurred, which must be reimbursed to the issuer to the extent not actually incurred; or (2) advisory or consulting fees for services provided in connection with the offering that subsequently is completed according to the terms of an agreement entered into by an issuer and a participating member.[52]

Defined Terms

The proposal would consolidate the defined terms in one location at the end of the Rule, which FINRA believes will simplify and clarify FINRA Rule 5110's defined terms.[53] For example, FINRA proposes to consolidate the various provisions that address what constitutes

[37] *See* Notice, *supra* note 3, 84 FR at 18597.

[38] Consistent with the current Rule, the proposed rule change would define the term ''derivative instrument'' to mean any eligible OTC derivative instrument as defined in Rule 3b–13(a)(1), (2) and (3) of the Exchange Act. *See* proposed Supplementary Material .06(b) to Rule 5110.

[39] *See* proposed Supplementary Material .01(b)(19) to Rule 5110.

[40] *See* proposed Rule 5110(a)(4)(B)(iv)(a). Generally consistent with current Rule 5110, the proposed rule change would define the term ''fair price'' to mean the participating members have priced a derivative instrument or non-convertible or non-exchangeable debt security in good faith; on an arm's length, commercially reasonable basis; and in accordance with pricing methods and models and procedures used in the ordinary course of their business for pricing similar transactions. The proposed rule change would also clarify that a derivative instrument or other security received as compensation for providing services for the issuer, for providing or arranging a loan, credit facility, merger, acquisition or any other service, including underwriting services will not be deemed to be entered into or acquired at a fair price. *See* proposed Supplementary Material .06(b) to Rule 5110.

[41] *See, e.g.,* proposed Supplementary Material .06(a) to Rule 5110; proposed Rule 5110(c); Notice, *supra* note 3.

[42] *See* proposed Rule 5110(e)(1)(A). The proposed rule change also would provide that the lock-up restriction must be disclosed in the section on distribution arrangements in the prospectus or similar document consistent with proposed Supplementary Material .05 requiring disclosure of the material terms of any securities. *See* proposed Rule 5110(e)(1)(B).

[43] *See* proposed Rule 5110(e)(2)(A)(iii).

[44] *See, e.g.,* proposed Rule 5110(e)(2)(A)(vi); Notice, *supra* note 3.

[45] *See, e.g.,* proposed Rule 5110(e)(2)(A)(viii); Notice, *supra* note 3.

[46] For a full description of this proposal, *see* Notice, *supra* note 3. *See, also,* proposed Rule 5110(e)(2)(A)(iv).

[47] *See* proposed Rule 5110(e)(2)(A)(v). Derivative instruments acquired in transactions related to the public offering that do not meet the requirements of the exception would continue to be subject to the lock-up restriction. *See* Notice, *supra* note 3.

[48] *See* proposed Rule 5110(e)(2)(B)(iii).

[49] *See* proposed Rule 5110(e)(2)(B)(i). The proposed rule change would retain the current exception to the lock up for the exercise or conversion of any security, if all such securities received remain subject to the lock-up restriction for the remainder of the 180-day lock-up period. *See* proposed Rule 5110(e)(2)(B)(ii).

[50] *See* current Rule 5110(g)(2)(A)(viii).

[51] *See* proposed Rule 5110(g).

[52] *See* proposed Rule 5110(g)(4). For a complete description of the proposal with respect to prohibited terms and arrangements, *see* Notice, *supra* note 3, 84 FR at 18599–600, and Exhibit 5 as originally filed.

[53] For a complete description of the proposal with respect to defined terms, *see* Notice, *supra* note 3, 84 FR at 18600, and Exhibit 5 as originally filed.

underwriting compensation into a single, new definition of ''underwriting compensation.'' [54] The proposed rule change also would eliminate the term ''underwriter and related persons'' and instead use the defined term ''participating member.'' [55]

Valuation of Securities

The proposal would retain the current method for valuing options, warrants and other convertible securities received as underwriting compensation in the current Rule.[56]

B. Notice of Partial Amendment No. 1

1. Introduction

Set forth in Section II.B.2 below is the summary of Partial Amendment No. 1 to the proposed rule change, as prepared and submitted by FINRA to the Commission.[57]

2. Self-Regulatory Organization's Statement of the Purpose of the Proposed Rule Change, as Modified by Partial Amendment No.1

Partial Amendment No. 1 makes the following changes to the Proposal: (1) Modifies the requirement to file a description of any securities of the issuer acquired and beneficially owned by any participating member during the review period; (2) excepts ''actively-traded'' securities from the lock-up restriction; (3) excludes from underwriting compensation in a revised public offering accountable expenses received pursuant to Rule 5110(g)(5)(A) in a prior offering; (4) exempts issuer self-tender offers from the filing and substantive requirements of the Rule; (5) clarifies the proposed investment grade debt exemption in Rule 5110(h)(1)(A); (6) modifies some proposed defined terms; and (7) clarifies when securities acquired would be deemed underwriting compensation pursuant to Rule 5110.

Filing a Description of Acquired Securities

Commenters stated that proposed Rule 5110(a)(4)(B)(iv), which requires the filing of a ''description of any securities of the issuer acquired and beneficially owned by any participating member during the review period,'' should be limited to a description of any securities-based underwriting compensation acquired during the review period by the participating member (*i.e.,* no description for securities that do not constitute underwriting compensation).[58] Commenters stated that the provision would impose significant additional costs and administrative burdens on members and, due to likely fluctuations in holdings over the review period, would present compliance challenges.

A description of issuer securities acquired and beneficially owned by the participating member during the review period is needed to evaluate the underwriting terms and arrangements of the public offering and to ensure that there is no circumvention of the Rule. In response to the commenters' concerns and to reduce costs and administrative burdens on participating members, FINRA is proposing in this Partial Amendment No. 1 to revise Rule 5110(a)(4)(B)(iv) to not require filing a description of any securities acquired in accordance with Supplementary Material .01(b), which sets forth a non-exhaustive list of payments that generally would not be deemed to be underwriting compensation. This approach would reduce filing burdens for members regarding payments and benefits that would not be considered underwriting compensation, while ensuring that FINRA receives adequate information about other issuer securities acquired and beneficially owned by the participating member during the review period to fully evaluate the underwriting terms and arrangements of the public offering and to ensure that there is no circumvention of the Rule.[59]

Lock-Up Restriction

SIFMA suggested eliminating the lock-up requirement for offerings of securities that are ''actively-traded'' (as defined in Rule 101(c)(1) of SEC Regulation M). The Proposal would add exceptions from the lock-up restriction where other protections or market forces obviate the need for the restriction. Due to the existing public market for the securities, the Proposal included a proposed exception from the lock-up restriction for securities acquired from an issuer that meets the registration requirements of SEC Registration Forms S–3, F–3 or F–10. The justification for this proposed exception also applies to securities that are ''actively-traded'' as defined in Rule 101(c)(1) of SEC Regulation M (*i.e.,* securities that have an average daily trading volume value of at least $1 million and are issued by an issuer whose common equity securities have a public float value of at least $150 million; provided, however, that such securities are not issued by the distribution participant or an affiliate of the distribution participant). Accordingly, FINRA is proposing in this Partial Amendment No. 1 to add Rule 5110(e)(2)(A)(ix) to provide that the lock-up restriction would not apply ''to a security that is 'actively-traded' (as defined in Rule 101(c)(1) of SEC Regulation M).''

Revised Public Offerings

Commenters stated that consideration of prior compensation received in a revised public offering is not appropriate, particularly if the compensation is received for services actually rendered or for out-of-pocket expenses actually incurred in connection with the prior offering that was not completed in compliance with the requirements of proposed Rule 5110(g)(4) and (g)(5).[60] Commenters stated that it is unclear: (1) What a ''revised public offering'' is; (2) whether the inclusion is limited solely to compensation received (or arrangements for compensation entered into) during

[54] *See* proposed Rule 5110(j)(22).

[55] FINRA states that, substantively consistent with the current Rule, the proposed rule change would define ''participating member'' to include any FINRA member that is participating in a public offering, any affiliate or associated person of the member, and any ''immediate family,'' but does not include the issuer. *See* proposed Rule 5110(j)(15). While not included in the ''participating member'' definition, the broad definition of underwriting compensation would include underwriter's counsel fees and expenses, financial consulting and advisory fees and finder's fees. As such, FINRA believes that the definition of ''underwriting compensation'' would ensure that the Rule addresses fees and expenses paid to persons previously covered by the term ''underwriter and related persons.'' In addition, the term ''immediate family'' is clarified for readability in proposed Rule 5110(j)(8) to mean the spouse or child of an associated person of a member and any relative who lives with, has a business relationship with, or provides to or receives support from an associated person of a member. *See* Notice, *supra* note 3, for a full description of the proposal as originally filed.

[56] *See* proposed Rule 5110(c).

[57] The text of the proposed rule change, including Partial Amendment No. 1, is available on FINRA's website at *http://www.finra.org/industry/rule-filings/sr-finra-2019-012.*

[58] *See* ABA, Davis Polk and SIFMA.

[59] Specifically, Rule 5110(a)(4)(B)(iv) would be revised to: ''(iv) a description of any securities of the issuer acquired and beneficially owned by any participating member during the review period, provided that: a. non-convertible or non-exchangeable debt securities and derivative instruments acquired in a transaction related to the public offering must be filed and also accompanied by a representation that a registered principal or senior manager of the participating member has determined if the transaction was or will be entered into at a fair price; [and] b. non-convertible or non-exchangeable debt securities and derivative instruments need not be filed if acquired in a transaction that is unrelated to the public offering[.]; *and c. securities if acquired in accordance with Supplementary Material .01(b) need not be filed.*''

[60] *See* ABA, Davis Polk and SIFMA. SIFMA acknowledges that proposed Supplementary Material .01(a)(13), which provides that ''underwriting compensation'' includes ''any compensation paid to any participating member in connection with a prior proposed public offering that was not completed, if the member firm participates in the revised public offering,'' is consistent with a similar provision in the current Rule. *See* Rule 5110(c)(3)(A)(xiii).

the review period for the revised public offering; and (3) how proposed Supplementary Material .01(a)(13) relates to proposed Rule 5110(a)(4)(C) requiring notice to FINRA of compensation received for a prior offering that was not completed.

As SIFMA acknowledges, Rule 5110 currently applies to underwriting compensation received in a prior public offering that was not completed when the participating member participates in the revised public offering. When assessing whether an offering is a revised public offering, FINRA looks at the facts and circumstances of the current offering and any relevant prior offering that was not completed with a focus on the material offering terms and underwriting terms and arrangements. When assessing a revised public offering, FINRA would consider securities and other compensation received as part of the prior offering that was not completed and during the review period for the revised public offering. Considering compensation received in the prior offering that was not completed is vital to preventing a participating member from being compensated twice for performing the same services for the issuer. Furthermore, the compensation received in a prior terminated offering would be considered underwriting compensation under Rule 5110 only if the member participates in the revised public offering.

As the commenters noted, a participating member in a revised public offering may have received payment for accountable expenses in the prior offering that was not completed. FINRA believes that these expenses may be excluded from underwriting compensation in the revised public offering and, accordingly, FINRA is proposing in this Partial Amendment No. 1 to revise Supplementary Material .01(a)(13) to exclude from underwriting compensation accountable expenses received pursuant to Rule 5110(g)(5)(A).[61]

Issuer Self-Tender Offers

With respect to the exemption in Rule 5110(h)(2)(G) for third-party tender offers, ABA suggested revising this exemption to also include tender offers by issuers for their own securities under the Exchange Act. ABA stated that there is little logic for excluding third-party tender offers, but not issuer self-tenders, when a FINRA member may act as dealer manager in connection with either type of transaction. FINRA is proposing in this Partial Amendment No. 1 to amend Rule 5110(h)(2)(G) to apply to ''tender offers made pursuant to SEC Regulation 14D *or Rule 13a–4* under the Exchange Act.'' Both third-party tender offers and issuer self-tender offers are subject to disclosure, filing and procedural requirements as set forth in the Exchange Act. Moreover, issuer self-tender offers have historically not been filed with FINRA for review pursuant to Rule 5110.

Investment Grade Debt Exemption

With respect to the proposed investment grade debt exemption in Rule 5110(h)(1)(A), Rothwell opposed including public offerings where the issuer has securities in the same series that have equal rights and obligations as investment grade rated securities because doing so may allow an issuer to avoid filing a public offering of any type of securities with FINRA for review based on the issuer having only outstanding unrated non-convertible debt or preferred securities that the issuer deems to be in the same series as qualifying reacquired Treasury securities that were once rated investment grade. Rothwell suggested adding ''outstanding'' after ''has'' to ensure that an offering of debt or equity securities can rely only on the exemption at a time when the issuer has outstanding a qualifying issue of investment grade rated debt or preferred securities so that Treasury securities cannot qualify for this purpose.

FINRA does not intend the exemption to apply where the issuer has only outstanding unrated non-convertible debt or preferred securities that the issuer deems to be in the same series as qualifying reacquired Treasury securities that were once rated investment grade. FINRA is proposing in this Partial Amendment No. 1 to revise proposed Rule 5110(h)(1)(A) to exempt ''securities offered by a bank, corporate issuer, foreign government or foreign government agency that has *outstanding* unsecured non-convertible debt with a term of issue of at least four years or unsecured non-convertible preferred securities that are investment grade rated, as defined in Rule 5121(f)(8), or are *outstanding* securities in the same series that have equal rights and obligations as investment grade rated securities, provided that an initial public offering of equity is required to be filed.''

Defined Terms

ABA suggested that the definition of ''bank'' expressly include U.S. branches and agencies of a foreign bank, which have been interpreted by the SEC to constitute U.S. banks for other purposes under the federal securities laws, including in connection with Rule 15a–6 under the Exchange Act. ABA stated that the need for a ''foreign bank'' to apply to FINRA for an exemption under the Rule is unnecessarily burdensome, particularly in the context of reliance on the investment grade debt exemption set forth in Proposed Rule 5110(h)(l)(A).

FINRA is proposing in this Partial Amendment No. 1 to amend the proposed defined term bank in Rule 5110(j)(2) to mean ''a bank as defined in Section 3(a)(6) of the Exchange Act, *a branch or agency in the United States of a foreign bank that is supervised and examined by a federal or state banking authority and otherwise meets the requirements of Section 3(a)(6) of the Exchange Act,* or [is] a foreign bank that has been granted an exemption under this Rule and shall refer only to the regulated entity, not its subsidiaries or other affiliates.'' As the ABA noted, this approach is consistent with the SEC's interpretation of what is a bank for other purposes under the federal securities laws. For example, the SEC provided that for purposes of Rule 15a–6 under the Exchange Act, a foreign bank is excluded from the defined term ''bank'' except to the extent that the ''foreign bank establishes a branch or agency in the United States that is supervised and examined by a federal or state banking authority and otherwise meets the requirements of section 3(a)(6).''[62]

SIFMA supported carving out ''participating members'' from the defined term ''issuer'' and suggested a clarifying carve out to exclude any participating member that is the actual corporate issuer of the securities being offered or a selling security holder offering its own beneficially held securities to the public. FINRA is proposing in this Partial Amendment No. 1 to amend the defined term ''issuer'' to exclude a participating member, except where the participating member is offering its securities. Specifically, FINRA proposes to revise

[61] Specifically, Supplementary Material .01(a)(13) would be revised to provide that underwriting compensation would include ''any compensation paid to any participating member in connection with a prior proposed public offering that was not completed, if the member firm participates in the revised public offering, *except that accountable expenses received pursuant to paragraph (g)(5)(A) shall not be deemed underwriting compensation.*''

[62] *See* Securities Exchange Act Release No. 27017 (July 11, 1989), 54 FR 30013 (July 18, 1989) (File No. S7–11–88, Registration Requirements for Foreign Broker-Dealers, note 16) and Frequently Asked Questions Regarding Rule 15a–6 and Foreign Broker-Dealers, footnote 3, (March 21, 2013) available at *https://www.sec.gov/divisions/marketreg/faq-15a-6-foreign-bd.htm.*

proposed Rule 5110(j)(12) to define ''issuer'' to mean ''a registrant or other person that is offering its securities to the public, any selling security holder offering securities to the public, any affiliate of the registrant or such other person or selling security holder, and the officers or general partners, and directors thereof, *but does not include a participating member unless the participating member is itself the registrant or a selling security holder offering its own beneficially held securities to the public.*''

The ABA suggested a technical change to the defined term ''public offering'' in proposed Rule 5110(j)(18)(A) to update the reference to offerings pursuant to Section 4(a)(6) of the Securities Act to Section 4(a)(5) of the Securities Act. FINRA is proposing in this Partial Amendment No. 1 to amend the defined term's reference to these offerings as suggested by the commenter.

Underwriting Compensation

Commenters asserted that participating members' purchases of securities in the public offering at the public offering should not be underwriting compensation subject to Rule 5110.[63] FINRA would interpret the Proposal not to include as underwriting compensation non-convertible securities purchased by the participating member in a public offering at the public offering price during the review period. FINRA is proposing in this Partial Amendment No. 1 to revise the Supplementary Material to expressly exclude securities purchased on these terms from being deemed underwriting compensation under the Proposal.[64] FINRA has seen acquisitions of convertible securities by a participating member with negotiated or preferential terms prohibited under proposed Rule 5110(g)(8). FINRA would consider these securities to be underwriting compensation.

As set forth in the Proposal, proposed Supplementary Material .01(b)(12) would provide that compensation received through any stock bonus, pension, or profit-sharing plan that qualifies under Section 401 of the Internal Revenue Code or a similar plan is not underwriting compensation. ABA recommended revising the provision to expressly include securities received under a written compensatory benefit plan in an offering exempt from registration pursuant to Rule 701 under the Securities Act and any other ''employee benefit plan'' (as such term is defined in Securities Act Rule 405). Davis Polk requested confirmation that grants of equity compensation to immediate family of participating members, other than new employees of the issuer, in the ordinary course of business pursuant to bona fide equity compensation arrangements will not be deemed underwriting compensation.[65]

To provide additional clarity, FINRA is proposing in this Partial Amendment No. 1 to revise Supplementary Material .01(b)(12) to refer to a written compensatory benefit plan in an offering exempt from registration pursuant to Rule 701 under the Securities Act and any other employee benefit plan (as defined in Securities Act Rule 405). As revised, Supplementary Material .01(b)(12) would exclude from underwriting compensation ''compensation received through any stock bonus, pension, *employee benefit plan,* or profit-sharing plan that qualifies under Section 401 of the Internal Revenue Code or a similar plan, *including, but not limited to, an employee benefit plan as defined in Securities Act Rule 405 or a compensatory benefit plan or compensatory benefit contract exempt from registration pursuant to Securities Act Rule 701 . . .*''

III. Summary of Comments and FINRA's Response[66]

The Commission received six comment letters on the filing as originally proposed.[67] Subsequently, FINRA submitted Partial Amendment No. 1 and a response to the comments.[68] The comments and FINRA's response are summarized below.

Overall Proposal

Four commenters support FINRA's efforts to review, streamline and modernize the Rule for the benefit of market participants but offer suggested modifications to some aspects of the proposal.[69] As discussed below, one commenter expresses support and suggests a modification of a proposed exemption, but otherwise does not comment on other aspects of the proposal.[70] In response, FINRA proposes certain modifications to the initial proposal as described in detail below.

One commenter believes that excessive underwriting compensation should be addressed through disclosure to investors and states that FINRA Rule 5110 is inconsistent with the Exchange Act and the Securities Act.[71] In response, FINRA states its belief that, while disclosure of underwriting compensation is an important component of Rule 5110, disclosure alone is not sufficient to prohibit unfair underwriting terms and arrangements that disadvantage issuers and investors in public offerings of securities.

Filing Requirements

Three commenters state that several of the proposed filing requirements are unnecessary.[72] Namely, commenters argue that the following filing requirements should be eliminated: (1) Disclosure of holdings that are excluded from underwriting compensation; (2) M&A and private placement engagement letters; (3) a representation as to whether any officer or director of the issuer and any beneficial owner of 5% or more of any class of the issuer's equity and equity-linked securities is an associated person or affiliate of a participating member; (4) notification of underwriting compensation received in terminated or revised offerings; and (5) a description of securities acquired in bona fide venture capital transactions.[73]

In response to commenters' concerns, FINRA proposes in Partial Amendment No. 1 to revise FINRA Rule 5110(a)(4)(B)(iv) to not require filing a description of any securities acquired in accordance with Supplementary Material .01(b), which sets forth a non-

[63] *See* ABA, Davis Polk, Rothwell and SIFMA. Commenters noted questions raised by the inclusion as underwriting compensation of any equity securities acquired by a participating member during the review period under Supplementary Material .01(a)(7) and scope of the defined term ''review period'' in proposed Rule 5110(j)(20).

[64] Specifically, FINRA is proposing in this Partial Amendment No. 1 to amend proposed Supplementary Material .01(a)(7) to provide that underwriting compensation includes ''common or preferred stock, options, warrants, and other equity securities, including debt securities convertible to or exchangeable for equity securities, beneficially owned, as defined in Rule 5121 by the participating members the value of which is determined pursuant to this Rule, and acquired during the review period, as defined in this Rule, *except that non-convertible securities purchased by a participating member in a public offering at the public offering price during the review period shall not be deemed underwriting compensation;*''.

[65] Davis Polk also disagreed with the ABA that the exclusion from underwriting compensation only apply to equity grants made pursuant to Rule 701 under the Securities Act due to limitations on annual grants of equity compensation under Rule 701 that force reliance on Section 4(a)(2) of the Securities Act. However, it is not clear that the ABA intended to propose the exclusion as suggested by Davis Polk.

[66] *See* Notice, *supra* note 3, for full FINRA discussion of the original filing.

[67] *See supra* note 5 and accompanying text.

[68] *See* FINRA Response, *supra* note 6.

[69] *See* ABA, Davis Polk, Rothwell and SIFMA, *supra* note 5.

[70] *See* CAI, *supra* note 5.

[71] *See* Kaswell, *supra* note 5.

[72] *See* ABA, Davis Polk and SIFMA, *supra* note 5.

[73] *See id.*

exhaustive list of payments that generally would not be deemed to be underwriting compensation.[74] With respect to a revised public offering, as discussed in Partial Amendment No. 1, and in response to commenters' concerns, FINRA proposes to revise Supplementary Material .01(a)(13) to exclude from underwriting compensation accountable expenses received pursuant to Rule 5110(g)(5)(A).[75]

FINRA, however, continues to believe that M&A and private placement engagement letters should be required to be filed with FINRA so that it may determine if they impact the underwriting terms and arrangements for the public offering.[76] Likewise, FINRA continues to believe that beneficial owners of 5% or more must be disclosed.[77] FINRA also continues to believe that underwriting compensation received or to be received in terminated offerings is relevant to FINRA's evaluation of compliance with Rule 5110.[78]

FINRA proposes to retain the requirement that a description be filed for any securities acquired in a bona fide venture capital transaction as set forth in proposed Rule 5110(d). FINRA believes that a description of the securities is needed for FINRA to assess whether the acquisition meets the requirements for a venture capital exception or whether the securities should instead be treated as underwriting compensation.[79]

Although most commenters suggest scaling back the filing requirements, one commenter suggests that FINRA withdraw the proposed expansion of an exemption from such requirement. Specifically, the commenter proposes that the expansion of ''seasoned issuer'' filing exemption to an issuer's public offerings where the issuer has ''securities in the same series that have equal rights and obligations as investment grade rated securities'' be removed.[80] Moreover, this and another commenter requested additional clarification on the ''seasoned issuer'' exemption.[81] Namely, one commenter sought clarification regarding whether the issuer's qualifying debt or preferred securities for purposes of the exemption must be issued and outstanding.[82] The other commenter requested clarification that the use of the term ''corporate issuer'' in the exemption is not meant to exclude issuers if they are not organized in ''corporate'' form.[83] In response to commenters' concerns, FINRA proposes to further revise Rule 5110(h)(1)(A) to exempt ''securities offered by a bank, corporate issuer, foreign government or foreign government agency that has *outstanding* unsecured non-convertible debt with a term of issue of at least four years or unsecured non-convertible preferred securities that are investment grade rated, as defined in Rule 5121(f)(8), or are *outstanding* securities in the same series that have equal rights and obligations as investment grade rated securities, provided that an initial public offering of equity is required to be filed'' (emphasis added). FINRA further clarifies that it does not intend the exemption to apply where the issuer has only outstanding, unrated non-convertible debt or preferred securities that the issuer deems to be in the same series as qualifying reacquired Treasury securities that were once rated investment grade. In addition, FINRA states that it would interpret ''corporate issuers'' to include, among other entities, limited partnerships and limited liability companies.[84]

Disclosure

One commenter suggests adopting a *de minimis* exception for itemized disclosure under which participating members may disclose a maximum aggregate value for items of underwriting compensation.[85] In response, FINRA notes that it previously considered the Rule's disclosure requirements in responding to comments received to the Notice 17–15 Proposal, and has decided to retain the current disclosure requirements.[86]

Valuation

Two commenters request clarification, as well as offer suggestions, on FINRA's proposal to modify Rule 5110's calculations for valuing convertible and non-convertible securities.[87] Commenters request alternative valuation methodologies on a case-by-case basis[88] and for unit securities.[89] One commenter also requests, for purposes of clarification, express exclusion from valuation as underwriting compensation for options and other derivatives acquired at a fair price.[90]

FINRA proposes to retain the methods in the current Rule for valuing options, warrants and other convertible securities received as underwriting compensation. FINRA states that exemptive relief may be available on a case-by-case basis pursuant to Rule 5110(i) for a member firm that seeks to use a single, consistently applied alternative valuation methodology.[91] FINRA also notes that it has previously provided guidance for valuing unit securities.[92] With respect to options and other derivatives acquired at a fair price, FINRA notes that the requested clarification is set forth in proposed Rule 5110(c)(5), which states ''[a]ny non-convertible or non-exchangeable debt or derivative instrument acquired or entered into at a 'fair price' as defined in Supplementary Material .06(b) and underwriting compensation received in or receivable in the settlement, exercise or other terms of such non-convertible or non-exchangeable debt or derivative instrument shall not have a compensation value for purposes of determining underwriting compensation.''[93]

Venture Capital Exceptions

Commenters generally support the venture capital exceptions[94] with one commenter requesting clarification on the definition of ''institutional investor'' and suggesting that the exception be expanded to include other highly regulated entities.[95] The commenter also suggests that the venture capital exceptions should be clarified to provide that a participating member could make the determination as to the availability of an exception at the time of the acquisition of the securities.[96] In response, FINRA notes that it had previously considered these issues in responding to comments received to the Notice 17–15 Proposal[97] and declines to make further changes. FINRA states that it will retain the definition of ''institutional investor'' as proposed and

[74] *See* FINRA Response, *supra* note 6 at 3–4.

[75] Specifically, Supplementary Material .01(a)(13) would be revised to provide that underwriting compensation would include ''any compensation paid to any participating member in connection with a prior proposed public offering that was not completed, if the member firm participates in the revised public offering, *except that accountable expenses received pursuant to paragraph (g)(5)(A) shall not be deemed underwriting compensation.*'' *See also* FINRA Response, *supra* note 6 at 6 n.10.

[76] *See* FINRA Response, *supra* note 6 at 3.

[77] *See* FINRA Response, *supra* note 6 at 4–5. *See also* ABA, Davis Polk and SIFMA, *supra* note 5. ABA and SIFMA suggest a 25% threshold, while Davis Polk suggests a 10% threshold.

[78] *See* FINRA Response, *supra* note 6 at 5.

[79] *See* FINRA Response, *supra* note 6 at 4.

[80] *See* Rothwell, *supra* note 5.

[81] *See* Rothwell and ABA, *supra* note 5.

[82] *See* Rothwell, *supra* note 5.

[83] *See* ABA, *supra* note 5.

[84] *See* FINRA Response, *supra* note 6 at 14.

[85] *See* SIFMA, *supra* note 5.

[86] *See* FINRA Response, *supra* note 6 at 7.

[87] *See* SIFMA and Rothwell, *supra* note 5.

[88] *See* SIFMA, *supra* note 5 at 8.

[89] *See* Rothwell, *supra* note 5 at 12.

[90] See SIFMA, *supra* note 5 at 8.

[91] *See* FINRA Response, *supra* note 6 at 8.

[92] *See id.*

[93] *See* FINRA, *supra* note 6 at 8.

[94] *See* Rothwell and SIFMA, *supra* note 5.

[95] *See* SIFMA, *supra* note 5 at 4–5.

[96] *See id.*

[97] *See* FINRA Response, *supra* note 6 at 10.

also notes that whether an acquisition of the securities meets an exception must be determined before the required filing date.[98]

Lock-Up Restriction

One commenter suggests several changes to FINRA's proposed lock-up restriction, such as eliminating the restriction for offerings of securities that are ''actively-traded,'' making consistent the lock-up period for participating members in a follow-on offering as the lock-up period for insiders, and allowing the sale or other disposition of locked-up securities by registered investment advisers who are participating members.[99] In response, as discussed in Partial Amendment No. 1, FINRA proposes to add Rule 5110(e)(2)(A)(ix) to provide that the lock-up restriction will not apply ''to a security that is ''actively-traded'' (as defined in Rule 101(c)(1) of SEC Regulation M).'' [100] FINRA also notes that it would consider any additional request for exemptive relief under Rule 5110 pursuant to Rule 5110(i).[101]

Non-Cash Compensation

Two commenters request clarification that restrictions on non-cash compensation as set forth in the current Rule and proposed Rule 5110(f) are not intended to limit or otherwise be inconsistent with other provisions in the Rule that implicitly permit the receipt by participating members of non-cash compensation under appropriate circumstances.[102] In response to the commenters' request for clarification, FINRA confirms the commenters' understanding regarding the restrictions on receipt of non-cash compensation.[103]

Prohibited Terms and Arrangements

One commenter, although generally supportive of the proposed changes relating to prohibited terms and arrangements in connection with a public offering of securities, offers two suggestions.[104] The commenter suggests that payments allowed prior to the commencement of sales of a public offering also be permitted in respect of offerings that are not completed if the payments are for services actually provided and the issuer has not terminated the services of the participating member for cause.[105] The commenter further suggests that Rule 5110(g)(11), which provides that a FINRA member may not ''participate with an issuer in the public offering of securities if the issuer hires persons primarily for the purpose of solicitation, marketing, distribution or sales of the offering, except in compliance with Section 15(a) of the Exchange Act or [Exchange Act] Rule 3a4–1 and applicable state law,'' should be further modified to limit this prohibition to those instances in which the FINRA member knows, or reasonably should have known, that the issuer had hired persons absent compliance with applicable federal or state securities laws.[106] FINRA believes that these specific modifications to proposed FINRA Rule 5110(g) are not necessary.[107]

Exemptions from Filing and Substantive Requirements

Commenters are generally supportive of FINRA's proposal to exempt certain offerings from the filing requirements.[108] One commenter, however, requests that FINRA expand the exemptions to include tender offers by issuers for their own securities under the Exchange Act.[109] In response to comment, as discussed in Partial Amendment No. 1, FINRA proposes to amend Rule 5110(h)(2)(G) to include tender offers by issuers for their own securities.[110] Accordingly, Proposed Rule 5110(h)(2)(G) will apply to ''tender offers made pursuant to SEC Regulation 14D *or Rule 13a–4* under the Exchange Act.'' [111]

Defined Terms

One commenter suggests that the definition of ''bank'' under proposed Rule 5110(j)(2) should also include the US branches and agencies of a foreign bank.[112] In response, as discussed in the Partial Amendment No. 1, FINRA proposes to amend the proposed definition of bank in Rule 5110(j)(2) to mean ''a bank as defined in Section 3(a)(6) of the Exchange Act, *a branch or agency in the United States of a foreign bank that is supervised and examined by a federal or state banking authority and otherwise meets the requirements of Section 3(a)(6) of the Exchange Act,* or [is] a foreign bank that has been granted an exemption under this Rule and shall refer only to the regulated entity, not its subsidiaries or other affiliates.'' [113]

Three commenters express concern over the term ''experienced issuer'' in Rule 5110(j)(6) and suggested alternatives or requested clarification.[114] For example, commenters express concern that the proposal would eliminate SEC and FINRA's past interpretive guidance relating to the term.[115] FINRA, however, believes that the proposed definition of ''experienced issuer'' codifies standards currently in place and simplifies the analysis for the benefit of members.[116] FINRA also believes that any guidance and interpretation issued by the SEC or FINRA relating to the term remain valid and illustrative.[117]

One commenter requests to expand the defined term ''independent financial adviser'' in Rule 5110(j)(9) and revise proposed Rule 5110(j)(16) to allow an independent financial adviser to provide ordinary services to an issuer and assist the issuer in preparing the offering document and other documents.[118] In response, FINRA disagrees with the suggested expansion of services that may be provided by the independent financial adviser.[119]

Three commenters suggest a variety of changes to the proposed definitions of ''participate,'' ''issuer,'' and ''participating member.'' [120] FINRA, however, does not agree with the commenters' suggestions to create additional carve-outs from the definitions.[121] Nevertheless, in response to one commenter's concern,[122] as discussed in the Partial Amendment No. 1, FINRA proposes to amend the defined term ''issuer'' to exclude a participating member, except where the participating member is offering its securities.[123]

One commenter suggest that the defined term ''public offering'' should expressly exclude securities offered or sold by a broker-dealer pursuant to Sections 4(a)(3) and 4(a)(4) of the Securities Act.[124] FINRA, in response,

[98] *See id.*

[99] *See* SIFMA, *supra* note 5 at 6.

[100] *See* FINRA Response, *supra* note 6 at 11.

[101] *See id.*

[102] *See* ABA, *supra* note 5 at 7; SIFMA, *supra* note 5 at 9.

[103] *See* FINRA Response, *supra* note 6 at 12.

[104] *See* ABA, *supra* note 5.

[105] *See* ABA, *supra* note 5 at 7–8.

[106] *See id.*

[107] *See* FINRA Response, *supra* note 6 at 12–13.

[108] *See* Rothwell, CAI and ABA, *supra* note 5.

[109] *See* ABA, *supra* note 5 at 10.

[110] *See* FINRA Response, *supra* note 6 at 14.

[111] *See* FINRA Response, *supra* note 6 at 14.

[112] *See* ABA, *supra* note 5 at 10.

[113] *See* FINRA Response, *supra* note 6 at 15.

[114] *See* ABA, Davis Polk and SIFMA, *supra* note 5.

[115] *See id.*

[116] *See* FINRA Response, *supra* note 6 at 16.

[117] *See id.*

[118] *See* Rothwell, *supra* note 5 at 14–15.

[119] *See* FINRA Response, *supra* note 6 at 17.

[120] *See* Rothwell, ABA, SIFMA and Davis Polk, *supra* note 5.

[121] *See* FINRA Response, *supra* note 6 at 18.

[122] *See* Rothwell, *supra* note 5.

[123] *See* FINRA Response, *supra* note 6 at 18.

[124] *See* ABA, *supra* note 5 at 11. The ABA also suggests a technical change to update the reference in proposed Rule 5110(j)(18)(A) to offerings pursuant to Section 4(a)(6) of the Securities Act to

Continued

declines to make the suggested revision.[125]

Four commenters assert that participating members' purchases of securities in a public offering at the public offering price should not be considered underwriting compensation subject to Rule 5110.[126] Moreover, two commenters suggest that proposed Supplementary Material .04, which addresses securities acquired by a participating member's associated persons or their immediate family members in issuer directed sales programs, should be modified to focus only on securities acquired at a price lower than the public offering price.[127] In response, FINRA provides that it would interpret the proposal not to include as underwriting compensation non-convertible securities purchased by a participating member in a public offering at the public offering price during the review period. As discussed in the Partial Amendment No. 1, FINRA proposes to revise the Supplementary Material to expressly exclude securities purchased on these terms from being deemed underwriting compensation.[128]

Two commenters request clarification as to whether certain compensated parties would be considered ''participating members'' and thus their compensation be deemed underwriting compensation.[129] For example, one commenter requests confirmation that compensation received by a non-U.S. underwriter that is not itself a FINRA member or an affiliate of a participating FINRA member is not considered underwriting compensation.[130] FINRA confirms that such compensation is not underwriting compensation for the purposes of Rule 5110.[131]

Another commenter requests confirmation that fees and other compensation paid by an issuer to a foreign broker-dealer affiliated with a participating member in connection with the foreign distribution of an offering occurring both in the U.S. and outside the U.S. simultaneously should not be deemed underwriting compensation under Rule 5110.[132] In response, FINRA states that, if the participating members are able to divide underwriting compensation so as to separately allocate the underwriting compensation received by the non-U.S. broker-dealer for the non-U.S. portion of the global offering, FINRA would consider that separately allocated underwriting compensation to be outside the scope of Rule 5110 and not subject to the requirements of Rule 5110.[133]

Finally, another commenter notes that the inclusion of ''finder's fees, underwriter's counsel fees, and securities'' in the proposed ''underwriting compensation'' definition in Rule 5110(j)(22) is confusing and unnecessary in light of the much clearer and more fulsome language contained in the Supplementary Material .01.[134] In response, FINRA provides that it does not believe that the non-exhaustive examples in Supplementary Material .01 do not obviate the need for the defined term to capture the full scope of possible underwriting compensation.[135]

Underwriting Compensation

One commenter supports the changes in proposed Supplementary Material .01 of items that would or would not be underwriting compensation,[136] while others requested that additional items be excluded from underwriting compensation.[137] Specifically, commenters suggest the following be excluded: (1) The 1% valuation assigned to ROFRs; [138] (2) nominal gifts and occasional entertainment; [139] (3) fees for services performed by participating members in the ordinary course of business unrelated to the distribution of the offering; [140] (4) bona fide market making activity; [141] and (5) any cash compensation, securities or other benefit received by an associated person, immediate family or affiliate of a participating member if the FINRA member or its parent or other affiliate is issuing its own securities in the public offering.[142] In response, FINRA disagrees with these suggestions and believes that such compensations should be reported to FINRA as underwriting compensation.[143]

Two commenters suggests revising Supplementary Material .01(b)(14) to exclude securities acquired as the result of an ''exercise'' of securities that were originally acquired prior to the review period.[144] In response, FINRA states that, pursuant to proposed Supplementary Material .01(b)(15), securities acquired as the result of an exercise of options or warrants that were originally acquired prior to the review period would not be underwriting compensation.[145]

Two commenters suggest that the exception in proposed Supplementary Material .01(b)(12) be expanded to include additional employee benefit plans.[146] In response to commenters' suggestions,[147] and as discussed in the Partial Amendment No. 1, FINRA proposes to revise Supplementary Material .01(b)(12) to refer to a written compensatory benefit plan in an offering exempt from registration pursuant to Rule 701 under the Securities Act and any other employee benefit plan (as defined in Securities Act Rule 405).[148]

FINRA Rule 5121 (Public Offerings of Securities With Conflicts of Interest)

Two commenters request clarification regarding the required participation by a QIU.[149] In response, FINRA states that it has previously provided guidance regarding QIU participation pursuant to Rule 5121, and is willing to consider requests for additional guidance on Rule 5121 separate from the proposal.[150]

IV. Proceedings To Determine Whether To Approve or Disapprove SR–FINRA–2019–012 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposed rule change should be approved or disapproved.[151] Institution of proceedings appears appropriate at this time in view of the legal and policy issues raised by the proposal. As noted above, institution of proceedings does not indicate that the Commission has

Section 4(a)(5) of the Securities Act. As discussed in the Partial Amendment No. 1, FINRA proposes to revise the public offering definition's reference to these offerings as suggested by the commenter. *See id.*

[125] *See* FINRA Response, *supra* note 6 at 18.

[126] *See* ABA, Davis Polk, Rothwell and SIFMA, *supra* note 5.

[127] *See* ABA and SIFMA, *supra* note 5.

[128] *See* FINRA Response, *supra* note 6 at 19 n.27.

[129] *See* SIFMA and Davis Polk, *supra* note 5.

[130] *See* SIFMA, *supra* note 5 at 7–8.

[131] *See* FINRA Response, *supra* note 6 at 19–20.

[132] *See* Davis Polk, *supra* note 5 at 4.

[133] *See* FINRA Response, *supra* note 6 at 20.

[134] *See* ABA, *supra* note 5 at 4–5.

[135] *See* FINRA Response, *supra* note 6 at 20.

[136] *See* Rothwell, *supra* note 5 at 2.

[137] *See* ABA, Davis Polk and SIFMA, *supra* note 5.

[138] *See* SIFMA and ABA, *supra* note 5.

[139] *See* ABA, *supra* note 5.

[140] *See* Davis Polk, *supra* note 5.

[141] *See* ABA and Davis Polk, *supra* note 5.

[142] *See* SIFMA, *supra* note 5.

[143] *See* FINRA Response, *supra* note 6 at 20–23.

[144] *See* ABA and Davis Polk, *supra* note 5.

[145] *See* FINRA response, supra note 6 at 21–22.

[146] *See* ABA and Davis Polk, *supra* note 5

[147] *See id.*

[148] *See* FINRA Response, *supra* note 6 at 22.

[149] *See, e.g.,* SIFMA, *supra* note 5 at 10, and ABA, *supra* note 5 at 8–9.

[150] *See* FINRA Response, *supra* note 6 at 23–24.

[151] 15 U.S.C. 78s(b)(2). Exchange Act Section 19(b)(2)(B) provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. The time for conclusion of the proceedings may be extended for up to an additional 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or if the self-regulatory organization consents to the extension.

reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to comment on the issues presented by the proposed rule change and provide the Commission with arguments to support the Commission's analysis as to whether to approve or disapprove the proposed rule change, as modified by Partial Amendment No. 1.

Pursuant to Section 19(b)(2)(B) of the Exchange,[152] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposal's consistency with Section 15A(b)(9) of the Act,[153] which requires that FINRA's rules be designed to, among other things, promote just and equitable principles of trade, 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. As summarized above, commenters raised, and sought clarification regarding, a number of issues. In response, FINRA recently submitted Partial Amendment No. 1 and response to comments. Accordingly, the Commission believes it is appropriate to institute proceedings to allow additional consideration and comments by both commenters and the Commission, and any potential response to comments or supplemental information by FINRA.

V. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues raised by the proposed rule change, as modified by Partial Amendment No. 1. In particular, the Commission invites the written views of interested persons on whether the proposed rule change, as modified by Partial Amendment No. 1, is inconsistent with Section 15A(b)(6), or any other provision, of the Exchange Act, or the rules and regulations thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[154]

Interested persons are invited to submit written data, views, and arguments by August 23, 2019 concerning whether the proposed rule change should be approved or disapproved. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by September 16, 2019. In light of the concerns raised by the proposed rule change, as modified by Partial Amendment No. 1, as discussed above, the Commission invites additional comment on the proposed rule change, as modified by Partial Amendment No. 1, as the Commission continues its analysis of whether the proposed rule change, as modified by Partial Amendment No. 1, is consistent with Section 15A(b)(6), or any other provision of the Exchange Act, or the rules and regulations thereunder.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2019–012 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–FINRA–2019–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. The Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–FINRA–2019–012 and should be submitted on or before August 23, 2019. If comments are received, any rebuttal comments should be submitted by September 16,2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[155]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16483 Filed 8–1–19; 8:45 am]

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[152] 15 U.S.C. 78s(b)(2)(B).

[153] 15 U.S.C. 78o–3(b)(6).

[154] Exchange Act Section 19(b)(2), as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceedings—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[155] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86508; File No. SR–BX–2019–027]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend BX Pricing at Options 7, Section 3 Titled BX Options Market—Ports and Other Services

July 29, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 15, 2019, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BX pricing at Options 7, Section 3 titled ''BX Options Market—Ports and Other Services.'' The amendment will describe the pricing with respect to an upcoming technology infrastructure migration.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.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 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 BX pricing at Options 7, Section 3 titled ''BX Options Market—Ports and Other Services.'' During the month of August 2019, BX Participants will be required to transition from current FIX Ports,[3] CTI Ports [4] and FIX DROP Ports [5] to new FIX Ports, CTI Ports and FIX DROP Ports in connection with an upcoming technology infrastructure migration.

Description of Migration and Pricing Impact

In connection with this migration, Participants will request new FIX Ports, CTI Ports and FIX DROP Ports during the month of August, which are duplicative of the type and quantity of their current ports, at no additional cost to allow for testing of the new ports and allow for continuous connection to the match engine during the transition period.[6] For example, a BX Participant with 3 FIX Ports, 1 CTI Port and 1 FIX DROP Port on August 1, 2019 could request 3 new FIX Ports, 1 CTI Port and 1 FIX DROP Port for the month of August 2019 at no additional cost. The BX Participant would be assessed only for the legacy market ports, in this case 3 FIX Ports, 1 CTI Port and 1 FIX DROP Port, for the month of August 2019 and would not be assessed for the new ports, which are duplicative of the current ports. A Participant may acquire any additional legacy ports during the month of August 2019 and would be assessed the charges indicated in the current Pricing Schedule. The migration does not require a Participant to acquire any additional ports, rather the migration requires a new port to replace any existing ports provided the Participant desired to maintain the same number of ports.[7] A Participant desiring to enter orders into BX is required to obtain 1 FIX Port. A Participant may also obtain order and execution ports, such as a CTI Port and/or a FIX DROP Port, to receive clearing and execution messages. The number of additional FIX or order and execution ports obtained by a Participant is dependent on the Participant's business needs.

Applicability to and Impact on Participants [8]

The proposal is not intended to impose any additional fees on any BX Participants. All Participants may enter orders on BX. As noted above, a BX Participant may enter all orders on BX through one FIX Port. The Exchange does not require a BX Participant to obtain more than one FIX Port, however, a Participant may obtain multiple FIX Ports, a CTI Port or a FIX DROP Port to meet its individual business needs. This proposal is intended to permit a BX Participant to migrate its current FIX Ports, CTI Ports and FIX DROP Ports at no additional costs during the month of August 2019 to allow for continuous connection to the Exchange. Participants would only be assessed a fee for their current FIX Ports, CTI Ports and FIX DROP Ports and not be assessed a fee for any new duplicative ports they acquire in connection with the technology infrastructure migration. This proposal is not intended to have a pricing impact.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposal is also consistent with Section 11A of the Act relating to the establishment of the national market system for securities. Moreover, the Exchange believes that its proposal complies with Commission guidance on SRO fee filings that the Commission Staff issued on May 21, 2019.[11]

The Proposal Is Reasonable

The Exchange's proposal is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,*

[3] Financial Information eXchange'' or '' FIX'' is an interface that allows Participants and their Sponsored Customers to connect, send, and receive messages related to orders to and from the Exchange. Features include the following: (1) Execution messages; (2) order messages; and (3) risk protection triggers and cancel notifications. *See* Chapter VI, Section 21(a)(i)(A).

[4] Clearing Trade Interface (''CTI'') is a real-time clearing trade update message that is sent to a Participant after an execution has occurred and contains trade details specific to that Participant. The information includes, among other things, the following: (i) The Clearing Member Trade Agreement or ''CMTA'' or The Options Clearing Corporation or ''OCC'' number; (ii) Exchange badge or house number; (iii) the Exchange internal firm identifier; (iv) an indicator which will distinguish electronic and non-electronically delivered orders; (v) liquidity indicators and transaction type for billing purposes; and (vi) capacity. *See* Chapter VI, Section 19(b)(1).

[5] FIX DROP is a real-time order and execution update message that is sent to a Participant after an order been received/modified or an execution has occurred and contains trade details specific to that Participant. The information includes, among other things, the following: (i) Executions; (ii) cancellations; (iii) modifications to an existing order; and (iv) busts or post-trade corrections. *See* Chapter VI, Section 19(b)(3).

[6] Participants would contact Market Operations to acquire new duplicative FIX Ports, CTI Ports and FIX DROP Ports. *See* Options Technical Update #2019–3.

[7] The migration is 1:1 and therefore would not require a Participant to acquire new ports, nor would it reduce the number of ports needed to connect.

[8] On May 21, 2019, the SEC Division of Trading and Markets (the ''Division'') issued fee filing guidance titled ''Staff Guidance on SRO Rule Filings Relating to Fees'' (''Guidance''). Within the Guidance, the Division noted, among other things, that the purpose discussion should address ''how the fee may apply differently (*e.g.,* additional cost vs. additional discount) to different types of market participants (*e.g.,* market makers, institutional brokers, retail brokers, vendors, etc.) and different sizes of market participants.'' *See* Guidance (available at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees*). The Guidance also suggests that the purpose discussion should include numerical examples. Where possible, the Exchange is including numerical examples. In addition, the Exchange is providing data to the Commission in support of its arguments herein. The Guidance covers all aspects of a fee filing, which the Exchange has addressed throughout this filing.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See* Guidance, *supra* note 8. Although the Exchange believes that this filing complies with the Guidance, the Exchange does not concede that the standards set forth in the Guidance are consistent with the Exchange Act and reserves its right to challenge those standards through administrative and judicial review, as appropriate.

the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [12]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options transaction services. The Exchange is one of several options venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. The Exchange believes its proposal is reasonable because it will not cause a pricing impact on any BX Participant, rather the proposal is intended to permit BX Participants to migrate their FIX Ports, CTI Ports and FIX DROP Ports to new technology at no additional cost during the month of August 2019. This proposal, which offers new duplicative ports to Participants at no cost, will allow Participants to test and maintain continuous connection to the Exchange during the month of August 2019.

The Proposal Represents an Equitable Allocation and Is Not Unfairly Discriminatory

The Exchange believes its proposal allocates its fees fairly among its market participants. The proposal is equitable and not unfairly discriminatory. All Participants may enter orders on BX. As noted above, a BX Participant may enter all orders on BX through one FIX Port. The Exchange does not require a BX Participant to obtain more than one FIX Port, however, a Participant may obtain multiple FIX Ports, a CTI Port or a FIX DROP Port to meet its individual business needs. This proposal is not intended to have a pricing impact to any BX Participant.

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.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. This proposal does not amend pricing or functionality. Rather, this technology migration will enable BX Participants to continue to connect to BX, as is the case today, for the entry of orders.

Intra-Market Competition

The proposal does not impose an undue burden on intra-market competition. All Participants may enter orders on BX. As noted above, a BX Participant may enter all orders on BX through one FIX Port. The Exchange does not require a BX Participant to obtain more than one FIX Port, however, a Participant may obtain multiple FIX Ports, a CTI Port or a FIX DROP Port to meet its individual business needs. This proposal is not intended to have a pricing impact to any BX Participant.

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 Act.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2019–027 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–BX–2019–027. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2019–027 and should be submitted on or before August 23, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16481 Filed 8–1–19; 8:45 am]

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[12] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86507; File No. SR–NASDAQ–2019–056]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend The Nasdaq Options Market LLC Pricing at Options 7, Section 3 Titled "Nasdaq Options Market—Ports and Other Services."

July 29, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 15, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend The Nasdaq Options Market LLC (''NOM'') pricing at Options 7, Section 3 titled ''Nasdaq Options Market—Ports and Other Services.'' The amendment will describe the pricing with respect to an upcoming technology infrastructure migration.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.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 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 NOM pricing at Options 7, Section 3 titled ''Nasdaq Options Market—Ports and Other Services.'' During the month of August 2019, NOM Participants will be required to transition from current FIX Ports,[3] CTI Ports[4] and FIX DROP Ports[5] to new FIX Ports, CTI Ports and FIX DROP Ports in connection with an upcoming technology infrastructure migration.

Description of Migration and Pricing Impact

In connection with this migration, Participants will request new FIX Ports, CTI Ports and FIX DROP Ports during the month of August, which are duplicative of the type and quantity of their current ports, at no additional cost to allow for testing of the new ports and allow for continuous connection to the match engine during the transition period.[6] For example, a NOM Participant with 3 FIX Ports, 1 CTI Port and 1 FIX DROP Port on August 1, 2019 could request 3 new FIX Ports, 1 CTI Port and 1 FIX DROP Port for the month of August 2019 at no additional cost. The NOM Participant would be assessed only for the legacy market ports, in this case 3 FIX Ports, 1 CTI Port and 1 FIX DROP Port, for the month of August 2019 and would not be assessed for the new ports, which are duplicative of the current ports. A Participant may acquire any additional legacy ports during the month of August 2019 and would be assessed the charges indicated in the current Pricing Schedule. The migration does not require a Participant to acquire any additional ports, rather the migration requires a new port to replace any existing ports provided the Participant desired to maintain the same number of ports.[7] A Participant desiring to enter orders into NOM is required to obtain 1 FIX Port. A Participant may also obtain order and execution ports, such as a CTI Port and/or a FIX DROP Port, to receive clearing and execution messages. The number of additional FIX or order and execution ports obtained by a Participant is dependent on the Participant's business needs.

Applicability to and Impact on Participants[8]

The proposal is not intended to impose any additional fees on any NOM Participants. All Participants may enter orders on NOM. As noted above, a NOM Participant may enter all orders on NOM through one FIX Port. The Exchange does not require a NOM Participant to obtain more than one FIX Port, however, a Participant may obtain multiple FIX Ports, a CTI Port or a FIX DROP Port to meet its individual business needs. This proposal is intended to permit a NOM Participant to migrate its current FIX Ports, CTI Ports and FIX DROP Ports at no additional costs during the month of August 2019 to allow for continuous connection to the Exchange. Participants would only be assessed a fee for their current FIX Ports, CTI Ports and FIX DROP Ports and not be assessed a fee for any new duplicative ports they acquire in connection with the technology

[3] Financial Information eXchange'' or '' FIX'' is an interface that allows Participants and their Sponsored Customers to connect, send, and receive messages related to orders to and from the Exchange. Features include the following: (1) Execution messages; (2) order messages; and (3) risk protection triggers and cancel notifications. *See* Chapter VI, Section 21(a)(i)(A).

[4] Clearing Trade Interface (''CTI'') is a real-time clearing trade update message that is sent to a Participant after an execution has occurred and contains trade details specific to that Participant. The information includes, among other things, the following: (i) The Clearing Member Trade Agreement or ''CMTA'' or The Options Clearing Corporation or ''OCC'' number; (ii) Exchange badge or house number; (iii) the Exchange internal firm identifier; (iv) an indicator which will distinguish electronic and non-electronically delivered orders; (v) liquidity indicators and transaction type for billing purposes; and (vi) capacity. *See* Chapter VI, Section 19(b)(1).

[5] FIX DROP is a real-time order and execution update message that is sent to a Participant after an order been received/modified or an execution has occurred and contains trade details specific to that Participant. The information includes, among other things, the following: (i) Executions; (ii) cancellations; (iii) modifications to an existing order; and (iv) busts or post-trade corrections. *See* Chapter VI, Section 19(b)(3).

[6] Participants would contact Market Operations to acquire new duplicative FIX Ports, CTI Ports and FIX DROP Ports. *See* Options Technical Update #2019–3.

[7] The migration is 1:1 and therefore would not require a Participant to acquire new ports, nor would it reduce the number of ports needed to connect.

[8] On May 21, 2019, the SEC Division of Trading and Markets (the ''Division'') issued fee filing guidance titled ''Staff Guidance on SRO Rule Filings Relating to Fees'' (''Guidance''). Within the Guidance, the Division noted, among other things, that the purpose discussion should address ''how the fee may apply differently (*e.g.,* additional cost vs. additional discount) to different types of market participants (*e.g.,* market makers, institutional brokers, retail brokers, vendors, etc.) and different sizes of market participants.'' *See* Guidance (available at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees*). The Guidance also suggests that the purpose discussion should include numerical examples. Where possible, the Exchange is including numerical examples. In addition, the Exchange is providing data to the Commission in support of its arguments herein. The Guidance covers all aspects of a fee filing, which the Exchange has addressed throughout this filing.

infrastructure migration. This proposal is not intended to have a pricing impact.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposal is also consistent with Section 11A of the Act relating to the establishment of the national market system for securities. Moreover, the Exchange believes that its proposal complies with Commission guidance on SRO fee filings that the Commission Staff issued on May 21, 2019.[11]

The Proposal is Reasonable

The Exchange's proposal is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [12]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options transaction services. The Exchange is one of several options venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. The Exchange believes its proposal is reasonable because it will not cause a pricing impact on any NOM Participant, rather the proposal is intended to permit NOM Participants to migrate their FIX Ports, CTI Ports and FIX DROP Ports to new technology at no additional cost during the month of August 2019. This proposal, which offers new duplicative ports to Participants at no cost, will allow Participants to test and maintain continuous connection to the Exchange during the month of August 2019.

The Proposal Represents an Equitable Allocation and Is Not Unfairly Discriminatory

The Exchange believes its proposal allocates its fees fairly among its market participants. The proposal is equitable and not unfairly discriminatory. All Participants may enter orders on NOM. As noted above, a NOM Participant may enter all orders on NOM through one FIX Port. The Exchange does not require a NOM Participant to obtain more than one FIX Port, however, a Participant may obtain multiple FIX Ports, a CTI Port or a FIX DROP Port to meet its individual business needs. This proposal is not intended to have a pricing impact to any NOM Participant.

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.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. This proposal does not amend pricing or functionality. Rather, this technology migration will enable NOM Participants to continue to connect to NOM, as is the case today, for the entry of orders.

Intra-Market Competition

The proposal does not impose an undue burden on intra-market competition. All Participants may enter orders on NOM. As noted above, a NOM Participant may enter all orders on NOM through one FIX Port. The Exchange does not require a NOM Participant to obtain more than one FIX Port, however, a Participant may obtain multiple FIX Ports, a CTI Port or a FIX DROP Port to meet its individual business needs. This proposal is not intended to have a pricing impact to any NOM Participant.

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 Act.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2019–056 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–NASDAQ–2019–056.* 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

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See* Guidance, *supra* note 8. Although the Exchange believes that this filing complies with the Guidance, the Exchange does not concede that the standards set forth in the Guidance are consistent with the Exchange Act and reserves its right to challenge those standards through administrative and judicial review, as appropriate.

[12] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2019–056 and should be submitted on or before August 23,2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16482 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33580; 812–15022]

Alaia Capital, LLC and m+ ETF Trust

July 30, 2019.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds; and (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: Alaia Capital, LLC (the ''Initial Adviser''), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 and m+ ETF Trust (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series.

FILING DATES: The application was filed on April 22, 2019.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 23, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: Alaia Capital, LLC and m+ ETF Trust, 10 Corbin Drive, Darien, CT 06820.

FOR FURTHER INFORMATION CONTACT: Rachel Loko, Senior Counsel, at (202) 551–6883, or Holly Hunter-Ceci, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'' which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions (''Portfolio Instruments''). Each Fund will disclose on its website the identities and quantities of the Portfolio Instruments that will form the basis for the Fund's calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units only and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants

[1] Applicants request that the order apply to the new series of the Trust as well as to additional series of the Trust and any other open-end management investment company or series thereof that currently exist or that may be created in the future (each, included in the term ''Fund''), each of which will operate as an actively-managed ETF. Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each such entity and any successor thereto is included in the term ''Adviser'') and (b) comply with the terms and conditions of the application. For purposes of the requested order, the term ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Instruments and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are affiliated persons, or second-tier affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Instruments currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[2] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16562 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

[2] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form SD, SEC File No. 270–647, OMB Control No. 3235–0697

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form SD (17 CFR 249b–400) under Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'') pursuant to Section 13(p) (15 U.S.C. 78m(p)) of the Exchange Act is filed by issuers to provide disclosures regarding the source and chain of custody of certain minerals used in their products. We estimate that Form SD takes approximately 480.61 hours per response to prepare and is filed by approximately 864 issuers. We estimate that 75% of the 480.61 hours per response (360.46 hours) is prepared by the issuer internally for a total annual burden of 311,437 hours (360.46 hours per response × 864 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection

of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16525 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Notice of Exempt Preliminary Roll-Up Communication, SEC File No. 270–396, OMB Control No. 3235–0452

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Exchange Act Rule 14a–6(n) (17 CFR 240.14a–6(n)) requires any person that engages in a proxy solicitation subject to Exchange Act Rule 14a–2(b)(4) [(17 CFR 240.14a–2(b)(4))] to file a Notice of Exempt Preliminary Roll-Up Communication (''Notice'') [(17 CFR 240.14a–104)] with the Commission. The Notice provides information regarding ownership interest and any potential conflicts of interest to be included in statements submitted by or on behalf of a person engaging in the solicitation. The Notice takes approximately 0.25 hours per response and is filed by approximately 4 respondents for a total of one annual burden hour (0.25 hours per response × 4 response).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16526 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 477, SEC File No. 270–493, OMB Control No. 3235–0550

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 477 (17 CFR 230.477) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) sets forth procedures for withdrawing a registration statement, including any amendments or exhibits to the registration statement. The rule provides that if an issuer intends to rely on the safe harbor contained in Securities Act Rule 155 to conduct an unregistered private offering of securities, the issuer must affirmatively state in the withdrawal application that it plans to undertake a subsequent private offering of its securities. Without this statement, the Commission would not be able to monitor a company's reliance on, and compliance with, Securities Act Rule 155(c). We estimate that approximately 327 issuers will file Securities Act Rule 477 submissions annually at an estimated one hour per response for a total annual burden of approximately 327 hours.

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16523 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rules 13n–4(b)(9), (b)(10) and (d), SEC File No. 270–793, OMB Control No. 3235–0738

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in rules 13n–4(b)(9), (b)(10) and (d) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rules 13n–4(b)(9), (b)(10) and (d) implement Exchange Act sections 13(n)(5)(G) and (H), which conditionally require security-based swap data repositories (SDRs) registered with the Commission to make security-based swap data available to certain regulators and other authorities. The rules in part would condition this access to data on the regulators and other authorities entering into memoranda of understanding or other arrangements with the Commission to address the confidentiality of the data made available. The rules further would require SDRs to create and maintain records regarding such data access. In addition, certain regulators or other authorities that are not otherwise designated by statute or rule may submit applications to the Commission requesting that they be deemed eligible to access the relevant security-based swap data.

Implementation of the statutory data access provisions—including the confidentiality condition and the Commission's authority to designate entities to access such information—will facilitate regulatory oversight of the security-based swap market and its participants, including oversight of systemic and other risks associated with the market. Implementation also will promote compliance with applicable laws and regulations, including but not limited to compliance with the antifraud provisions of the federal securities laws.

Commission Staff estimates that the total annual burden associated with Rules 13n–4(b)(9), (b)(10) and (d) is 35,700 hours and $400,000, calculated as follows:

Commission staff estimates a total of 30 regulators or other authorities will enter into confidentiality arrangements with the Commission to obtain access to security-based swap data pursuant to these provisions. On average, each of those recipients of data is expected to expend 500 hours in connection with negotiating these MOUs or other arrangements, for a one-time aggregate burden of 15,000 hours, with no associated ongoing burdens. This equates to 5,000 hours per year when annualized over three years.

Commission staff estimates that a total of 21 regulators or other authorities (that otherwise are not identified by statute or the rules as being eligible for access) may request that the Commission determine that they be able to access such security-based swap data. On average, each of those entities is expected to expend 40 hours in connection with such requests, for a one-time aggregate burden of 840 hours, with no associated ongoing burdens. This equates to 280 hours per year when annualized over three years.

Commission staff also estimates that a total of 10 SDRs may be expected to incur systems-related costs associated with setting up access to security-based swap data for regulators and other authorities. On average, each of those entities is expected to expend 7,800 hours in connection with providing such connectivity, for a one-time aggregate burden of 78,000 hours, with no associated no ongoing burdens associated with this requirement. This equates to 26,000 hours when annualized over three years.

In addition, Commission staff estimates that a total of 10 SDRs may incur costs associated with notifying the Commission when the SDR receives the first request for security-based swap data from a particular entity. On average, each of those SDRs is expected to expend 150 hours in connection with this notice requirement (based on each SDR providing 300 notices, at half-hour per notice), for a one-time aggregate burden of 1,500 hours, with no associated ongoing burdens. This equates to 500 hours per year when annualized over three years.

Commission staff estimates that a total of 10 SDRs may incur costs associated with the requirement that they maintain records of all information related to initial and subsequent requests for data access. On average, compliance with this provision is expected to require 360 hours initially and 280 hours annually per SDR, for a total burden of 3,600 hours initially and 2,800 hours annually across ten SDRs. This equates to 4,000 hours per year when annualized over three years. Commission staff further estimates that those SDRs each will require $40,000 annually in connection with that requirement, for a total cost of $400,000 annually across ten SDRs.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov*.

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16529 Filed 8–1–19; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMISTRATION

Annual Meeting of The Regional Small Business Regulatory Fairness Boards Office of The National Ombudsman

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open meeting of the Regional Small Business Regulatory Fairness Boards.

SUMMARY: The SBA, Office of the National Ombudsman, is issuing this notice to announce the location, date, time and agenda for the annual board meeting of the ten Regional Small Business Regulatory Fairness Boards. The meeting is open to the public.

DATES: The meeting will be held on Tuesday, August 20, 2019 from 9 a.m. to 4 p.m. EDT, and Wednesday, August 21, 2019 from 9 a.m. to 1 p.m. EDT.

ADDRESSES: The meeting will be at U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416 at the concourse level in Eisenhower Halls A/B.

SUPPLEMENTAL INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222, SBA announces the meeting of the Regional Small Business Regulatory Fairness Boards (Regional Regulatory Fairness Boards). The Regional Regulatory Fairness Boards are tasked to advise the National Ombudsman on matters of concern to small businesses relating to enforcement activities of agencies and to report on substantiated instances of excessive enforcement actions against small business concerns, including any findings or recommendations of the Board as to agency enforcement practice or policy.

The purpose of the meeting is to discuss the following topics related to the Regional Regulatory Fairness Boards:

—Introduction of the Regional Regulatory Fairness Boards and the staff of the Office of the National Ombudsman
—Panel Discussion with Federal Agency Representatives
—Facilitated discussion of ongoing regulatory issues for small business
—FY2018 Outcomes and comments regarding the Annual Report to Congress
—Office of Advocacy regulatory review
—SBA update and future outreach planning

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Regulatory Fairness Boards must contact John Kelly, Case Management Specialist, by August 5, 2019, in writing at the Office of the National Ombudsman, 409 3rd Street SW, Washington, DC 20416, by phone (888) 734–3247, by fax (202) 481–5719 or email *ombudsman-events@sba.gov.* Additionally, if you need accommodations because of a disability, translation services, or require additional information, please contact John Kelly as well.

For more information on the Office of the National Ombudsman, please visit our website at *www.sba.gov/ombudsman.*

Dated: July 22, 2019.

Nicole Nelson,

SBA Acting Committee Management Officer.

[FR Doc. 2019–16467 Filed 8–1–19; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16008 and #16009; Kansas Disaster Number KS–00124]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Kansas (FEMA–4449–DR), dated 06/20/2019.

Incident: Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides.

Incident Period: 04/28/2019 through 07/12/2019.

DATES: Issued on 07/25/2019.

Physical Loan Application Deadline Date: 08/19/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 03/20/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of KANSAS, dated 06/20/2019, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Bourbon, Comanche, Crawford, Dickinson, Douglas, Edwards, Ford, Gray, Riley.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–16508 Filed 8–1–19; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

National Regulatory Fairness Hearing; Office of the National Ombudsman

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of Hearing of the Regional Small Business Regulatory Fairness Boards.

SUMMARY: The SBA Office of the National Ombudsman is issuing this notice to announce the location, date, and time of the National Regulatory Fairness Hearing. This hearing is open to the public.

DATES: The meeting will be held on Monday, August 19, from 1:00–4:00 p.m.

ADDRESSES: The meeting will be at U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416, at the concourse level in Eisenhower Halls A/B.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222, SBA announces the national hearing held by the Regional Small Business Regulatory Fairness Boards (Regional Regulatory Fairness Boards). The Regional Regulatory Fairness Boards are tasked to advise the National Ombudsman on matters of concern to small businesses relating to enforcement activities of agencies and to report on substantiated instances of excessive enforcement actions against small business concerns, including any findings or recommendations of the Board as to agency enforcement practice or policy.

FOR FURTHER INFORMATION CONTACT: The hearing is open to the public; however advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Regulatory Fairness Board must contact John Kelly, Case Management Specialist, by August 5, 2019, in writing at the Office of the National Ombudsman, 409 3rd Street SW, Washington, DC 20416, by phone (888) 734–3247, by fax (202) 481–5719 or email *ombudsman-events@sba.gov* in order to be placed on the agenda. Additionally, if you need accommodations because of a disability, translation services, or require additional information, please contact John Kelly as well. For more information on the Office of the National Ombudsman, please visit our website at *www.sba.gov/ombudsman.*

Dated: July 22, 2019.

Nicole Nelson,

SBA Acting Committee Management Officer.

[FR Doc. 2019–16468 Filed 8–1–19; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15944 and #15945; Mississippi Disaster Number MS–00111]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Mississippi

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–4429–DR), dated 04/23/2019.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 02/22/2019 through 03/29/2019.

DATES: Issued on 07/26/2019.

Physical Loan Application Deadline Date: 06/24/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 01/23/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Mississippi, dated 04/23/2019, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Humphreys.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–16509 Filed 8–1–19; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16008 and #16009; Kansas Disaster Number KS–00124]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Kansas (FEMA–4449–DR), dated 06/20/2019.

Incident: Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides.

Incident Period: 04/28/2019 through 07/12/2019.

DATES: Issued on 07/25/2019.

Physical Loan Application Deadline Date: 08/19/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 03/20/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of KANSAS, dated 06/20/2019, is hereby amended to establish the incident period for this disaster as beginning 04/28/2019 and continuing through 07/12/2019.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–16507 Filed 8–1–19; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15973 and #15974; Oklahoma Disaster Number OK–00130]

Presidential Declaration Amendment of a Major Disaster for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4438–DR), dated 06/01/2019.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 05/07/2019 through 06/09/2019.

DATES: Issued on 07/23/2019.

Physical Loan Application Deadline Date: 08/14/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 03/02/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of OKLAHOMA, dated 06/01/2019, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 08/14/2019.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–16511 Filed 8–1–19; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16006 and #16007; Mississippi Disaster Number MS–00112]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Mississippi

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–4450–DR), dated 06/20/2019.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 04/13/2019 through 04/14/2019.

DATES: Issued on 07/26/2019.

Physical Loan Application Deadline Date: 08/19/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 03/20/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Mississippi, dated 06/20/2019, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Holmes.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–16510 Filed 8–1–19; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 10830]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''The Renaissance of Etching'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''The Renaissance of Etching,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about October 21, 2019, until on or about January 20, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–16588 Filed 8–1–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10829]

Notice of Determinations; Culturally Significant Object Imported for Exhibition—Determinations: ''Verdi: Creating Otello and Falstaff'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object to be included in the exhibition ''Verdi: Creating Otello and Falstaff,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Morgan Library & Museum, New York, New York, from on or about September 6, 2019, until on or about January 5, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–16589 Filed 8–1–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10840]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''The Last Knight: The Art, Armor, and Ambition of Maximilian I'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''The Last Knight: The Art, Armor, and Ambition of Maximilian I,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about October 7, 2019, until on or about January 5, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–16587 Filed 8–1–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice:10833]

Notice of Determinations; Culturally Significant Object Imported for Exhibition—Determinations: ''Terracotta Kylix'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object to be

exhibited in the exhibition ''Terracotta Kylix,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Metropolitan Museum of Art, New York, New York, from on or about October 28, 2019, until on or about October 31, 2023, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–16465 Filed 8–1–19; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket Nos. AB 1266X; AB 1267X; and AB 1276X]

Canonie Atlantic Co.—Abandonment Exemption—Hallwood to Cape Charles, Va.; Cassatt Management LLC d/b/a Bay Coast Railroad—Discontinuance of Service Exemption—Hallwood to Cape Charles, Va.; and Eastern Shore Railroad, Inc.—Discontinuance of Service Exemption—Hallwood to Cape Charles, Va.

On July 15, 2019, Cassatt Management, LLC d/b/a Bay Coast Railroad (BCR), Eastern Shore Railroad, Inc. (ESRR), and Canonie Atlantic Co. (CAC) [1] filed with the Board a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 for BCR and ESRR to discontinue their lease operations over, and for CAC to abandon, approximately 49.1 miles of rail line in Accomack and Northampton Counties, Va. (the Line).

The Line is located between milepost 45.7 at Hallwood, Va., and the end of the line at milepost 94.8 at Cape Charles, Va., and the car float operation from Cape Charles to Little Creek, Va. The Line traverses U.S. Postal Service Zip Codes 23301, 23306, 23307, 23308, 23310, 23316, 23341, 23347, 23350, 23354, 23357, 23359, 23401, 23405, 23408, 23409, 23410, 23413, 23417, 23418, 23420, 23421, 23441, and 23480.

Petitioners state that, based on information in their possession, the Line does not contain any federally granted rights-of-way. Petitioners state that any documentation in their possession will be made available to those requesting it.

According to Petitioners, BCR terminated all operations on April 30, 2018, with little advance notice and without seeking prior Board approval. Petitioners state that the car float operation has been out of business since 2009, and that no shippers have used the Line for more than one year. Petitioners also state that there has been no overhead traffic for years, despite some efforts to develop that traffic.

Petitioners state that, because this transaction involves the discontinuance over and abandonment of the remainder of the Line (a whole line abandonment), the imposition of employee protective conditions is not required. (Pet. 14 (citing *Wellsville, Addison & Galeton R.R.—Aban.,* 354 I.C.C. 744 (1978); *Northampton & Bath R.R.—Aban.,* 354 I.C.C. 784 (1978)).)

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 1, 2019.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Persons interested in submitting an OFA must first file a formal expression of intent to file an offer by August 12, 2019, 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)(1)(i).

Following authorization for abandonment, the Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 24, 2019.[2]

All pleadings, referring to Docket Nos. AB 1267, AB 1276, and AB 1266, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Petitioners' representatives, John D. Heffner and Sloane S. Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004. Replies to this petition are due on or before August 24, 2019.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment and discontinuance regulations at 49 CFR pt. 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at 1–800–877–8339.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who comment during its presentation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available at *www.stb.gov.*

Decided: July 29, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–16542 Filed 8–1–19; 8:45 am]

BILLING CODE 4915–01–P

[1] BCR, ESSR, and CAC are referred to collectively as Petitioners. The Petition states (Pet. 3 n.2) that CAC is acting on behalf of both ESRR (a wholly owned subsidiary of CAC) and BSR.

[2] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36333]

City of Chicago—Acquisition Exemption—Chicago Terminal Railroad

The City of Chicago (City) has filed a verified notice of exemption under 49 CFR 1150.31 to acquire the right to reactivate rail service from Chicago Terminal Railroad (CTM) on approximately 2.725 miles of rail line, consisting of (1) an approximately 2.625 mile segment from the western right of way line of North Elston Avenue to a terminus near the intersection of Chicago Avenue and Halsted Street in the Goose Island district of Chicago (the Goose Island Segment), and (2) an approximately 0.1 mile segment of the Bloomingdale line between the western right of way line of North Elston Avenue and the Union Pacific North Avenue Yard (the North Elston Segment) (collectively, the Line).

The Board granted an application by Alloy Property Company, LLC (Alloy) for adverse abandonment of the Goose Island Segment in 2018, *see Alloy Property Co., LLC—Adverse Aban.—Chi. Terminal R.R. in Chicago, Ill.,* AB 1258 (STB served Apr. 30, 2018), and authorized abandonment of the North Elston Segment in 2018, *see Chi. Terminal R.R.—Abandonment Exemption—in Chicago, Ill.,* AB 1268X (STB served Sept. 28, 2018). The City states that the Board issued a Certificate of Interim Trail Use (CITU) for the Goose Island Segment and a Notice of Interim Trail Use (NITU) for the North Elston Segment, and the City and CTM have been negotiating a trail use agreement pursuant to the National Trails System Act, 16 U.S.C. 1247(d). The trail use negotiation period in both proceedings has been extended to September 23, 2019. *Alloy Property Co., LLC—Adverse Aban.—Chi. Terminal R.R. in Chicago, Ill.,* AB 1258 et al. (STB served Apr. 15, 2019).

The City's verified notice describes three agreements, under which the City and CTM will both consummate their trail use agreement regarding the Line and transfer CTM's right to reactivate freight service to the City upon or shortly after the effective date of this verified notice of exemption. First, the City states that the Line will be the subject of a trail use agreement between the City as the trail sponsor and CTM, which is currently the residual common carrier rights holder. Second, the City states that CTM and Alloy have negotiated and are prepared to enter into an Asset Purchase Agreement through which CTM has committed to convey its easement and other property interests in the Line to Alloy. Finally, the City states that it and Alloy anticipate entering into an agreement through which Alloy may direct CTM, per the terms of the Asset Purchase Agreement, to transfer directly to the City certain easement and other property interests in the Line for purposes of carrying out certain trail uses as the trail use sponsor. According to the City, it will thereby acquire both CTM's real property interests and the right to reactive rail service on the Line.

The City certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier. The City further certifies that the proposed transaction does not involve a provision or agreement that would limit future interchange with a third-party connecting carrier.

The transaction may be consummated on or after August 18, 2019, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than August 9, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36333, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on the City's representative, Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP, 1634 I (Eye) Street NW, Suite 300, Washington, DC 20006.

According to the City, this action is categorically excluded from environmental reporting requirements under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(1).

Board decisions and notices are available at *www.stb.gov.*

Decided: July 30, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–16561 Filed 8–1–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36334]

Golden Isles Terminal Railroad, Inc.—Trackage Rights Exemption—CSX Transportation, Inc.

Golden Isles Terminal Railroad, Inc. (GITM), a Class III railroad, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) to acquire trackage rights on a line of railroad owned by CSX Transportation, Inc. (CSXT), between milepost A489± near Georgia Ports Authority Garden City Terminal and milepost S500± at or about the entrance to CSXT's Savannah Yard, plus sufficient head or tail room (i) from the north entrance to Old Savannah Yard, through Loricks Lead, out on Number One Main to milepost A492±, and (ii) from the south entrance of Old Savannah Yard, through the Blossom signal, out on Mainline to milepost S504±, in Chatham County, Ga.[1] According to GITM, the trackage rights agreement replaces a previous trackage rights agreement between CSXT to GITM that has expired.[2]

The verified notice states that the proposed transaction will allow GITM to bridge intermodal traffic between the Garden City Terminal and Savannah Yard for CSX Intermodal Terminals, Inc., and to provide supporting switching services.

The proposed transaction may be consummated on or after August 17, 2019, the effective date of the exemption (30 days after the verified notice of exemption was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of

[1] A redacted version of the agreement between GITM and CSXT was filed with GITM's verified notice of exemption. GITM simultaneously filed a motion for a protective order to protect the confidential and commercially sensitive information in the unredacted version of the agreement, which GITM submitted under seal. That motion will be addressed in a separate decision.

[2] *See Golden Isles Terminal R.R.—Trackage Rights Exemption—CSX Transp., Inc.,* FD 34432 (STB served Nov. 20, 2003). GITM states that, although the trackage rights agreement expired, the trackage rights were not discontinued and by agreement of the parties, GITM continues to use the trackage rights under the terms of the expired agreement.

a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by August 9, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36334, must be filed with the Surface Transportation Board, either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on GITM's representative, Eric M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

According to GITM, this action is categorically excluded from environmental review under 49 CFR 1105.6(c), and from historic reporting under 49 CFR. 1105.8(b)(3).

Board decisions and notices are available at *www.stb.gov.*

Decided: July 29, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2019–16515 Filed 8–1–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36313]

Cando Rail Services, Inc.—Acquisition and Operation Exemption—Georgia-Pacific Consumer Operations, LLC

Cando Rail Services, Inc. (CRS), a noncarrier, has filed a verified notice of exemption [1] under 49 CFR 1150.31 to acquire from Georgia-Pacific Consumer Operations, LLC (GP), via a Switching Services Agreement, approximately 115,104 feet (21.8 miles) of existing railroad right-of-way, trackage, and transloading facilities at GP's Crossett Transload Facility in Crossett, Ark. (the Line).[2]

CRS states that it will, pursuant to the Switching Services Agreement, provide freight car switching services for GP at the Crossett Transload Facility. CRS states that it will interchange outbound rail cars with Kansas City Southern Railroad. CRS explains that the Crossett Transload Facility receives timber and raw lumber which principally arrives by truck. CRS further explains that the lumber is converted into various products, the largest being paper products, which are then shipped out of the facility by rail.

CRS certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III carrier and will not exceed $5 million. CRS also certifies that the applicable agreement does not include any interchange commitment.

The transaction may be consummated on or after August 17, 2019 (30 days after the verified notice was filed).[3]

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than August 9, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36313, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CRS's representative, David C. Dillon, Dillon &Nash, Ltd., 3100 Dundee Road, Suite 508, Northbrook, IL 60062.

Board decisions and notices are available at *www.stb.gov.*

Decided: July 30, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–16557 Filed 8–1–19; 8:45 am]

BILLING CODE 4915–01–P

[1] CRS also filed a motion for protective order, which will be addressed in a separate decision.

[2] According to CRS, there are no mileposts associated with the line.

[3] CRS filed its original verified notice of exemption on July 10, 2019, a supplement on July 11, 2019, and an amended verified notice on July 18, 2019. July 18 therefore is deemed the filed date.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0291]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Notice of Proposed Construction or Alteration, Notice of Actual Construction or Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 22, 2019. The FAA uses the Information collected on form 7460–1 to determine the effect a proposed construction or alteration would have on air navigation and the National Airspace System (NAS) and the information collected on form 7460–2 to measure the progress of actual construction.

DATES: Written comments should be submitted by September 3, 2019.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Dave Maddox by email at: *david.maddox@faa.gov;* phone: 202–267–4525.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0001.

Title: Notice of Proposed Construction or Alteration, Notice of Actual Construction or Alteration.

Form Numbers: FAA forms 7460–1 and 7460–2.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 22, 2019, (84 FR 16758). 49 U.S.C. 44718 states that the Secretary of Transportation shall require notice of

structures that may affect navigable airspace, air commerce, or air capacity. These notice requirements are contained in 14 CFR 77. The information is collected via FAA forms 7460–1 and 7460–2.

Respondents: Approximately 85,000 registered respondents including individuals or organizations that propose construction or alteration projects and are required to provide adequate notification to the FAA of that construction or alteration.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: Approximately 15 minutes.

Estimated Total Annual Burden: 70,075 hours.

Issued in Washington, DC, on July 30, 2019.

Michael Helvey,

Manager, Obstruction Evaluation Group, AJV–15.

[FR Doc. 2019–16527 Filed 8–1–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Application Deadline Extended; Notice of Funding Opportunity for America's Marine Highway Projects

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces the extension of the America's Marine Highway Funding Opportunity application deadline from 5 p.m. EDT on August 15, 2019 to 5 p.m. EDT on September 20, 2019. The Consolidated Appropriations Act, 2019, appropriated $7,000,000 to the Short Sea Transportation Program, commonly referred to as the America's Marine Highway Program (AMHP). The purpose of the appropriation is to make grants available to previously designated Marine Highway Projects that support the development and expansion of documented vessels, or port and landside infrastructure. The U.S. Department of Transportation (Department) will award Marine Highway Grants to implement projects or components of projects previously designated by the Secretary of Transportation (Secretary) under AMHP. Only Marine Highway Projects the Secretary designated before the Notice of Funding Opportunity closing date are eligible for funding as described in this Notice.

DATES: Applications must be received by the Maritime Administration by 5 p.m. EDT on September 20, 2019.

ADDRESSES: Grant applications must be submitted electronically using *Grants.gov* (*https://www.grants.gov*). Please be aware that you must complete the *Grants.gov* registration process before submitting your application, and that the registration process usually takes 2 to 4 weeks to complete. Applicants are strongly encouraged to make submissions in advance of the deadline.

FOR FURTHER INFORMATION CONTACT: Fred Jones, Office of Ports & Waterways Planning, Room W21–311, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, phone 202–366–1123, or email *Fred.Jones@dot.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Each section of this Notice contains information and instructions relevant to the application process for these Marine Highway Grants, and all applicants should read this Notice in its entirety so that they have the information they need to submit eligible and competitive applications. Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties as outlined below in Section D.4.

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A. Program Description

The Secretary, in accordance with 46 U.S.C. 55601, established a short sea transportation grant program to implement projects or components of designated Marine Highway Projects. The grant funds currently available are for projects related to documented vessels and port and landside infrastructure.

The America's Marine Highway Program Office (Program Office) follows a three-step approach when supporting investment opportunities for Marine Highway services. The first step is designation of a Marine Highway Route by the Secretary. The Department accepts Marine Highway Route Designation requests at any time from Route Sponsors. Once a Route is designated, the next step is designation as a Marine Highway Project by the Secretary. Marine Highway Projects represent concepts for new services or expansions of existing marine highway services on designated Marine Highway Routes. MARAD will announce by notice in the **Federal Register** open season periods to allow Project Applicants opportunities to submit Marine Highway Project Designation applications. A Project Applicant must receive a Project Designation for that project to then become eligible for Marine Highway Grant funding, the third step referenced above. Marine Highway Grant funding (the subject of this NOFO) is provided to successful public and private sector applicants as funds are appropriated by Congress.

B. Federal Award Information

The Secretary, through the Maritime Administration (MARAD), intends to award $6,790,000 via grants to the extent that there are qualified applications. MARAD will seek to obtain the maximum benefit from the available funding by awarding grants to as many qualified projects as possible; however, MARAD reserves the right to award all funds to a single project. MARAD may also award grants supporting a portion of a project described in an application by selecting discrete components. The start date and period of performance for each award will be determined by mutual agreement of MARAD and each grant recipient. MARAD will administer each Marine Highway Grant pursuant to a grant agreement with the Marine Highway Grant recipient.

Prior recipients of Marine Highway Grants may apply for funding to support additional phases of a designated project. However, to be competitive, the grant applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the new award.

C. Eligibility Information

To be selected for a Marine Highway Grant, an applicant must be an Eligible Applicant, and the project must be an Eligible Project.

1. Eligible Applicants

Eligible applicants for funding available under this notice are an

original Project Applicant of a project that the Secretary has previously designated as a Marine Highway Project or a substitute (which can be either a public entity or a private-sector entity who has been referred to the Program Office by the original Project Applicant, with a written explanation, as part of the application). Original Project Applicants are defined as those public entities named by the Secretary in the original designated project. Grant applicants must have operational, or administrative areas of responsibility, that are adjacent to or near the relevant designated Marine Highway Project. Eligible grant applicants include State governments (including State departments of transportation), metropolitan planning organizations, port authorities, and tribal governments, or private sector operators of marine highway services within designated Marine Highway Projects.

Grant applicants are encouraged to develop coalitions and public/private partnerships, which might include vessel owners and operators; third-party logistics providers; trucking companies; shippers; railroads; port authorities; state, regional, and local transportation planners; environmental organizations; impacted communities; or any combination of entities working in collaboration on a single grant application that can be submitted by the original Project Applicant or their designated substitute. All successful grant applicants, whether they are public or private entities, must comply with all Federal requirements.

If multiple applicants submit a joint grant application, they must identify a lead grant applicant as the primary point of contact. Joint grant applications must include a description of the roles and responsibilities of each applicant, including designating the one entity that will receive the Federal funds directly from MARAD, and must be signed by each applicant.

2. Cost Sharing or Matching

An applicant must provide at least 20 percent of project costs from non-Federal sources. The application should demonstrate, such as through a letter or other documentation, the sources of these funds. Preference will be given to those projects that provide a larger percentage of costs from non-Federal sources. Matching funds are subject to the same Federal requirements described in Section F.2 as Federally-awarded funds.

3. Other

Eligible Projects

The purpose of this grant program is to create new marine highway services or to expand existing marine highway services. Only projects or their components that the Secretary has previously designated as Marine Highway Projects, are eligible for this round of grant funding. Projects proposed for funding must support the development and expansion of documented vessels or port and landside infrastructure. Grant funds may be requested for eligible project planning activities; however, market-related studies are ineligible to receive Marine Highway Grants.

The current list of designated Marine Highway Projects can be found on the Marine Highway website at: *https://www.maritime.dot.gov/grants/marine-highways/marine-highway-project-description-pages.*

D. Application and Submission Information

1. Address To Request Application Package

Applications may be found at and must be submitted through *Grants.gov*. Applications must include the Standard Form 424 (Application for Federal Assistance), which is available on the *Grants.gov* website at *https://www.grants.gov/web/grants/forms/sf-424-family.html.*

2. Content and Form of Application Submission

In addition to the SF–424, the application should include the Project Narrative. MARAD recommends that the Project Narrative follows the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. First Page of Project Narrative—See D.2.i.
II. Project Description—See D.2.ii.
III. Project Location—See D.2.iii.
IV. Grant Funds, Sources and Uses of all Project Funding—See D.2.iv.
V. Selection Criteria—See D.2.v and E.1.
VI. Other Application Requirements—See D.2.vi.

The Project Narrative should include the information necessary for MARAD to determine that the project satisfies the requirements described in Sections B and C, and to assess the selection criteria specified in Section E.1. This includes a detailed project description, location, and budget. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by MARAD. Applicants are strongly encouraged to provide quantitative information, including baseline information, that demonstrates the project's merits and economic viability. MARAD may ask any applicant to supplement data in its application, but expects applications to be complete upon submission. Incomplete applications may not be considered for an award.

The Project Narrative should also include a table of contents, maps and graphics, as appropriate, to make the information easier to review. MARAD recommends that the Project Narrative be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins, and the narrative text in one column only). The Project Narrative may not exceed 10 pages in length, excluding the table of contents and appendices. The only substantive portions that may exceed the 10-page limit are documents supporting assertions or conclusions made in the 10-page Project Narrative. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials, though it is important to ensure that the website links are currently active and working. If supporting documents are submitted, applicants should clearly identify within the Project Narrative the relevant portion of the Project Narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously in support of a Marine Highway Project application may be referenced, updated, or described as unchanged. To the extent documents provided previously are referenced, they need not be resubmitted in support of a Marine Highway Grant application.

To ensure the Project Narrative is sufficiently detailed and informative, MARAD recommends applications include the following sections:

i. First Page of Project Narrative

The first page of the Project Narrative should provide the following items of information:

(A) Marine Highway Project name and the original Project Applicant (as stated on the Marine Highway Program's list of Designated Projects);

(B) Primary point of contact. An application must include the name, phone number, email address, and business address of the primary point of contact for the grant applicant;

(C) Total amount of the proposed grant project cost in dollars and the amount of grant funds the applicant is

seeking, along with sources and share of matching funds;

(D) Executive Summary, which should include an outline of the background of the project, the need for the project, and how the grant funding will be applied in the context of the service referenced in the original Project Designation application;

(E) Project parties. The public and private partners engaged in the Marine Highway Project;

(F) The Data Universal Numbering System (DUNS) number associated with the application. Marine Highway Grants and their first-tier sub-awardees must obtain DUNS numbers, which are available at *https://fedgov.dnb.com/webform;* and

(G) Evidence of registration with the System for Award Management (SAM) at *https://www.SAM.gov.*

ii. Project Description

The next section of the application should provide a concise description of the project. The project description must be in paragraph form providing a high-level view of the overall project and its major components. This section should discuss the project's history, including a description of any previously completed components. The applicant may use this section to place the project into a broader context of other transportation infrastructure investments being pursued by the grant applicant, and, if applicable, how it will benefit communities in rural areas. This section should also include a timeline for implementing the project.

iii. Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location.

The application should also state whether the project is located in an urban area (UA) or rural area (RA) as designated by the U.S. Census Bureau at *http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/.*

The Department will consider a project to be in a RA if the majority of the project (determined by geographic location(s) where the majority of the money is to be spent) is located in a RA. Grant funds utilized in an UA border, including an intersection with an UA, will be considered urban for the purposes of the FY 2019 Marine Highway Grants.

iv. Grant Funds, Sources and Uses of Project Funds

This section of the application should describe the project's budget. The budget should not include any previously incurred expenses. At a minimum, it should include:

(A) Project costs;

(B) The source and amount of those funds to be used for project costs;

(C) For Non-Federal funds to be used for eligible project costs, documentation of funding commitments should be referenced here and included as an appendix to the application;

(D) For Federal funds to be used for eligible project costs, the amount, nature, and source of any required non-Federal match for those funds;

(E) A budget showing how each source of funds will be spent. The budget should show how each funding source will share in each project component, and present that data in dollars and percentages. Funding sources should be grouped into three categories: Non-Federal; Marine Highway Grant funding; and other Federal. A letter of commitment from each funding source should be an attachment to the application. If the project contains individual components, the budget should separate the costs of each project component. The budget should sufficiently demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2.

v. Selection Criteria

This section of the application should demonstrate how the project proposed for grant funding aligns with the criteria described below and in Section E.1. MARAD encourages applicants to address each criterion, or expressly state that the project does not address the criterion. Applicants are not required to follow a specific format, but MARAD recommends applicants address each criterion separately using the outline suggested below, which provides a clear discussion that assists project evaluators. Guidance describing how MARAD will evaluate projects against the Selection Criteria is in Section E.1 of this Notice. Applicants also should review that section before considering how to organize and complete their application. To minimize redundant information in the application, MARAD encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

(A) Primary Selection Criteria

(1) This section of the application should demonstrate that the project is financially viable.

(2) This section of the application should demonstrate that the funds received will be spent efficiently and effectively.

(3) This section of the application should demonstrate that a market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

(4) This section of the application should describe the public benefits anticipated by the proposed grant project, as outlined in 46 CFR 393.3(c)(8), and described below. The public benefits described in the relevant Marine Highway Project Designation application may be referenced, updated, or described as unchanged. Applicants will need to clearly demonstrate that the original public benefits outlined in the original project designation application apply to the specific grant funding request associated with this Notice, and provide any updates or supplement the original public benefits, as necessary. To the extent referenced, this information need not be resubmitted in support of a Marine Highway Grant application. Applicants should organize their external net cost savings and public benefits of the proposed grant project based on the following six categories:

(i) Emissions benefits;

(ii) Energy savings;

(iii) Landside transportation infrastructure maintenance savings;

(iv) Economic competitiveness;

(v) Safety improvements;

(vi) System resiliency and redundancy.

vi. Other Application Requirements

(A) National Environmental Policy Act (NEPA) Requirements

Projects selected for grant award must comply with NEPA and any other applicable environmental laws. The application should provide information about the NEPA status of the project. If the environmental review process is underway but not complete at the time of the application, the application must detail where the project is in the process, indicate the anticipated date of completion, and provide a website link or other reference to copies of any environmental documents prepared.

(B) Other Federal, State, and Local Actions

An application must indicate whether the proposed project is likely to require actions by other agencies (*e.g.,* permits)

or, indicate the status of such actions, provide a website link or other reference to materials submitted to the other agencies, and demonstrate compliance with other Federal, state, or local regulations and permits as applicable.

(C) Certification Requirements

For an application to be considered for a grant award, the Chief Executive Officer, or equivalent, of the applicant is required to certify, in writing, the following:

1. That, except as noted in this grant application, nothing has changed from the original application for formal designation as a Marine Highway Project; and
2. The grant applicant will administer the project and any funds received will be spent efficiently and effectively; and
3. The grant applicant will provide information, data, and reports as required.

(D) Protection of Confidential Commercial Information

Grant applicants should submit, as part of or in support of an application, publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards to the extent possible. If the application includes information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: Note on the front cover that the submission contains ''Confidential Commercial Information (CCI)''; mark each affected page ''CCI''; and highlight or otherwise denote the CCI portions. MARAD will protect such information from disclosure to the extent allowed under applicable law. In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

(E) Additional Application Information Needed From Private-Sector Applicants

1. Written referral from the original successful Project Applicant stating that the private entity has been referred by the original Project Applicant for the relevant designated Marine Highway Project.
2. A description of the entity including location of the headquarters; a description of the entity's assets (tugs, barges, etc.); years in operation; ownership; customer base; and website address, if any.
3. Unique entity identifier of the parent company (when applicable): Data Universal Numbering System (DUNS + 4 number) (when applicable).
4. The most recent year-end audited, reviewed or compiled financial statements, prepared by a certified public accountant (CPA), per U.S. generally accepted accounting principles (not tax-based accounting financial statements). If CPA prepared financial statements are not available, provide the most recent financial statement for the entity. Do not provide tax returns.
5. Statement regarding the relationship between applicants and any parents, subsidiaries or affiliates, if any such entity is going to provide a portion of the match.
6. Evidence documenting applicant's ability to make proposed matching requirement (loan agreement, commitment from investors, cash on balance sheet, etc.).
7. Pro-forma financial statements reflecting financial condition at beginning of period; effect on balance sheet of grant and matching funds (*e.g.,* a decrease in cash or increase in debt, additional equity and an increase in fixed assets); and impact on company's projected financial condition (balance sheet) of completion of project, showing that company will have sufficient financial resources to remain in business.
8. Statement whether during the past five years, the applicant or any predecessor or related company has been in bankruptcy or in reorganization under Chapter 11 of the Bankruptcy Code, or in any insolvency or reorganization proceedings, and whether any substantial property of the applicant or any predecessor or related company has been acquired in any such proceeding or has been subject to foreclosure or receivership during such period. If so, give details.
9. Additional information may be requested as deemed necessary by MARAD to facilitate and complete its review of the application. If such information is not provided, MARAD may deem the application incomplete and cease processing it.
10. Company Officer's certification of each of the following:

a. That the company operates in the geographic location of the designated Marine Highway Project;

b. That the applicant has the authority to carry out the proposed project; and

c. That the applicant has not, and will not make any prohibited payments out of the requested grant, in accordance with the Department of Transportation's regulation restricting lobbying, 49 CFR part 20.

3. DUNS and SAM Requirements

MARAD will not make an award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements. Each applicant must be registered in SAM before applying, provide a valid Unique Entity Identifier number in its application, and maintain an active SAM registration with current information throughout the period of the award. Applicants may register with the SAM at *www.SAM.gov.* Applicants can obtain a DUNS number at *http://fedgov.dnb.com/webform.* If an applicant has not fully complied with the requirements by the time MARAD is ready to make an award, MARAD may determine that the applicant is not qualified to receive a Federal award under this program.

4. Submission Dates and Times

Applications must be received by 5 p.m. EDT on September 20, 2019. Late applications that are the result of failure to register or comply with *Grants.gov* application requirements in a timely manner will not be considered. Applicants experiencing technical issues with *Grants.gov* that are beyond the applicant's control must contact *MH@dot.gov* or Fred Jones at 202–366–1123 prior to the deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide: Details of the technical issue experienced; screen capture(s) of the technical issue experienced along with the corresponding ''Grant tracking number'' that is provided via *Grants.gov*; the ''Legal Name'' for the applicant that was provided in the SF–424; the name and contact information for the person to be contacted on matters involving submission that is included on the SF–424; the DUNS number associated with the application; and the *Grants.gov* Help Desk Tracking Number.

5. Funding Restrictions

MARAD will not allow reimbursement of any pre-Federal award costs that may have been incurred by an applicant. Grant funds may only be used for the purposes described in this notice and may not be used as an operating subsidy. Market-related studies are ineligible for Marine Highway Grant funds.

6. Other Submission Requirements

Grant applications must be submitted electronically using (*Grants.gov https://www.grants.gov*).

E. Application Review Information

1. Selection Criteria

This section specifies the criteria that MARAD will use to evaluate and award applications for Marine Highway Grants. These criteria incorporate the statutory requirements for this program, as well as Departmental and Programmatic priorities.

When reviewing grant applications, MARAD will consider how the proposed service could satisfy, in whole or in part, 46 U.S.C. 55601(b)(1) and (3) and all of the following criteria found at 46 U.S.C. 55601(g)(2)(B):

- The project is financially viable;
- The funds received will be spent efficiently and effectively; and
- A market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

MARAD will also consider how the proposed request for funding outlined in the grant application supports the elements of 46 CFR 393.3(c)(8), Public benefits, as a key programmatic objective.

After applying the above preferences, MARAD will consider the following key Departmental objectives:

- Supporting economic vitality at the national and regional level;
- Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment;
- Accounting for the life-cycle costs of the project to promote the state of good repair;
- Using innovative approaches to improve safety and expedite project delivery; and,
- Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

In awarding grants under the program, MARAD will give preference to those projects or components that present the most financially viable marine highway transportation services and require the lowest total percentage Federal share of the costs. MARAD will also give special consideration to projects located in or that support a marine highway service in a qualified opportunity zone designated pursuant to 26 U.S.C. 1400Z–1, or that emphasize improved infrastructure condition, or facilitate economic competitiveness, in rural areas.

2. Review and Selection Process

Upon receipt, MARAD will evaluate the application using the criteria outlined above. Upon completion of the technical review, MARAD will forward the applications to an inter-agency review team (Intermodal Review Team). The Intermodal Review Team will include members of MARAD, other Department of Transportation Operating Administrations, and representatives from the Office of the Secretary of Transportation. The Intermodal Review Team will assign ratings of ''highly recommended,'' ''recommended,'' ''not recommended,'' ''incomplete,'' or ''not eligible'' for each application based on the criteria set forth above. The Intermodal Review Team will provide its findings to the Program Office. The Program Office will use those findings to inform the recommendations that will be made to the Maritime Administrator and the Secretary.

3. FAPIIS Check

MARAD is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (*see* 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. MARAD will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce the selected grant award recipients. The award announcement will be posted on the MARAD website (*https://www.marad.dot.gov*).

2. Administrative and National Policy Requirements

All awards must be administered pursuant to the ''Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards'' found at 2 CFR part 200, as adopted by the Department at 2 CFR part 1201. Federal wage rate requirements included at 40 U.S.C. 3141–3148 apply to all projects receiving funds under this program and apply to all parts of the project, whether funded with Federal funds or non-Federal funds. Additionally, all applicable Federal laws and regulations will apply to projects that receive Marine Highway Grants.

MARAD and the applicant will enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, such as environmental review requirements. The grant agreement is the fund-obligating document and will also describe the period of performance for the project as well as the schedule for construction or procurement. MARAD reserves the right to revoke any award of Marine Highway Grant funds and to award such funds to another project to the extent that such funds are not expended in a timely or acceptable manner and in accordance with the project schedule.

3. Reporting

Award recipients are required to submit quarterly reports, signed by an officer of the recipient, to the Program Office to keep MARAD informed of all activities during the reporting period. The reports will indicate progress made, planned activities for the next reporting period, and a listing of any purchases made with grant funds during the reporting period. In addition, the report will include an explanation of any deviation from the projected budget and timeline. Quarterly reports will also contain, at a minimum, the following: A statement as to whether the award recipient has used the grant funds consistent with the terms contemplated in the grant agreement; if applicable, a description of the budgeted activities not procured by recipient; if applicable, the rationale for recipient's failure to execute the budgeted activities; if applicable, an explanation as to how and when recipient intends to accomplish the purposes of the grant agreement; and a budget summary showing funds expended since commencement, anticipated expenditures for the next reporting period, and expenditures compared to overall budget.

Grant award recipients will also collect information and report on the project's observed performance with respect to the relevant long-term outcomes that are expected to be achieved through the project. Performance indicators will not include formal goals or targets, but will include observed measures under baseline (pre-project) as well as post-implementation outcomes for an agreed-upon timeline, and will be used to evaluate and compare projects and monitor the results that grant funds achieve to the

intended long-term outcomes of the AMHP. Performance reporting continues for several years after project construction is completed, and MARAD does not provide Marine Highway Grant funding specifically for performance reporting.

4. Requirements for Domestic Content (''Buy American,'' ''Buy America,'' and ''Cargo Preference'')

As expressed in Executive Orders 13788 of April 18, 2017 and 13858 of January 31, 2019, it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in the United States in the terms and conditions of Federal financial assistance awards. Consistent with the requirements of Section 410 of Division G—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2019, of the Consolidated Appropriations Act, 2019, (Pub. L. 116–6, February 15, 2019), the Buy American requirements of 41 U.S.C. Chapter 83 apply to funds made available under this Notice, and all award recipients must apply, comply with, and implement all provisions of the Buy American Act and related provisions in the grant agreement when implementing Marine Highway Grants. Depending on other funding streams, the project may be subject to separate ''Buy America'' requirements.

If a project intends to use any product with foreign content or of foreign origin, this information should be listed and addressed in the application. Applications should expressly address how the applicant plans to comply with domestic-preference requirements and whether there are any potential foreign-content issues with their proposed project. Applications that use grant funds for domestic-content purchases will be viewed favorably. If certain foreign content is granted an exception or waiver from Buy American or Buy America requirements, a Cargo Preference requirement may apply.

G. Federal Awarding Agency Contacts

To ensure applicants receive accurate information about eligibility, the program, or in response to other questions, applicants are encouraged to contact MARAD directly, rather than through intermediaries or third parties. Please see contact information in the **FOR FURTHER INFORMATION CONTACT** section above.

* * *

Dated: July 29, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–16452 Filed 8–1–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2019–0121]

Request for Information on Opportunities, Challenges and Impacts of Automated Transportation in a Port Environment

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Request for information (RFI).

SUMMARY: Automation, including automated vehicles, trains, vessels, infrastructure, and equipment, is increasingly being tested and introduced into the transportation system, including ports. At ports, various modes of transportation, such as vessels, rail and motor carriers, intersect to create a hub of freight transfer in global supply chains. The Maritime Administration (MARAD) is interested in engaging in research that may help support strategies to safely implement automated transportation on and around ports. To that end, MARAD is publishing this RFI to solicit views from the public, including stakeholders (*e.g.,* State and local agencies, vehicle, train, vessel, infrastructure, and equipment design, development and manufacturing industries, intelligent transportation systems industry, technology developers, related associations, etc.), on a range of issues related to the safety effects, opportunities, challenges and impacts of automated transportation in a port environment to inform potential research projects.

DATES: Comments must be received on or before September 3, 2019. MARAD will consider comments filed after this date to the extent practicable.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0121 by any of the following methods:

- *Electronic Submission:* Go to *http://www.regulations.gov.* Search by using the docket number (provided above). Follow the instructions for submitting comments on the electronic docket site.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 of the Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket number.

Note: All comments received, including any personal information, will be posted without change to the docket and is accessible via *http://www.regulations.gov.* Input submitted online via *www.regulations.gov* is not immediately posted to the site. It may take several business days before your submission is posted.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to Room PL–401 of the Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The Federal Docket Management Facility's telephone number is 202–366–9826 or 202–366–9317, the fax number is 202–493–2251.

FOR FURTHER INFORMATION CONTACT: Mr. Travis Black, Office of Ports & Waterways Planning, Maritime Administration, telephone: 202–366–9087, email: *travis.black@dot.gov.* If you have questions on viewing the Docket, call Docket Operations, telephone: 202–366–9826 or 202–366–9317.

SUPPLEMENTARY INFORMATION: Input from this RFI will inform future MARAD research activities. Although MARAD seeks comments and relevant information and data on all issues related to the development and continued implementation of automated port systems and technologies, MARAD specifically requests comment and data in response to the following questions:

1. How does the port industry and its stakeholders currently define ''autonomous/automated operations''? Would it be helpful to develop automated port taxonomy (*i.e.,* a system of standards to clarify and define different levels of automation in ports)? Are there substantive efforts already under way to develop such port automation taxonomy?

2. Are ports planning to automate operations? Are there substantive plans or efforts already underway to integrate autonomous/automated vehicles, rail, vessels, infrastructure, and equipment (*i.e.,* vehicles, rail, vessels, infrastructure, and equipment capable of sensing their environments and operating without human input)? If so, for what types of operations?

3. What are the obstacles to implementing automation strategies

(short and long term)? What are the most significant factors that impact cost-benefit analysis?

4. How can port stakeholders, including port equipment and infrastructure suppliers, manufacturers, and maintainers, better support ports' automation efforts and strategies to implement other autonomous/automated vehicles, trains, vessels, infrastructure, and equipment?

5. How could further integration of autonomous/automated systems and transport impact freight flows and/or supply chains both domestically and globally?

6. What societal benefits if any, could be expected to result from the adoption of these technologies (*e.g.,* environmental, safety, efficiency, or noise reduction)? What societal disadvantages could occur?

7. Are there best practices from implementing past or current projects? Are there current anticipated projects and initiatives that could benefit from further monitoring or support? If so, what are the needs?

8. What are the infrastructure needs for effectively, safely, and securely implementing these automation technologies? MARAD is particularly interested in expected or anticipated infrastructure needs, including data infrastructure, to accommodate the various components (*i.e.,* vehicles, trains, vessels, infrastructure, and equipment) working together at ports for the multi-modal transfer of freight. What concerns do industry stakeholders have regarding infrastructure planning and investment, including funding, finance and revenue impacts, required for new automation technologies and how could additional research help address those concerns?

9. What is the potential impact of the adoption of these automation technologies on the existing port industry workforce? MARAD is interested in how automated technologies may affect workforce needs, including current and future port employment demands, and employee skills and training requirements.

10. What further research related to autonomous/automated transportation activities is needed to maximize U.S. port capacity and efficiency?

11. What challenges are known or anticipated in implementing these types of technologies, including technological obstacles? How should the port industry anticipate addressing these challenges, and what efforts are currently underway to address them?

12. What are the regulatory or statutory challenges that must be addressed before autonomous vehicles, trains, vessels, and equipment can be made part of port operations in the United States?

13. Are there current regulations and/or safety standards that impede the development and and/or implementation of automated transportation systems or technologies in the port industry, including the development and/or implementation of autonomous vehicles, trains, vessels, infrastructure, and equipment? If so, what are they and how should they be addressed?

14. Is there safety, performance, or other data relevant to the development and integration of automated port systems and technologies that currently exists that could be voluntarily exchanged to support the development of future voluntary standards?

Public Participation

How do I submit comments?

Please submit your comments, including any attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments. You may attach additional documents as necessary. There is no limit on the length of the attachments.

Please note that even after the comment period has closed, MARAD will continue to file relevant information in the Docket as it becomes available.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2019–0121 or visit us in person at the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.transportation.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR Sections 1.92 and 1.93)

* * * * *

Dated: July 30, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–16595 Filed 8–1–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Dividend Equivalents From Sources Within the United States (TD 9734), Forms 1042, 1042–S, and 1042–T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning dividend equivalents from sources within the

United States, Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, and Form 1042–T, Annual Summary and Transmittal of Forms 1042–S.

DATES: Written comments should be received on or before October 1, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at (202) 317–6009, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: TD 9374 (Final)/Dividend Equivalents from Sources within the United States, Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, and Form 1042–T, Annual Summary and Transmittal of Forms 1042–T.

OMB Number: 1545–0096.

Form Numbers: 1042, 1042–S, and 1042–T.

Abstract: The regulations pertain to section 871(m) regarding dividend equivalent payments that are treated as U.S. source income. These regulations provide guidance regarding when payments made pursuant to certain financial instruments will be treated as U.S.-source income and subject to U.S. withholding tax. The information provided is necessary to permit withholding agents to determine whether U.S. withholding tax is due with respect to a payment of a dividend equivalent and the amount of the tax. The information will also be used for audit and examination purposes. Form 1042 is used by withholding agents to report tax withheld at source on payment of certain income paid to nonresident alien individuals, foreign partnerships, or foreign corporations. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States. Form 1042–S is used to report certain income and tax withheld information to nonresident alien payees and beneficial owners. Form 1042–T is used by withholding agents to transmit Forms 1042–S to the IRS.

Current Actions: There are changes to the burden previously approved by OMB. There are no changes to the collection however the estimates are being updated to eliminate double counting associated with the business collection.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for profit organizations and individuals or households.

The burden estimate is as follows:

	Number of responses	Time per response	Total annual burden hours
Form 1042	3,640	18.05	65,702
Form 1042–S	352,530	.58	204,467
Form 1042–T	1,950	.2	390
TD 9374	3,000	8	24,000
Total	361,120		294,559

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 29, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–16464 Filed 8–1–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[New Collection]

Agency Information Collection Activity: Clearance for A–11 Section 280 Improving Customer Experience Information Collection

AGENCY: Veterans Experience Office, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 1, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to *Michael Jacobsen,* Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *michael.jacobsen2@va.gov.* Please refer to ''Clearance for A–11 Section 280 Improving Customer Experience Information Collection'' in any correspondence. During the comment

period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VEO invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VEO's functions, including whether the information will have practical utility; (2) the accuracy of VEO's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: OMB Circular A–11 (2018), Section 280.

Title: Clearance for A–11 Section 280 Improving Customer Experience Information Collection.

OMB Control Number: 2900–New.

Type of Review: New collection.

Abstract: Whether seeking a loan, Social Security benefits, veterans benefits, or other services provided by the Federal Government, individuals and businesses expect Government customer services to be efficient and intuitive, just like services from leading private-sector organizations. Yet the 2016 American Consumer Satisfaction Index and the 2017 Forrester Federal Customer Experience Index show that, on average, Government services lag nine percentage points behind the private sector. A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership. To support this, OMB Circular A–11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: Conduct ongoing customer research, gather and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (*i.e.,* in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. Veterans Experience Office will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

The results of the data collected will be used to improve the delivery of Federal services and programs. It will include the creation of personas, customer journey maps, and reports and summaries of customer feedback data and user insights.

Veterans Experience Office will collect this information by electronic means when possible, as well as by mail, fax, telephone, technical discussions, and in-person interviews. Veterans Experience Office may also utilize observational techniques to collect this information.

Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. For the purposes of this request, ''customers'' are individuals, businesses, and organizations that interact with a Federal Government agency or program, either directly or via a Federal contractor. This could include individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal governments; Federal government; and Universities.

Affected Public: Individuals.

Estimated Annual Burden: 625,000.

Estimated Average Burden per Respondent: Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 2 minutes or up to 2 hours to participate in an interview.

Estimated Average Cost per Respondent: 0.

Frequency of Response: Varied, dependent upon the data collection method used.

Estimated Number of Respondents: 2,500,000.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2019–16533 Filed 8–1–19; 8:45 am]

BILLING CODE 8320–01–P

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