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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3555

RIN 0575–AD10

Single Family Housing Guaranteed Loan Program; Correction

AGENCY: Rural Housing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: On July 22, 2019, the Rural Housing Service (RHS) published a final rule concerning construction to permanent loan financing, repair or rehabilitation financing, and the removal of a maximum the interest rate cap for the Single Family Housing Guaranteed Loan Program. The effective date was published as August 21, 2019 and is being deferred to October 1, 2019.

DATES: Effective on August 21, 2019.

FOR FURTHER INFORMATION CONTACT: Joaquín Tremols, Director, Single Family Housing Guaranteed Loan Division, USDA, Rural Development, 1400 Independence Avenue SW, Room 2250, Stop 0784, Washington, DC 20250, telephone (202) 720–1465, Email: *joaquin.tremols@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In FR Doc. 19–15450, appearing on page 35003 in the **Federal Register** of Monday, July 22, 2019, correct **DATES** caption to read:

DATES: Effective on October 1, 2019.

Bruce W. Lammers,

Administrator, Rural Housing Service.

[FR Doc. 2019–17683 Filed 8–16–19; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 3, 61, 63, and 65

[Docket No.: FAA–2018–0656; Amendment Nos. 3–2, 61–143, 63–42, and 65–59]

RIN 2120–AL04

Security Threat Disqualification Update

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is amending and consolidating the security threat disqualification regulations. This final rule establishes the FAA's procedures in regulation for amending, modifying, suspending, and revoking FAA-issued certificates and any part of such certificates issued to individuals based on written notification by the Transportation Security Administration (TSA) that a certificate holder poses a security threat. The final rule also clarifies the FAA's process for denying or holding in abeyance applications for certificates and any parts of such certificates when the TSA notifies the FAA that an applicant poses a security threat.

DATES: Effective October 18, 2019.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How To Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For questions concerning this action, contact Courtney Freeman, Office of the Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–3073; email *Courtney.Freeman@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (49 U.S.C). Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules; and 49 U.S.C. 44701(a)(5), which requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

This rulemaking is also promulgated pursuant to 49 U.S.C. 46111, which requires the Administrator to amend, modify, suspend, or revoke any certificate or any part of a certificate issued under Title 49 when the TSA notifies the FAA that the holder of the certificate poses or is suspected of posing a risk of air piracy or terrorism or a threat to airline or passenger safety.

Additionally, this rulemaking is promulgated pursuant to 49 U.S.C. 44903(j)(2)(D)(i), which requires that TSA coordinate with the Administrator of the FAA to ensure that individuals are screened before being certificated by the FAA. Thus, the FAA will not issue a certificate to a screened individual identified by TSA as a security threat.

I. Executive Summary

A. Purpose of the Regulatory Action

This rulemaking amends the current FAA security threat disqualification regulations in title 14 of the Code of Federal Regulations (14 CFR) §§ 61.18, 63.14, and 65.14 and consolidates them into part 3 of 14 CFR. Those regulations provide, in sum, that no person is eligible to hold a certificate, rating, or authorization issued under each corresponding or respective part when the TSA notifies the FAA in writing of an adverse security threat determination.

Since 2004, the FAA has not applied these regulations to United States (U.S.) citizens or resident aliens, instead relying on the statutory authority in 49 U.S.C. 46111, Public Law 108–176 (December 12, 2003), and 49 U.S.C. 44903(j)(2)(D)(i), Public Law 108–458 (December 17, 2004), enacted after the FAA issued its security threat disqualification regulations. Section 46111 directs the FAA to take action against ''any part of a certificate'' issued under Title 49 in response to a security threat determination by the TSA and also provides a hearing and appeal

process for U.S. citizens. Section 44903(j)(2)(D)(i) provides that individuals will be screened against the consolidated and integrated terrorist watchlist maintained by the federal government prior to being certificated by the FAA. This final rule is necessary to conform the previously-cited FAA regulations to 49 U.S.C. 46111 and 44903(j)(2)(D)(i) and to clarify the FAA's process for preventing the issuance of certificates to applicants that the TSA finds to be security threats.

Consistent with 49 U.S.C. 46111 and 44903(j)(2)(D)(i), the security threat regulations in this final rule describe the actions the FAA will take on a certificate or certificate application when it receives notification from the TSA that an individual is a security threat. The FAA will not issue a certificate or any part of a certificate when the TSA has notified the FAA in writing that the individual poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. For certificates already issued, the FAA will amend, modify, suspend, or revoke any FAA-issued certificate or part of such certificate upon written notification from the TSA that the certificate holder poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety.[1]

B. Costs and Benefits

The final rule provides similar requirements found in the existing security threat disqualification regulations. Thus, the final rule will not impose any new costs to the industry.

II. Background

A. Current Statutory and Regulatory Structure Governing Security Threat Disqualification

In response to the attack on the U.S. on September 11, 2001, the FAA issued the current security threat disqualification regulations to prevent a possible imminent hazard to aircraft, persons, and property within the United States. Specifically, in 2003, the FAA, in consultation with the TSA, determined that security threat disqualification regulations were necessary to minimize security threats and potential security vulnerabilities to the fullest extent possible. The FAA, the TSA, and other federal security agencies were concerned about the potential use of aircraft to carry out further terrorist acts in the United States. Accordingly, the FAA issued a final rule, Ineligibility for an Airman Certificate Based on Security Grounds, 68 FR 3772 (January 24, 2003). This 2003 final rule provides that an individual determined by the TSA to be a security threat is ineligible for airman certification and thus cannot hold an FAA-issued airman certificate. The FAA took this action because a person who poses a security threat should not be in a position that could be used to take actions that are contrary to civil aviation security and, therefore, safety in air commerce. These security threat disqualification regulations are found in current §§ 61.18, 63.14, and 65.14.

Subsequent to the issuance of the current FAA security threat disqualification regulations, the President signed into law 49 U.S.C. 46111[2] and 49 U.S.C. 44903(j)(2)(D)(i).[3] Section 46111 requires the FAA to amend, modify, suspend, or revoke certificates or any part of a certificate issued under Title 49, when the TSA informs the FAA that the holder ''poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety.'' Under § 44903(j)(2)(D)(i), the TSA and the FAA must work together to ''ensure that individuals are screened before being certificated by the [FAA].''

After the enactment of these statutory provisions, the FAA did not update its regulations. However, the FAA did publish in the **Federal Register** its disposition of comments to the 2003 final rule.[4] In the comment disposition, the FAA noted that, if additional rulemaking was necessary to reflect the statutory requirements of § 46111, the FAA would utilize notice and comment rulemaking. In addition, the FAA summarized two D.C. Circuit cases from 2004 that sought judicial review of the FAA and the TSA security threat disqualification regulations. In one of those cases, *Coalition of Airline Pilots Associations* v. *FAA,* 370 F.3d 1184 (D.C. Cir. 2004), the FAA, the TSA, and the Department of Justice pledged that they would not apply existing regulations to U.S. citizens or resident aliens. This case is further addressed in the Discussion of Final Rule section of this preamble.[5]

B. Summary of the Notice of Proposed Rulemaking

The FAA published the Notice of Proposed Rulemaking (NPRM) on July 23, 2018.[6] Generally, the proposal would establish in regulation the security threat disqualification requirement mandated in 49 U.S.C. 46111 and 44903(j)(2)(D)(i). In the NPRM, the FAA proposed to establish in regulation the FAA's process for amending, modifying, suspending, and revoking FAA-issued certificates and any part of such certificates issued to individuals under Title 49 based on the TSA's written notification that a certificate holder poses a security threat. The FAA also proposed to clarify the FAA's process for denying or holding in abeyance applications for certificates and any parts of such certificates when the TSA notifies the FAA that an applicant poses a security threat.

C. General Overview of Comments

The FAA received one comment on the NPRM, and it was not within the scope of the proposal.

III. Discussion of Final Rule

A. Scope

The final rule codifies, in 14 CFR, the FAA's authority to amend, modify, suspend, and revoke FAA-issued certificates and any part of such certificates issued to individuals under Title 49 of the United States Code based on the TSA's written notification that a certificate holder poses a security threat. The final rule also clarifies the FAA's authority to deny or hold in abeyance applications for certificates and any parts of such certificates when the TSA notifies the FAA that an applicant poses a security threat. The final rule also codifies the security threat disqualification requirement mandated in 49 U.S.C. 46111 and 44903(j)(2)(D)(i).

Both 49 U.S.C. 46111 and 44903(j)(2)(D)(i), on which this rule relies, refer to certificate holders and applicants in terms of individuals, rather than entities.[7] Accordingly, this

[1] The TSA directs the specific action the FAA should take on the certificate and includes that information in the letter notifying the FAA of the security threat determination.

[2] Vision 100—Century of Aviation Reauthorization Act, Public Law 108–176, 117 Stat. 2490 (Dec. 12, 2003).

[3] Intelligence Reform and Terrorism Prevention Act, Public Law 108–458, 118 Stat. 3638 (Dec. 17, 2004).

[4] Ineligibility for an Airman Certificate Based on Security Grounds, 70 FR 25761 (May 16, 2005).

[5] Memorandum to the Dockets, TSA Rulemaking Dockets Nos. TSA–2002–13732 and TSA–2002–13733, Transportation Security Administration, U.S. Department of Homeland Security (Mar. 16, 2004).

[6] 83 FR 34795 (July 23, 2018)

[7] *See, e.g.,* 49 U.S.C. 46111(b) (allowing ''individuals'' who are U.S. citizens to have a hearing on the record); § 46111(f) (''An *individual* who commences an appeal''); § 46111(g)(3) (''upon request of the *individual* adversely affected by an order of the [FAA] Administrator''); 49 U.S.C. 44903(j)(2)(D)(i) (requiring screening of ''individuals''); *Cf. Transportation Security Administration (TSA) Vetting of Airmen Certificates and General Aviation Airport Access and Security Procedures,* DHS OIG (July 2011), *https://www.oig.dhs.gov/assets/Mgmt/OIG_11-96_Jul11.pdf;* Memorandum To The Dockets, TSA Rulemaking Dockets Nos. TSA–2002–13732 and TSA–2002–13733, Transportation Security Administration, U.S. Department of Homeland Security (Mar. 16, 2004).

final rule addresses only individuals who hold or are applying for certificates issued under Title 49. There is separate statutory authority for FAA certificate action against entities based on TSA security threat determinations.[8]

B. Certificate Applicants

While 49 U.S.C. 46111 sets out a mechanism by which the FAA handles the amendment, modification, suspension, or revocation of an individual's certificate, it is silent as to how the FAA should handle security threat determinations at the certificate application stage. This final rule codifies the FAA's current process for preventing the issuance of any certificate to an individual at the application stage when the TSA finds the individual to be a security threat. The FAA's authority to deny or hold in abeyance an individual's certificate application based on the TSA's written notification that an individual poses a security threat is necessary to implement 49 U.S.C. 44903(j)(2)(D)(i), which requires the FAA to coordinate with the TSA to ensure that certificate applicants are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before being certificated by the FAA.

The FAA must not issue certificates to any individual who the TSA finds to be a security threat. This final rule provides that, upon notification from the TSA, the FAA would hold in abeyance the individual's application(s) during an appeal to the TSA of its security threat determination. The FAA will deny an application only upon the TSA's notification of a final security threat determination. Alternatively, if the TSA notifies the FAA that it has withdrawn its security threat determination, the FAA will continue processing the application.

C. Application of Regulations to U.S. Citizens and Resident Aliens

The FAA will apply the security threat disqualification regulations to all individuals, including U.S. citizens and resident aliens, who hold FAA-issued certificates or are applying for these certificates. This approach will conform the security threat disqualification regulations with 49 U.S.C. 46111 and 44903(j)(2)(D)(i). It will also close a gap in the FAA's security threat disqualification regulations which are currently not applied to U.S. citizens and resident aliens pursuant to a pledge made by the FAA and the TSA as a result of *Coalition of Airline Pilots Associations* v. *FAA,* 370 F.3d 1184 (D.C. Cir. 2004). In *Coalition of Airline Pilots Associations,* unions representing aviation workers raised various challenges to the current TSA and the FAA security threat disqualification regulations. The D.C. Circuit never reached the merits of the unions' claims. Instead, the Court dismissed the unions' petition for review, finding that intervening events had mooted their claims, specifically the new laws enacted by Congress. Both the TSA and the FAA pledged that the existing security threat regulations would no longer be applied to U.S. citizens or resident aliens as a result of the enactment of 49 U.S.C. 46111, which provides a different mechanism for TSA security threat determinations and appeal procedures for U.S. citizens.[9] The agencies also noted that, when they issued new security threat disqualification regulations, they would do so pursuant to notice and comment rulemaking. Another D.C. Circuit decision, decided on the same day as *Coalition of Airline Pilots Associations,* upheld the application of the same FAA security threat disqualification regulations to non-resident aliens because the regulations provide sufficient due process for non-resident aliens. *Jifry* v. *FAA,* 370 F.3d 1174 (D.C. Cir. 2004).

This final rule establishes regulations that apply equally to all certificate holders and applicants.

D. TSA Security Threat Determinations and Appeals

In the case of a security threat disqualification, the certificate action or application denial will be based solely on the TSA's applicant vetting and security threat determinations, as mandated under 49 U.S.C. 46111 and 44903(j)(2)(D)(i). TSA's vetting and security threat determination authority is provided for in the Aviation and Transportation Security Act, Public Law 107–71 (115 stat. 597, November 19, 2001). The FAA relies on TSA to make these security threat determinations and is not privy to the evidentiary basis for them. Therefore, the FAA's certificate actions and application denials are based solely on written notification by the TSA of a security threat determination against an individual. Accordingly, appeals of the security threat determinations made by the TSA are made through the TSA's administrative appeal process.[10]

The FAA's certificate denials are generally covered under 49 U.S.C. 44703 and, therefore, are appealable to the National Transportation Safety Board (NTSB). In cases of security threat disqualifications, if the certificate action is appealable to the NTSB, the FAA does not anticipate that the scope of these appeals will extend beyond an examination of the procedural ground for the certificate action or application denial because an affected individual will be provided the opportunity to challenge the substance of TSA's security threat determination under TSA's appeal process.[11]

IV. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L.

[8] For example, 49 U.S.C. 44924, provides for FAA suspension or revocation of a repair station's certificate based on a TSA determination regarding the repair station's security measures and security risk.

[9] Memorandum to the Dockets, TSA Rulemaking Dockets Nos. TSA–2002–13732 and TSA–2002–13733, Transportation Security Administration, U.S. Department of Homeland Security (Mar. 16, 2004).

[10] See 49 U.S.C. 46111. TSA currently is using interim redress procedures for U.S. citizens, U.S. non-citizen nationals, and lawful permanent resident certificate holders. While § 46111 does not require that TSA provide review by an Administrative Law Judge (ALJ) to U.S. non-citizen nationals and lawful permanent residents, TSA has chosen to do so in its interim procedures. TSA also provides U.S. non-citizen nationals and lawful permanent residents with review by the TSA Final Decision Maker if those individuals choose to appeal an ALJ's decision.

[11] The appropriate venue for appealing a certificate action based on a security threat determination was also discussed substantially in *Jifry* v. *FAA,* 370 F.3d 1174 (D.C. Cir. 2004). The court stated that ''Section 46111 makes no provision for NTSB review even for citizens, and the Conference Report states that non-resident aliens 'have the right to the appeal procedures that [TSA] has already provided for them.' H.R. Conf. Rpt. 108–334 at 152 (2003). In addition, § 46111(a) requires the FAA to respond automatically to TSA threat assessments . . . if these pilots retain any right to NTSB review at all, it is no broader than the review for procedural regularity that they have received . . .'' *Jifry* at 1180.

104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

The existing security threat disqualification regulations in 14 CFR 61.18, 63.14, and 65.14 disqualify any person who the TSA has found to be a security threat from obtaining an FAA certificate. These regulations went into effect on January 24, 2003. A year later, the authority in 49 U.S.C. 46111 and 49 U.S.C. 44903(j)(2)(D)(i) became law. Section 46111 directs the FAA to take action against the holder of any part of a certificate in response to a security threat determination by the TSA and also provides an appeal process for U.S. citizens. Section 44903(j)(2)(D)(i) directs TSA to coordinate with the FAA to ensure that individuals are screened against a consolidated and integrated terrorist watchlist maintained by the Federal Government prior to being certificated by the FAA. The existing regulations and the statutory authority are virtually identical, and the FAA has been relying on the statutory authority, not the existing regulations, to prevent individuals who are security threats from obtaining or holding a certificate. The FAA has not updated its regulations since the enactment of statutory authority 49 U.S.C. 46111 and 49 U.S.C. 44903(j)(2)(D)(i). Since there are no new requirements in the final rule, the expected outcome will be a minimal cost, if any.

The FAA has, therefore, determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The final rule provides requirements based on the existing statutory authority located at 49 U.S.C. 46111 and 49 U.S.C. 44903(j)(2)(D)(i). Thus, the final rule will not impose any new costs to the industry. The expected outcome would be a minimal economic impact on any small entity affected by this rulemaking action.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the U.S., so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and determined that the objective of the rule is for the safety of the American public and is therefore not considered an unnecessary obstacle to the foreign commerce of the United States.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million. This final rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this final rule.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6 and involves no extraordinary circumstances.

H. Congressional Review Act

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

V. Executive Order Determinations

A. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a national security function of the United States.

B. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, International Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

VI. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the internet—

1. Search the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visit the FAA's Regulations and Policies web page at *http://www.faa.gov/regulations_policies/* or
3. Access the Government Printing Office's web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects

14 CFR Part 3

Aviation safety.

14 CFR Part 61

Aircraft, Airmen, Alcohol abuse, Aviation safety, Drug abuse, Recreation and recreation areas, Reporting and recordkeeping requirements, Security measures, Teachers.

14 CFR Part 63

Aircraft, Airman, Alcohol abuse, Aviation safety, Drug abuse, Navigation (air), Reporting and recordkeeping requirements, Security measures.

14 CFR Part 65

Air traffic controllers, Aircraft, Airmen, Airports, Alcohol abuse, Aviation safety, Drug abuse, Reporting and recordkeeping requirements, Security measures.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter 1 of title 14, Code of Federal Regulations as follows:

PART 3—GENERAL REQUIREMENTS

■ 1. The authority citation for part 3 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44704, and 46111.

■ 2. Add a new subpart A to part 3 to read as follows:

Subpart A—General Requirements Concerning Type Certificated Products or Products, Parts, Appliances, or Materials That May Be Used on Type-Certificated Products

■ 3. Redesignate §§ 3.1 and 3.5 to subpart A.

■ 4. Add new subpart B to read as follows:

Subpart B—Security Threat Disqualification

Sec.
3.200 Effect of Transportation Security Administration notification on a certificate or any part of a certificate held by an individual.
3.205 Effect of Transportation Security Administration notification on applications by individuals for a certificate or any part of a certificate.

§ 3.200 Effect of Transportation Security Administration notification on a certificate or any part of a certificate held by an individual.

When the Transportation Security Administration (TSA) notifies the FAA that an individual holding a certificate or part of a certificate issued by the FAA poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety, the FAA will issue an order amending, modifying, suspending, or revoking any certificate or part of a certificate issued by the FAA.

§ 3.205 Effect of Transportation Security Administration notification on applications by individuals for a certificate or any part of a certificate.

(a) When the TSA notifies the FAA that an individual who has applied for a certificate or any part of a certificate issued by the FAA poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety, the FAA will hold the individual's certificate applications in abeyance pending further notification from the TSA.

(b) When the TSA notifies the FAA that the TSA has made a final security threat determination regarding an individual, the FAA will deny all the individual's certificate applications. Alternatively, if the TSA notifies the FAA that it has withdrawn its security threat determination, the FAA will

continue processing the individual's applications.

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 5. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 44729, 44903, 45102–45103, 45301–45302; Sec. 2307 Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note).

§ 61.18 [Removed and Reserved]

■ 6. Remove and reserve § 61.18.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

■ 7. The authority citation for part 63 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

§ 63.14 [Removed and Reserved]

■ 8. Remove and reserve § 63.14.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

■ 9. The authority citation for part 65 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g). 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

§ 65.14 [Removed and Reserved]

■ 10. Remove and reserve § 65.14.

Issued, under the authority provided by 49 U.S.C. 106(f), 46111, and 44903(j) in Washington, DC, on August 1, 2019.

Daniel K. Elwell,

Acting Administrator.

[FR Doc. 2019–17494 Filed 8–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2019–0312; Special Conditions No. 25–755–SC]

Special Conditions: Mitsubishi Aircraft Corporation Model MRJ–200 Airplane; Airplane Electronic-System Security Protection From Unauthorized Internal and External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Mitsubishi Aircraft Corporation (Mitsubishi) Model MRJ–200 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is avionics that allow internal and external connection to previously isolated data networks, which are connected to systems that perform functions required for the safe operation of the airplane. This feature creates a potential for unauthorized persons to access the aircraft-control domain and airline information-services domain, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Mitsubishi on August 19, 2019. Send comments on or before October 3, 2019.

ADDRESSES: Send comments identified by Docket No. FAA–2019–0312 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3159; email *varun.khanna@faa.gov.*

SUPPLEMENTARY INFORMATION:

The substance of these special conditions previously has been published in the **Federal Register** for public comment. These special conditions have been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On August 19, 2009, Mitsubishi applied for a type certificate for their new Model MRJ–200 airplane. This airplane is a twin-engine, transport category airplane with a passenger-seating capacity of 92 and a maximum takeoff weight of 98,767 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.17,

Mitsubishi must show that the Model MRJ–200 airplane meets the applicable provisions of part 25, as amended by amendments 25–1 through 25–141.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Mitsubishi Model MRJ–200 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Mitsubishi Model MRJ–200 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Mitsubishi Model MRJ–200 airplane will incorporate the following novel or unusual design feature:

The installation and activation of electronic network system architecture equipment that allows access from internal and external sources (*e.g.,* wireless devices, internet connectivity) to the airplane's internal electronic components.

Discussion

Current aircraft communication designs are beginning to adopt Ethernet switch technology and Avionics Full-Duplex switched Ethernet (AFDX) data networking using commercial products. Transmission Control Protocol/Internet Protocol (TCP/IP) is an industry-standard platform used for passenger flight information and in-flight entertainment systems in a way that is separated physically and logically from flight-critical systems. However, a gateway technology that can connect networks with different communication standards allows connection between avionics assets (such as functions or items) with passenger flight information and in-flight entertainment systems. These systems may also be connected to the ground worldwide internet through a satellite-communication service provider.

Additionally, for the purpose of data uploading for aircraft avionics systems, networks, and maintenance operations, external access is possible from the operator's and airplane manufacturer's servers through a cellular radio network.

The Japan Civil Aviation Bureau (JCAB) is the certificating authority for the Mitsubishi Model MRJ–200 airplane, and the FAA is the validating authority. Typically, the FAA issues separate special conditions for ''Airplane Electronic-System Security Protection from Unauthorized Internal Access'' and ''Electronic-System Security Protection from Unauthorized External Access.'' In special conditions written for the Mitsubishi Model MRJ–200 airplane, the JCAB addresses, in one special conditions document, both internal and external electronic-system security protection for these novel airplane-digital-network design features. The FAA reviewed the proposed JCAB special conditions and determined that they are equivalent in all material respects to the separate internal and external electronic-system security protection special conditions the FAA typically issues, and has issued, to applicants. Therefore, in these special conditions, the FAA also is issuing one special conditions document, for both internal and external electronic-system security protection, to harmonize the FAA special conditions to the JCAB-issued special conditions, thereby minimizing differences between the certificating authority and the validating authority certification bases. The resultant combination of internal and external electronic-system security protection special conditions in this document are identical in all material respects to FAA special conditions issued for the same separate topics.

The existing regulations and guidance material did not anticipate these types of airplane electronic-system architectures. Furthermore, 14 CFR regulations, and the current electronic-system safety assessment policy and techniques, do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.,* confidentiality, integrity, and availability) of airplane systems is not compromised by unauthorized wired or wireless electronic connections.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Mitsubishi Model MRJ–200 airplane. Should Mitsubishi apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Mitsubishi Model MRJ–200 airplanes.

1. The applicant shall ensure security protection of the systems and networks of the aircraft from access by unauthorized sources, both internal and external, if the systems' corruption (including hardware, software, and data) by an inadvertent or intentional attack would impair safety.

2. The applicant shall ensure that the security threats to the aircraft, including those possibly caused by maintenance activity or any unprotected connecting equipment and devices, or from the on-board passengers, are identified and assessed, and risk-mitigation strategies are implemented to protect the aircraft systems and networks from all adverse impacts on safety.

3. The applicant shall establish appropriate procedures for security measures against aircraft systems and networks to be maintained following changes to the type certificated design.

Issued in Des Moines, Washington, on August 13, 2019.

Mary A. Schooley,

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

[FR Doc. 2019–17695 Filed 8–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 169

[190A2100DD/AAKC001030/ A0A501010.999900 253G]

RIN 1076–AF20; 1076–AF37

Rights-of-Way on Indian Land; Bond Exemption

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This final rule exempts Federal, State, Tribal, and local governments from the requirement to obtain a bond, insurance, or alternative form of security for a right-of-way across Indian land and Bureau of Indian Affairs (BIA) land where such governments are prohibited by law from obtaining security.

DATES: This rule is effective on September 18, 2019.

FOR FURTHER INFORMATION CONTACT: Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, (202) 273–4680; *elizabeth.appel@bia.gov.*

SUPPLEMENTARY INFORMATION: On November 19, 2015, the Bureau of Indian Affairs (BIA) finalized revisions to the regulations governing rights-of-way on Indian land and BIA land at 25 CFR part 169. *See* 80 FR 72492. The regulations became effective on April 21, 2016 under Regulation Identifier Number (RIN) 1076–AF20. 81 FR 14976. The final regulations established new requirements for bonding, insurance, or alternative form of security to cover the annual rental, estimated damages, operation and maintenance charges, and restoration. *See* 25 CFR 169.103(a). The regulations allow for waiver of this requirement on a case-by-case basis. *See* 25 CFR 169.103(f).

Currently, a governmental entity applying for a right-of-way across Indian land or BIA land must seek a waiver (and landowner consent for the waiver) from the requirement to provide bonding, insurance, or alternate security in those cases in which the entity is prohibited by law from obtaining such bonding, insurance, or alternate security. On July 23, 2018, the BIA published a proposed rule to eliminate the need for governmental entities to seek a waiver for each instance by exempting governmental entities from the requirement to obtain bonding, insurance, or alternative form of security if they are prohibited by law from doing so. *See* 83 FR 34802. The proposed rule would require governmental entities to: (1) Provide a certification with their application, with citation to applicable law, that they are prohibited by law from providing security; and (2) notify landowners that they are prohibited by law from providing security when they notify the Indian landowners of their application under 25 CFR 169.107.

Comments and Responses on Proposed Rule

The public comment period on the proposed rule ended on September 21, 2018. During that time, the Department received one comment that was relevant to the rulemaking. (To view all comments, search by Docket Number ''BIA–2018–0003–0001'' in *https://www.regulations.gov.*) That comment asked for further explanation on the reason for the rule change, expressed concern with whether governmental entities could contaminate the land, and asked whether the rule change gives governments an unfair advantage. The following discussion addresses each of these items.

Reason for Rule Change

The current version of part 169 requires applicants for a right-of-way across Indian or BIA land to obtain bonding, insurance or alternative form of security. Governmental entities sometimes need to apply for rights-of-way across Indian or BIA land, but are unique in that applicable laws often prohibit governmental entities from obtaining bonding, insurance, or other security. The rule change effectively streamlines a step in the process of obtaining a right-of-way by eliminating the need for the governmental entity to seek a waiver as long as the governmental entity provides a certification and citation to applicable law stating they are prohibited from providing security. The governmental entity must notify landowners as part of the application that they are prohibited from providing security, so that landowners may consider this as part of determining whether to consent to the right-of-way. Providing this exemption in lieu of requiring governmental entity applicants for rights-of-way to seek individual waivers in each instance streamlines the process and provides transparency for landowners, who may review the exemption as part of the application in determining whether to consent to the right-of-way.

Environmental Contamination by Governmental Entities

The commenter pointed out that, in finalizing part 169, BIA stated that the potential for environmental contamination was a reason for imposing the bonding, insurance, or alternate security. Bonding, insurance, or alternate security are some of several tools BIA has at its disposal if a right-of-way grantee contaminates Indian or BIA land. For grantees who are governmental entities that are prohibited by law from providing bonding, insurance, or other security, the BIA may pursue recourse through a variety of means ranging from negotiation to legal action, as appropriate according to the circumstances.

Potential Advantage to Governmental Entities

The commenter expressed concern that eliminating the need for governmental entities applying for a right-of-way across Indian land or BIA land to obtain bonding, insurance, or other security under certain circumstances somehow provides those entities an unfair advantage. Any advantage would be in the entities' legal inability to comply with part 169's security requirement. The rule does not create that legal inability; rather, the rule accounts for the inability by clarifying what information the entities must provide in the alternative to qualify for the exemption. The exemption requires documentation of eligibility for the exemption (proof that the governmental entity cannot legally comply with the security requirement) [1] and landowner consent. Any other grantee may seek an individual waiver from the security requirement and the BIA is open to any other suggestions for categories of grantees that have a sound basis for another exemption.

No changes to the proposed rule have been made as a result of the above comments. Today's publication references both Regulation Identifier Number (RIN) 1076–AF20 and 1076–AF37 because while the proposed rule was inadvertently listed under RIN 1076–AF20, that RIN was assigned to the final rule for 25 CFR part 169 that effective in 2016. The proposed rule published in 2018 and this final rule are identified as RIN 1076–AF37 on the semi-annual regulatory agenda.

[1] For example, for Federal government entities, sufficient documentation would be a citation to 31 U.S.C. 1301(a) and an explanation that appropriated funds are not available for the purchase of insurance.

Procedural Requirements

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

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

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

B. Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not change current funding requirements and would not impose any economic effects on small governmental entities.

C. Small Business Regulatory Enforcement Fairness Act

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

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

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

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

This rule acknowledges that some governmental entities are legally prohibited from complying with the regulatory requirement for providing security and merely establishes a procedure for documenting and notifying that the entities are legally prohibited from complying with the security requirement.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required. This rule does uniquely affect those governmental entities that are prohibited by law from complying with a regulatory requirement to provide security for a right-of-way across Indian or BIA land; however, the purpose of the rule is to account for that legal prohibition. The rule accounts for the legal prohibition in a manner that allows those governmental entities a transparent process for applying for a right-of-way across Indian or BIA land.

E. Takings (E.O. 12630)

This rule does not effect a taking of private property or otherwise have taking implications under E.O. 12630. A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

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

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

H. Consultation With Indian Tribes (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in E.O. 13175 and have determined there are no substantial direct effects on federally recognized Indian Tribes that will result from this rulemaking because the rule addresses an inconsistency that may have otherwise prevented governments from obtaining rights-of-way on Indian land.

I. Paperwork Reduction Act

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* prohibits a Federal agency from conducting or sponsoring a collection of information that requires OMB approval, unless such approval has been obtained and the collection request displays a currently valid OMB control number. Nor is any person required to respond to an information collection request that has not complied with the PRA. In accordance with 44 U.S.C. 3507(d), the information collections in 25 CFR part 169 are authorized by OMB Control Number 1076–0181, Rights-of-Way on Indian Land, which expires 10/31/2019. The requirements in this rule to provide a legal citation and notice is not expected to have a quantifiable effect on the hour burden estimate for the information collection, but BIA will review whether its current estimates are affected by this change at the next renewal.

A Federal agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless the form or regulation requesting the information displays a currently valid OMB Control Number.

J. National Environmental Policy Act

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

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

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

L. E.O. 13771: Reducing Regulation and Controlling Regulatory Costs

This action is not an E.O. 13771 regulatory action because it imposes no more than *de minimis* costs.

List of Subjects in 25 CFR Part 169

Indians—lands, Reporting and recordkeeping requirements, Rights-of-way.

For the reasons stated in the preamble, the Department of the Interior, Bureau of Indian Affairs, amends 25 CFR part 169 as follows:

PART 169—RIGHTS-OF-WAY OVER INDIAN LAND

■ 1. The authority citation for part 169 continues to read as follows:

Authority: 5 U.S.C. 301; 25 U.S.C. 323–328; 25 U.S.C. 2201 *et seq.*

■ 2. Amend § 169.103 by adding paragraph (k) to read as follows:

§ 169.103 What bonds, insurance, or other security must accompany the application?

* * * * *

(k) The requirements of this section do not apply to Federal, State, Tribal, or local governments who are prohibited by law from providing a bond, insurance, or other security. Federal, State, Tribal, or local governments seeking this exemption must include with their application a certification, including a citation to applicable law, that they are prohibited by law from providing security. Federal, State, Tribal, or local governments must also notify landowners that they are prohibited by law from providing security when they notify the Indian landowners of their application under § 169.107.

Dated: April 26, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

Editorial note: This document was received for publication by the Office of the Federal Register on August 14, 2019.

[FR Doc. 2019–17781 Filed 8–16–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 165

[Docket ID: DOD–2018–OS–0088]

RIN 0790–AK24

Recoupment of Nonrecurring Costs (NCs) on Sales of U.S. Items

AGENCY: Office of the Under Secretary of Defense (Comptroller), DoD.

ACTION: Final rule.

SUMMARY: This final rule removes the Department of Defense (DoD) regulation that paraphrases existing authorities under the Arms Export Control Act and describes internal procedures for calculating and assessing nonrecurring cost (NC) recoupments, for granting foreign government NC waiver requests, for the types of foreign military sales agreements covered, and for the offices authorized to waive NC recoupment. The corresponding internal procedures will continue to be made publicly available online.

DATES: This rule is effective on August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Kellie Allison at 703–614–0410.

SUPPLEMENTARY INFORMATION: This removal supports a recommendation from the DoD Regulatory Reform Task Force. This rule was codified on May 24, 2013 (78 FR 31400), and it was never updated. It has been determined that publication of this CFR part removal for public comment is unnecessary since it is based on removing DoD internal procedures and information which paraphrases law. DoD internal guidance on the recoupment of NCs under the Arms Export Control Act, Public Law 90–629, as amended, will continue to be published in DoD's Financial Management Regulation, Volume 15, Chapter 7 (updated in November 2018), available at *https://comptroller.defense.gov/Portals/45/documents/fmr/current/15/15_07.pdf.*

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

List of Subjects in 32 CFR Part 165

Calculating, Assessing, Waiver requests, Agreements, Authorities and pricing guidelines.

PART 165—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 165 is removed.

Dated: August 14, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–17757 Filed 8–16–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 268

[Docket ID: DOD–2018–OS–0063]

RIN 0790–AK21

Collecting and Reporting of Foreign Indebtedness Within the Department of Defense

AGENCY: Office of the Under Secretary of Defense (Comptroller), DoD.

ACTION: Final rule.

SUMMARY: This final rule removes the Department of Defense (DoD) regulation that relates to the collecting and reporting of foreign indebtedness because it contains DoD's internal guidelines on identifying, billing, collecting, and managing foreign arrearages and indebtedness. These guidelines are internal and provide performance and reporting requirements to the Defense Finance and Accounting Service, the Defense Security Cooperation Agency, and the DoD Components. Therefore, this CFR part can be removed.

DATES: This rule is effective on August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Kellie Allison at 703–614–0410.

SUPPLEMENTARY INFORMATION: It has been determined that publication of the removal of this CFR part, codified on March 17, 1978 (43 FR 11196), for public comment is unnecessary because it is based on removing internal policies and procedures that will remain publicly available on the Department's website. DoD internal guidance will continue to be published in DoD's Financial Management Regulation, Volume 16, Chapter 6 (most recently updated in August 2018), ''Debt Owed to the Department of Defense (DoD) by Foreign Entities,'' available at *https://comptroller.defense.gov/Portals/45/documents/fmr/current/16/16_06.pdf.*

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

This removal supports a recommendation from the DoD Regulatory Reform Task Force.

List of Subjects in 32 CFR Part 268

Accounting, Armed forces, Claims, Foreign claims, Reporting and recordkeeping requirements.

PART 268—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 268 is removed.

Dated: August 14, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–17773 Filed 8–16–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2019–0543]

Special Local Regulations; Marine Events Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulation for the Thunder Over the Boardwalk Air Show on August 20 and August 21, 2019, from 10:30 a.m. through 4:30 p.m., to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Atlantic City, NJ. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation in 33 CFR 100.501 for the special local regulation listed in item (a)(8) in the table to § 100.501 will be enforced from 10:30 a.m. through 4:30 p.m. on each of the following dates: August 20, 2019, and August 21, 2019.

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

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special regulations as described in section (a), row (8) of the table to in 33 CFR 100.501 for the Thunder Over the Boardwalk Air Show from 10:30 a.m. to 4:30 p.m. on August 20 and August 21, 2019. The published enforcement periods for this event include the 3rd Tuesday and Wednesday in August. Because an additional air show practice over these same waters is scheduled for Monday, August 19, 2019, and poses similar hazards to safety of life, we are also issuing a separate special local regulation from 10:30 a.m. to 4:30 p.m. on that day as well. For more information on that rulemaking, go to *https://www.regulations.gov,* type USCG–2019–0644 in the ''Search'' box and click ''Search.'' These actions are being taken to provide for the safety of life on navigable waterways during this 3-day event. Our regulation for marine events within the Fifth Coast Guard District, table to § 100.501, section (a), row (8), specifies the location of the regulated area as all waters of the North Atlantic Ocean, adjacent to Atlantic City, New Jersey, bounded by a line drawn between the following points: From a point along the shoreline at latitude 39°21′31″ N, longitude 074°25′04″ W, thence southeasterly to latitude 39°21′08″ N, longitude 074°24′48″ W, thence southwesterly to latitude 39°20′16″ N, longitude 074°27′17″ W, thence northwesterly to a point along the shoreline at latitude 39°20′44″ N, longitude 074°27′31″ W, thence northeasterly along the shoreline to latitude 39°21′31″ N, longitude 074°25′04″ W.

During the enforcement periods, as reflected in § 100.100(c), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In add addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of the enforcement periods via broadcast notice to mariners.

Dated: August 13, 2019.

Scott E. Anderson,

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

[FR Doc. 2019–17740 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0238]

RIN 1625–AA00

Safety Zone; Delaware River; Baker Range, DE and NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary moving safety zones in the Baker Range portion of the Delaware River. This action is necessary to provide for the safety of life and navigation on this portion of the Delaware River during submarine power cable laying operations. This regulation prohibits persons and vessels from entering or transiting through the safety zone without prior authorization from the Captain of the Port Delaware Bay or a designated representative.

DATES: This rule is effective from August 19, 2019 through December 31, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0238 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Edmund Ofalt, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division; telephone (215) 271–4814, email *Edmund.J.Ofalt@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On October 2, 2018, the Harlan Electric Company notified the Coast Guard of construction activities in the Delaware River involving submerged cable laying operations. The submerged cable laying operation was originally scheduled to begin on July 1, 2019, and continue through September 20, 2019. In response to the notification, on May 3, 2019, the Coast Guard published a notice of proposed rulemaking (NPRM) that proposed a moving safety zone around the cable laying operations in the Baker Range portion of the Delaware River (84 FR 19003, May 3, 2019). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this cable laying project. During the comment period that ended June 3, 2019, we received one supportive comment.

On July 29, 2019, Harlan Electric Company notified the Coast Guard of its updated intentions to conduct cable

laying operations, and debris removal as needed. Due to the nature of the equipment needed for anticipated debris removal, the Coast Guard is adding an additional safety zone to address the risks posed by debris removal operations in the navigable channel. Harlan Electric Company also informed the Coast Guard of a new construction start date.

The Coast Guard is issuing this temporary rule with two safety zones and different effective dates 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 second 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 start of the construction activities in the Delaware River. The rule must be in force by August 19, 2019 when the cable laying project will commence. We are taking immediate action to ensure the safety of vessels and the general public from hazards associated with the submerged cable laying operations.

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 because immediate action is needed to respond to the potential safety hazards associated with submarine cable laying operations within the main navigational channel.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Delaware Bay has determined that potential hazards associated with submarine cable laying operations will be a safety concern for anyone within 300 yards of the cable laying barge ULISSE and any associated equipment. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone during cable laying and debris removal operations that will take place in and around the main navigational channel in the Baker Range portion of the Delaware River.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM. The comment was supportive of the safety zone and did not suggest changes to the proposed rule. However, we made two changes to the regulatory text of this rule from the proposed rule in the NPRM because the party responsible for the construction provided us with new information regarding the cable laying project after the comment period closed.

The first change is to the effective dates of the work. Due to unforeseen project delays, the start date for the portion of the project that will impact the navigational channel is now anticipated to be August 19, 2019. Subsequently, the end date for these operations is now anticipated to be on or about December 31, 2019. Due to the adjustments in start and end dates, the enforcement dates have been adjusted accordingly.

The second change adds a safety zone to address potential dredge vessels that may need to move large obstructions from the river bottom to achieve the required depth for the cable. This second zone applies to all navigable waters within 300 yards of dredge equipment within and in the vicinity of the Baker Range portion of the Delaware River. Adding this second zone also required minor changes throughout the regulatory text to make wording and regulation structure consistent with multiple zones instead of just one zone.

This rule establishes two safety zones from August 19, 2019, through December 31, 2019. Safety zone one encompasses all navigable waters within 300 yards of ULISSE and associated equipment during submarine cable laying operations. Safety zone two encompasses all navigable waters within 300 yards of dredging vessels and equipment within the Baker Range portion of the Delaware River.

The duration of these safety zones is intended to ensure the safety of vessels and these navigable waters during submarine cable laying operations and debris removal within and in the vicinity of the Baker Range portion of the Delaware River. No vessel or person will be permitted to enter the safety zones without obtaining permission from the COTP or a designated representative. However, vessels may transit either safety zone without contacting the COTP or a designated representative if the vessel maintains the minimum safe speed to reduce wake and maintain steerage, if the vessel contacts ULISSE and arranges safe passage, and if the vessel can complete its transit through the zone when cable laying or debris removal operations are not occurring within the Baker Range Channel.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around and through these safety zones which would impact a small designated area of the Delaware River for approximately four hours at a time for no more than four months. Working vessels will be in communication with inbound commercial traffic and ensure that the obstruction periods take place when the impact will be minimal. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones and the rule allows vessels to seek permission to enter the zones and even provides the opportunity for vessels to transit the zones without permission under certain conditions.

B. Impact on Small Entities

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

certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves two moving safety zones that will prohibit entry within 300 yards of the cable laying barge ULISSE and associated equipment as well as dredge vessels working within, and in the vicinity of, the Baker Range portion of the Delaware River. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email 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 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0238 to read as follows:

§ 165.T05–0238 Safety Zone; Delaware River; Baker Range, PA.

(a) *Location.* The following areas are safety zones:

(1) Safety zone one includes all navigable waters within 300 yards of the barge ULISSE while it is exhibiting lights or shapes indicating it is restricted in its ability to maneuver per § 83.27 of this chapter during submarine cable laying operations in and around Baker Range on the Delaware River.

(2) Safety zone two includes all navigable waters within 300 yards of the dredge exhibiting lights or shapes indicating it is restricted in its ability to maneuver per § 83.27 of this chapter while removing debris in support of ULISSE cable laying operations in and around Baker Range on the Delaware River.

(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 Delaware Bay (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general safety zone regulations in subpart C of this part and except for as described in paragraph (c)(3) of this section, vessels may not enter, remain in, or transit the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone contact the COTP or the COTP's representative via VHF–FM Channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) Vessels may, without prior authorization from the COTP or COTP's representative, transit safety zone one if they meet all of the following criteria

and safety zone two if they meet the criteria in paragraphs (c)(3)(i) and (ii) of this section:

(i) Vessel must contact the ULISSE and arrange for safe passage.

(ii) Vessel shall maintain the minimum safe speed to reduce wake and maintain steerage.

(iii) Vessel may begin, and must complete, its transit through safety zone one only when ULISSE is not conducting cable laying operations within Baker Range Channel. Cable laying operations within the channel will be announced via Broadcast Notice to Mariners, are expected to last approximately 4 hours at a time, and will be visually signaled by ULISSE displaying lights or shapes exhibiting restricted in ability to maneuver.

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

(e) *Enforcement period.* Enforcement of the safety zone will begin August 19, 2019, and continue through December 31, 2019.

Dated: August 13, 2019.

Scott E. Anderson,

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

[FR Doc. 2019–17709 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0694]

RIN 1625–AA00

Safety Zone; Kanawha River, Charleston, WV

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters on the Kanawha River. The safety zone is needed to provide for safety of life and protection of vessels and the marine environment from potential hazards associated with the fireworks display. Entry of vessels or persons into the zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

DATES: This rule is effective from 9:00 through 10 p.m. on August 30, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0694 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST3 Wesley Cornelius, MSU Huntington, U.S. Coast Guard; 304–733–0198, *Wesley.P.Cornelius@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

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. It is impracticable to publish an NPRM because we must establish the safety zone by August 30, 2019 and lack sufficient time to request comments and respond to those comments before the zone must be established.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to provide for public safety and mitigation of potential hazards associated with the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the fireworks display on August 30, 2019 will be a safety concern for anyone from mile marker 58.1 to 59.1 on the Kanawha River. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone before during and after the fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:00 until 10 p.m. on August 30, 2019. The safety zone will cover all navigable waters on the Kanawha River from Mile Marker (MM) 58.1 to 59.1. The duration of the zone is intended to protect persons, vessels, and the marine environment in these navigable waters before, during, and after the fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM radio channel 16 or phone at 1–800–253–7465.

Persons and vessels permitted to enter the safety zone must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative. The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the safety zone, as well as any changes in the dates and times of enforcement.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration and time of day of the temporary safety zone. The safety zone will last 1 hour and will impact a small designated area of the Kanawha River. The safety zone will be enforced later in the day when vessel traffic is normally low. Moreover,

the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 1 hour that will prohibit entry into the safety zone from MM 58.1 to MM 59.1 on the Kanawha River. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0694 to read as follows:

§ 165.T08–0694 Safety Zone; Kanawha River, Charleston, WV.

(a) *Location.* The following area is a safety zone: All navigable waters of the Kanawha River from MM 58.1 to MM 59.1.

(b) *Regulations.* Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative. Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM radio channel 16 or phone at 1–800–253–7465.

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

(c) *Enforcement period.* This section will be enforced from 9:00 p.m. to 10 p.m. on August 30, 2019.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the safety zone, as well as any changes in the dates and times of enforcement.

Dated: August 13, 2019.

A.M. Beach,

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

[FR Doc. 2019–17705 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0665]

RIN 1625–AA00

Safety Zone; Ohio River, Point Pleasant, WV

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the navigable waters of the Ohio River, from mile marker (MM) 264.6 to MM 265.6, near Point Pleasant on August 31, 2019 for a Labor Day fireworks display. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the fireworks display. Entry of vessels or persons into this zone is prohibited unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

DATES: This rule is effective from 9:30 through 10 p.m. on August 31, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0665 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST3 Wesley Cornelius, MSU Huntington, U.S. Coast Guard; telephone 304–733–0198, email *Wesley.P.Cornelius@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
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. It is impracticable to publish an NPRM because we must establish the safety zone by August 31, 2019 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to provide for public safety and mitigation of potential hazards associated with the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the fireworks display on August 31, 2019 will be a safety concern for anyone within the one-mile stretch of the Ohio River. The purpose of this rule is to protect personnel, vessels, and the marine environment in the navigable waters within the regulated area before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:30 until 10 p.m. on August 31, 2019. The safety zone will cover all navigable waters from mile marker (MM) 264.6 to MM 265.6. No vessels or persons will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the temporary safety zone. The safety zone restricts transit on a one-mile stretch of the Ohio River for thirty minutes on one day. The safety zone will be enforced later in the day when vessel traffic is normally low. Moreover, the Coast Guard will issue a Local Notice to Mariners and a Broadcast Notice to Mariners via VHF–FM marine channel 16 about safety zone so that waterway users may plan accordingly for this short restriction on transit, and the rule would allow vessels to request permission to enter the zone.

B. Impact on Small Entities

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

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

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

person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 30 minutes that will prohibit access to the Ohio River from mile marker 264.6 to mile marker 265.6. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and Recordkeeping Requirements, Security Measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0665 to read as follows:

§ 165.T08–0665 Safety Zone; Ohio River, Point Pleasant, WV.

(a) *Location.* The following area is a safety zone: all navigable waters on the Ohio River from mile marker (MM) 264.6 to MM 265.6.

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

(c) *Enforcement period.* This section will be enforced from 9:30 to 10 p.m. on August 31, 2019.

(d) *Information broadcasts.* The Coast Guard will issue Broadcast Notices to Mariners, and Local Notices to Mariners about this safety zone.

Dated: August 12, 2019.

A.M. Beach,

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

[FR Doc. 2019–17706 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[Docket No. NPS–2018–0008; NPS–DEVA–25759; PPWONRADE2, PMP00EI05.YP0000]

RIN 1024–AE48

Death Valley National Park; Designation of Airstrip

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service revises the special regulations for Death Valley National Park to designate the Saline Valley Warm Springs Airfield, commonly known as the Chicken Strip, within the Saline Valley Warm Springs Area as a location available for the operation of aircraft.

DATES: This rule is effective on August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Kelly Daigle, National Park Service, Environmental Quality Division, (303) 987–6897, *kelly_daigle@nps.gov.*

SUPPLEMENTARY INFORMATION:

Background

Saline Valley is a large desert valley located in the northwest portion of Death Valley National Park (the park). The Saline Valley Warm Springs Area is approximately 1,100 acres of backcountry surrounded by wilderness. This Area is distinctive, both in the setting of the site and in its geology. Saline Valley is a closed basin, which means that the water does not flow to another body of water. Water in closed basins only leaves the system by evaporation or diversion. The Saline

Valley Warm Springs are among the highest-flow springs in the park. The mountain ranges surrounding this valley, Saline Range, Last Chance Range, and Inyo Range, have elevations ranging from 7,000 feet to over 11,000 feet, which result in spectacular views from the Saline Valley Warm Springs at an elevation of around 1,000 feet in the valley floor.

The Timbisha Shoshone Tribe (the Tribe), whose homelands encompass the entirety of the park, has a deep affinity for the Saline Valley Warm Springs Area due to the existence of long-lived historical and ethnographic connections. The Timbisha Shoshone Homeland Act of 2000 (Homeland Act; Pub. L. 106–423) specified designated special use areas. Saline Valley is part of one of these special use areas. The waters of the warm springs in Saline Valley are a source of *puha* for the Tribe, a life force energy. Although the development of the Area by Euro-Americans degraded *puha* and other ethnographic resources, Tribal leaders still seek these cultural connections from historic times until the present and will continue to do so in the future.

The Saline Valley Warm Springs Area has not been formally or systematically developed for use by the NPS but does have a number of user-developed and user-maintained structures and facilities. Visitors enjoy backcountry camping and soaking tubs created by diverting water from natural source springs. Visitors use the Saline Valley Warm Springs Area throughout the year but the cooler months, October to May, receive the highest use; holidays are times of especially heavy use. The Lower Spring area is the most developed and includes the following features: Cool Pool, Sunrise Pool, Crystal Pool, Children's Play Tub, communal fire pit, library, shower, bathtub, sink for dishwashing, maintained lawn, settling pond, auto shop, and the camp host site. It is the site of many communal activities, such as group fires, communal dinners, and singing. The site contains heavy feral burro concentration and use, and invasive species such as palm trees and Bermuda grass.

Chicken Strip Airstrip

There is a small, unimproved landing strip to the west of Lower Spring, referred to as the Chicken Strip. The formal name of the airstrip is the Saline Valley Warm Springs Airfield. The airstrip is located at latitude N 36°48.41′, longitude W 117°46.90′. In past years, there were up to three landing strips for small planes in this Area. Two have been decommissioned. Historically, the landing strips were used by miners and prospectors to access Saline Valley. The Chicken Strip is the only remaining active landing strip within the Saline Valley Warm Springs Area. It is approximately 1,400 feet long and 35 feet wide. The strip has a tie-down area large enough to accommodate five small planes. Features of the airstrip include a windsock, painted rocks lining the strip, and two airplane tie-downs. Visitors who fly into the Saline Valley Warm Springs Area via the Chicken Strip often camp next to their airplanes.

The Chicken Strip surface is maintained by the community of recreational pilots who use it. The Recreational Aviation Foundation (RAF), an organization of private pilots, is active in the promotion of the continued use of the Chicken Strip. In 2017, the NPS renewed a memorandum of understanding (MOU) with the RAF that allows the RAF to maintain the Chicken Strip under the supervision of NPS staff at no cost to the NPS. Maintenance activities include leveling and packing the surface and removing stones and debris.

Based on visitor registration logs at the Chicken Strip, approximately 440 people visited Saline Valley via airplane from 2008 to 2012, averaging 88 visitors per year. Of the aircraft reported, approximately two-thirds were Cessna models. Other types of planes included various models of Pipers, Maules, and Beechcraft. The largest number of people recorded in one aircraft was six. The Chicken Strip is the last backcountry airstrip remaining in the park and provides a unique and challenging aviation experience. Retaining use of the airstrip will benefit visitor use and experience for those visitors who seek this type of recreation, or those visitors who enjoy watching the aircraft fly into the Saline Valley Warm Springs Area.

Final Rule

This rule designates the Chicken Strip airstrip as available for use by aircraft. This action implements part of the preferred alternative identified in the May 2019 Saline Valley Warm Springs Management Plan and Environmental Impact Statement (FEIS). On June 14, 2019, the Regional Director for the Pacific West Region signed a Record of Decision identifying the preferred alternative as the selected alternative. The airstrip has been in use since before the NPS began managing the Saline Valley Warm Springs Area in 1994. This rule codifies the continued use of the airstrip. National Park Service (NPS) regulations at 36 CFR 2.17(a)(1) prohibit the operation or use of an aircraft on lands or waters other than at locations designated pursuant to a special regulation.

This rule also removes references to ''Death Valley National Monument'' and ''Monument'' in § 2.17 and replaces them with references to ''Death Valley National Park'' and ''Park''. This reflects the abolishment of Death Valley National Monument and the establishment of Death Valley National Park in 1994. 16 U.S.C. 410aaaa–1.

Summary of Public Comments

The NPS published a proposed rule in the **Federal Register** on September 20, 2018 (83 FR 47587). The NPS accepted public comments on the proposed rule for 60 days via the mail, hand delivery, and the Federal eRulemaking Portal at *http://www.regulations.gov*. Comments were accepted through November 19, 2018. A total of 461 comments were submitted and reviewed. A summary of the pertinent issues raised in the comments and NPS responses are provided below. Several comments on the proposed rule addressed the NPS's evaluation of the environmental impacts of the preferred alternative in the Saline Valley Warm Springs Draft Management Plan/Environmental Impact Statement (DEIS). These comments are not addressed in this final rule. The NPS evaluated the environmental impacts of each alternative in the FEIS and explained the reasons for selecting the preferred alternative in the ROD. After considering the public comments and after additional review, the NPS did not make any changes to the rule.

1. Comment: Several commenters expressed concern that designation of the Chicken Strip for use by aircraft will lead to increased use, and the related noise pollution will negatively impact the remote character and quietude of Saline Valley and surrounding wilderness, thus altering and ultimately diminishing the experience of visitors who are seeking respite from such intrusion. Other commenters expressed concern that the rule imposes no constraints on the number and frequency of flights that can land at the Chicken Strip. One commenter suggested establishing a permit system to manage use.

NPS Response: There is no evidence to suggest, and the NPS does not anticipate, that the designation of the Chicken Strip will lead to increased aircraft use at the Saline Valley Warm Springs Area. The use of the airstrip is technically demanding even for the most experienced pilots and is therefore somewhat self-regulating due the size of the landing area—1,400 feet long and 35

feet wide. From 2008–2012, 235 planes landed at the Chicken Strip, averaging 47 planes per year. More recent data collected from 2017 and 2018 documented 74 planes which landed at the Chicken Strip during this time, averaging 37 landings per year. Given the current use levels, there is no plan for establishing a permit system for aircraft at the Chicken Strip at this time, though this could be reconsidered if use significantly increases.

Of the aircraft reported, approximately two-thirds were various models of Cessna or Vistaliner airplanes, averaging a decibel (dB) level of less than 80dB when flying over at 1,000 feet (Federal Aviation Administration 2001 and 2012) which is quieter than the sound of a garbage disposal but at a level that could interrupt speech (Purdue University 2000). Although the NPS acknowledges that reactions to sound are different for every visitor, sound from recreational aircraft using the Chicken Strip will be infrequent and short in duration. For this reason, the continued use of the airstrip is not expected to degrade the quietude more than the use of vehicles to access the Saline Valley Warm Springs Area. Additionally, some visitors feel that the frequent military overflights, which are much louder, have a larger impact on the surrounding area than the sounds from small private planes.

2. Comment: A number of commenters objected to the designation of the airstrip because although it improves accessibility for one recreational activity, it does not maximize the visitor experience for the broader visiting public and favors a small group of stakeholders over other recreationists.

NPS Response: The NPS recognizes that visitors use the Saline Valley Warm Springs Area for a variety of recreational experiences. Designation of the Chicken Strip ensures that the Saline Valley Warm Springs Area is open and accessible for recreational pursuits by all visitors. The airstrip will allow accessibility for recreational flyers and visitors that cannot access the site by vehicle. Use of the airstrip will not prohibit nor impede access to the Area for other recreational uses including soaking, sightseeing, camping, hiking, backpacking, and biking. Some visitors have said they enjoy watching the aircraft land at the Chicken Strip.

3. Comment: One commenter suggested that rather than designate the Chicken Strip as available to aircraft, the NPS should better manage the existing dirt road and emphasize other recreational activities to provide for alternative, more affordable means of visitor access than private aviation, with nominal environmental harm.

NPS Response: Most visitors access the Saline Valley Warm Springs Area via Saline Valley Road, from either the north (North Pass) or the south (South Pass). Inyo County maintains the road from the southern access point at California Highway 190 to Big Pine Road at the northern access point. The NPS maintains the other roads nearby the Saline Valley Warm Springs Area according to the park's standards for backcountry roads. Aircraft are just one of several motorized means of accessing the Area for recreational purposes. The designation of the Chicken Strip does not preclude other recreational activities from occurring at the site, nor does it hinder access by other means of transportation (foot, vehicle, motorcycle, etc.). Both routine road maintenance by Inyo County and airstrip maintenance by the RAF in accordance with an existing MOU have the potential to displace soils and impact vegetation conditions; however, the impacts at the Saline Valley Warm Springs Area are largely driven by visitors participating in recreational activities after they have arrived at the springs.

4. Comment: Some commenters questioned whether the NPS or the Federal Aviation Administration (FAA) have conducted safety assessments of the Chicken Strip and dispute the need for a ''challenge'' airstrip inside the park when other nearby airstrips—for example the airstrip at Furnace Creek—can accommodate aircraft.

NPS Response: The FAA is not required to and has not conducted a safety assessment of the Chicken Strip. 49 U.S.C. 44708. The airstrip is serviced by the NPS through the MOU with the RAF. This MOU addresses maintenance such as leveling and packing the surface, removing rocks and debris, and maintaining runway markers. The RAF assists the NPS in many ways to improve safety, including replacing wind socks and arranging work days, often with the help of park personnel, to make repairs. The NPS has recurring needs for maintenance at the Chicken Strip due to rainstorms. When a storm event is severe enough, the NPS will temporarily close the airstrip until repair work can be completed.

Although the NPS is not designating the Chicken Strip for the challenge it provides to recreational flyers, the NPS acknowledges that the Chicken Strip presents a challenge. The intent is to maintain air access for a variety of experiences for pilots of small aircraft. Users have been accessing the Saline Valley by aircraft before it was managed by the NPS and most use the airstrip to access recreational activities in the Saline Valley. Although recreational flyers may access nearby airstrips such as Furnace Creek, Stovepipe Wells, or Lone Pine, access to the Saline Valley Warm Springs Area requires an additional 3–4-hour drive from any of these other airstrips, and pilots would need to arrange vehicle transport in advance to travel to Saline Valley from these locations. The experience one gets by visiting the Saline Valley Warm Springs Area by landing at the Chicken Strip is completely different than the experience one has at Furnace Creek. Furnace Creek is a highly developed area that sees over 1.7 million visitors per year, while the Saline Valley Warm Springs Area is extremely remote and primitive, offering more opportunities for solitude and more primitive forms of recreation.

5. Comment: One commenter raised concerns that the rule will necessitate the provision of related concessions, such as fuel, water, and food amenities, that will further disrupt the solitude of the area.

NPS Response: At this time, the NPS is not considering additional concessions or amenities, and any future provision of commercial services would require additional public outreach and environmental analysis. The limited services currently available for vehicles at the Saline Valley Warm Springs Area are provided free of charge by a volunteer and will be phased out with the implementation of the FEIS.

6. Comment: Several commenters supported decommissioning the Chicken Strip and restoring the site to natural conditions to ensure the Area is managed in a manner that is consistent with conservation and backcountry qualities and experiences.

NPS Response: The Saline Valley Warm Springs Area is managed as a backcountry campground for backcountry qualities and experiences. The Chicken Strip is considered a backcountry feature and is maintained in a way that is in keeping with backcountry experiences. It offers no commercial services. Visitors to Death Valley National Park will continue to enjoy a wide range of backcountry activities in the Saline Valley Warm Springs Area. For some visitors, being able to access the Chicken Strip via aircraft is a valued and important backcountry experience. The NPS evaluated the environmental impacts of five alternatives in the FEIS, including a restoration alternative, and explained the reasons for selecting the preferred alternative in the ROD. The FEIS and

ROD can be found online at *http://parkplanning.nps.gov/SalineValleyWarmSprings,* by clicking on the link entitled ''Document List.''

7. *Comment:* Numerous commenters questioned whether the NPS consulted with impacted tribes and were concerned that official designation of the Chicken Strip is contrary to the interests of the Timbisha Shoshone Tribe.

NPS Response: The NPS sought comment from the Timbisha Shoshone Tribe, the Big Pine Band of Owens Valley, the Bishop Paiute Tribe, the Fort Independence Community of Paiute, the Kern River Paiute Council, and the Lone Pine Paiute Shoshone Reservation during the scoping phase, alternatives development phase, and DEIS phase of the project. The tribes, other than the Timbisha Shoshone Tribe, declined to provide formal comment. The NPS formally invited the Timbisha Shoshone Tribe to participate as a cooperating agency on the Saline Valley Warm Springs Management Plan and Environmental Impact Statement (Plan/EIS) process. The Tribe accepted the offer, and since 2012, has had the opportunity to participate on issues and alternatives development, including alternatives that would designate the Chicken Strip, internal document review, and review and response to public comments. Consultation under the National Environmental Policy Act and Section 106 of the National Historic Preservation Act was completed through the Plan/EIS process. Additionally, the NPS commissioned an assessment of the eligibility of the Saline Valley Warm Springs Area as an ethnographic site eligible for listing on the National Register of Historic Places. This determination of eligibility (DOE) considered the potential significance of the site from the perspective of the Tribe. The NPS found that historic properties in the Area will not be adversely affected by the implementation of the selected alternative, which includes the designation of the Chicken Strip. The NPS evaluated this rule separately under Executive Order 13175 and, utilizing the Department of Interior's tribal consultation policy, determined that additional tribal consultation is not required because the rule will not have a substantial direct effect on federally recognized tribes.

8. Comment: One commenter stated that the rule sets a poor precedent and expressed worry that other units of the National Park System will similarly begin to allow activities that are incompatible with the values of the NPS.

NPS Response: The NPS does not believe that designating the Chicken Strip will be precedent setting, nor is it incompatible with the values of the NPS. Backcountry airstrips have a long history on public lands, including on lands managed by multiple units of the NPS, and are not considered incompatible with the values of Death Valley National Park. Backcountry airstrips allow visitors to access remote areas to enjoy recreational activities. The Chicken Strip is one of three airstrips currently used within Death Valley National Park. Both Death Valley Airport and Stovepipe Wells Airport have special regulations allowing for their use. The Chicken Strip has been in continuous use for decades, pre-dating management of the Area by the NPS. This rule will formalize its continued operation as a backcountry airstrip. Additionally, 36 CFR 2.17 prohibits the operation or use of aircraft on lands or waters other than at locations designated pursuant to special regulations. In order for other NPS units to allow this activity, notice and comment rulemaking, and compliance with other laws, Executive Orders, and Departmental policy, is required.

Compliance With Other Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771)

Enabling regulations are considered deregulatory under guidance implementing E.O. 13771 (M–17–21). This rule designates an airstrip for the recreational use and enjoyment of the public that would otherwise be prohibited.

Administrative Procedure Act

The NPS recognizes that rules ordinarily do not become effective until at least 30 days after their publication in the **Federal Register**. The NPS has determined, however, that this rule shall be effective upon immediately upon publication. The NPS provided a 60-day public comment period for the proposed rule (83 FR 47587). The NPS has determined that any further delay in implementing this rule would not be in the public interest. The Chicken Strip has been in continuous use for decades, pre-dating the management of the Area by the NPS. This rule will formalize its continued operation as a backcountry airstrip and therefore does not impact the public in terms of requiring lead time for compliance. For this reason, the NPS finds good cause under 5 U.S.C. 553(d)(3) to make this rule effective immediately upon publication.

Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information in the report entitled ''Cost-Benefit and Regulatory Flexibility Threshold Analyses: Special Regulations for Designation of Airstrip at Death Valley National Park'' which is available online at *http://parkplanning.nps.gov/SalineValleyWarmSprings* by clicking on the link entitled ''Document List.''

Small Business Regulatory Enforcement Fairness Act

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

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

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

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

Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act is not required.

Takings (Executive Order 12630)

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

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule only affects use of federally-administered lands and waters. It has no outside effects on other areas. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. This rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. The NPS has evaluated this rule under the criteria in Executive Order 13175 and under the Department's tribal consultation policy and has determined that tribal consultation is not required because the rule will not have a substantial direct effect on federally recognized Indian tribes, although consultation with the Timbisha Shoshone Tribe under the National Environmental Policy Act and the National Historic Preservation Act was completed. The NPS invited the Tribe to become a cooperating agency on the DEIS on April 3, 2012. The NPS has since conducted formal consultation with the Tribe and invited their participation on issues and alternatives development and internal document review. In addition to formal consultation, the NPS commissioned an assessment of the eligibility of the Saline Valley Warm Springs Area as an ethnographic site eligible for listing on the National Register of Historic Places under Criterion A. This assessment was submitted to the State Historic Preservation Office in early 2018. The NPS found that historic properties in the Area will not be adversely affected by the implementation of the selected alternative, which includes the designation of the Chicken Strip.

Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. The NPS may not conduct or sponsor and the public is not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act of 1969 (NEPA)

This rule is part of a larger planning process for Saline Valley Warm Springs that constitutes a major Federal action significantly affecting the quality of the human environment. NPS has prepared the FEIS and ROD under the NEPA. The FEIS and ROD can be found online at *http://parkplanning.nps.gov/SalineValleyWarmSprings,* by clicking on the link entitled ''Document List.''

Effects on the Energy Supply (Executive Order 13211)

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

References Cited

A complete list of all references cited in this proposed rule is available at *http://www.regulations.gov* at Docket No. NPS–2018–0008.

List of Subjects in 36 CFR Part 7

District of Columbia, National parks, Reporting and Recordkeeping requirements.

In consideration of the foregoing, the National Park Service amends 36 CFR part 7 as set forth below:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

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

Authority: 54 U.S.C. 100101, 100751, 320102; Sec. 7.96 also issued under D.C. Code 10–137 and D.C. Code 50–2201.07.

■ 2. Amend § 7.26:

■ a. By revising the section heading;

■ b. In paragraphs (a) through (d), wherever it occurs, by removing the word ''Monument'' and adding in its place the word ''Park''; and

■ c. By adding paragraph (e)(3).

The revision and addition to read as follows:

§ 7.26 Death Valley National Park.

* * * * *

(e) * * *

(3) Saline Valley Warm Springs Airfield, latitude N 36°48.41′, longitude W 117°46.90′.

Rob Wallace,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2019–17714 Filed 8–16–19; 8:45 am]

BILLING CODE 4310–EJ–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0850; FRL–9997–80–Region 6]

Air Plan Approval; New Mexico; Approval of Revised Statutes; Error Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to New Mexico's State Implementation Plan (SIP) that incorporate updates to the New Mexico statutes. EPA is also correcting its previous approval of some statute provisions to provide clarification of the approval action taken.

DATES: This rule is effective on November 18, 2019 without further notice, unless the EPA receives relevant adverse comment by September 18, 2019. If the EPA receives such comment, the EPA will publish a timely withdrawal in the **Federal Register**

informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2015–0850, at *https://www.regulations.gov* or via email to *Riley.Jeffrey@epa.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 Jeff Riley, (214) 665–8542, *Riley.Jeffrey@epa.gov*. 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*.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Jeff Riley, EPA Region 6 Office, Infrastructure and Ozone Section, 1201 Elm Street, Suite 500, Dallas, TX 75270, (214) 665–8542, *Riley.Jeffrey@epa.gov*. To inspect the hard copy materials, please schedule an appointment with Jeff Riley or Mr. Bill Deese at (214) 665–7253.

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

I. Background

The background for this action is discussed in detail in our February 27, 2019 direct final rule and proposal (84 FR 6334, 84 FR 6353). In that direct final rule, we approved revisions to the New Mexico SIP that pertain to updated statutes under New Mexico Statutes Annotated 1978 (NMSA) Chapter 74, Article 2 contained in the State's August 6, 2015 submittal to provide a demonstration of how the existing New Mexico SIP met the applicable section 110(a)(2) requirements for the revised primary annual fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) promulgated on December 14, 2012 (78 FR 3085, January 15, 2013). We also made an error correction to remove from the New Mexico SIP certain statutes under NMSA 1978 Chapter 74, Article 2 originally approved in our November 2, 1984 rulemaking (49 FR 44099).

The February 27, 2019 rule and proposal stated that if any relevant adverse comments were received by the end of the public comment period on March 29, 2019, the direct final rule would be withdrawn, and we would respond to the comments in a subsequent final action. Relevant adverse comments were received from the City of Albuquerque Environmental Health Department (EHD) and the New Mexico Environmental Department (NMED) during the comment period on NMSA sections 74–2–6, 74–2–12 and 74–2–13; therefore, that portion of the direct final rule was partially withdrawn on May 16, 2019 (84 FR 22049). In the final rules section of this issue of the **Federal Register**, EPA is taking a separate final action to address comments received relating to NMSA sections 74–2–6, 74–2–12 and 74–2–13.

EPA also received comments relating to NMSA sections 74–2–4 and 74–2–5.1, both of which EPA did not act upon in our February 27, 2019 direct final rule. Although these comments were outside the scope of that rulemaking, the comments raised valid considerations that should be addressed through this direct final rule and the companion proposal published in this issue of the **Federal Register**.

II. The EPA's Evaluation

A. NMSA Section 74–2–4

In a previous action to address parts of the State's August 6, 2015 submittal (83 FR 12493, March 22, 2018), EPA approved updates to NMSA section 74–2–4 (*Local authority*), and revised the table titled ''EPA Approved New Mexico Statutes'' under 40 CFR 52.1620(e) with the following comment: ''Approved for State Board Composition and Conflict of Interest Provisions''. In a comment on EPA's February 27, 2019 rulemaking, EHD interpreted this language to mean that only the aspects of this section pertaining to state board composition and conflict of interest provisions were approved as part of EPA's March 22, 2018 action, and the remainder of NMSA section 74–2–4 was removed from the SIP at that time. EHD further noted that NMSA section 74–2–4 must be SIP-approved in full to satisfy CAA section 110(a)(2) requirements because it authorizes creation of a local authority to assume control over air quality in a local jurisdiction (Albuquerque-Bernalillo County), using a local board, local agency, and an agency director to perform duties which would otherwise be performed by the NMED Secretary in the remainder of the state. This section specifically grants EHD authority to fulfill CAA responsibilities for Bernalillo County.

We note that this interpretation of the language under 40 CFR 52.1620(e) does not accurately represent the action taken in EPA's March 22, 2018 rulemaking. The remainder of NMSA section 74–2–4 was not removed from the SIP in this action; rather, the language was included under 40 CFR 52.1620(e) to indicate our reasoning for approving updates to the entirety of NMSA section 74–2–4 into the SIP at the time of the rulemaking. EPA acknowledges that this language is unclear as to the SIP approval status of NMSA section 74–2–4, and we are revising the language under 40 CFR 52.1620(e) to provide clarification.

B. NMSA Section 74–2–5.1

As noted above, EPA did not act on NMSA section 74–2–5.1 (*Duties and powers of the department and the local agency*) in our February 27, 2019 direct final rulemaking. Additionally, this section has not been previously approved into the SIP. Comments submitted by EHD and NMED state that NMSA section 74–2–5.1 must be SIP-approved to satisfy CAA section 110(a)(2) requirements because it describes the powers of EHD and NMED to manage air quality and to implement and enforce air quality requirements, such as the powers to:

- Conduct investigations & studies, entering properties;
- Institute legal proceedings to compel compliance;
- Encourage voluntary cooperation;
- Consult on efficacy of contaminant sources, devices or controls;
- Establish small business assistance program (CAA section 507);
- Accept & administer grants (CAA section 105); and
- Classify & record air contaminant sources (emission inventories).

Further, NMSA section 74–2–5.1 authorizes EHD to develop and propose control strategies to its Air Board.

The comments submitted by EHD and NMED have provided clarification that

this language confers to both agencies a broad range of necessary state authority to enforce the NAAQS that is not provided elsewhere in SIP-approved regulations and statutes. We agree that NMSA section 74–2–5.1 details the authority of EHD and NMED for enforcement of the state Air Quality Control Act (NMSA 1978 Chapter 74, Article 2). EPA will approve NMSA section 74–2–5.1 into the SIP to satisfy CAA section 110(a)(2) requirements.

III. Final Action

We are approving revisions to the New Mexico SIP that pertain to updated statutes under NMSA 1978 Chapter 74, Article 2 contained in the State's August 6, 2015 submittal. We are also clarifying an action taken in our March 22, 2018 rulemaking.

The EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on November 18, 2019 without further notice unless we receive relevant adverse comment by September 18, 2019. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided 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, 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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 18, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 13, 2019.

Kenley McQueen,

Regional Administrator, Region 6.

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 GG—New Mexico

■ 2. In § 52.1620(e), the table titled ''EPA-Approved New Mexico Statutes'' under ''Chapter 74—Environmental Improvement'' is amended by:

■ a. Revising the entry for Section 74–2–4; and

■ b. Adding an entry for Section 74–2–5.1 in numerical order.

The revision and addition read as follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEW MEXICO STATUTES

State citation	Title/subject	State approval/ effective date	EPA approval date	Comments
New Mexico Statutes				
*	*	*	*	*
Chapter 74—Environmental Improvement				
*	*	*	*	*
74–2–4	Local Authority	8/6/2015	3/22/2018, 83 FR 12493	Statute first approved 11/2/1984. Update approved 6/1/1999 addressed State Board Composition and Conflict of Interest Provisions.
*	*	*	*	*
74–2–5.1	Duties and powers of the department and the local agency.	8/6/2015	8/19/2019, [Insert **Federal Register** citation].	
*	*	*	*	*

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[FR Doc. 2019–17745 Filed 8–16–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0850; FRL–9998–05–Region 6]

Air Plan Approval; New Mexico; Approval of Revised Statutes; Error Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to New Mexico's State Implementation Plan (SIP) that incorporate updates to the New Mexico statutes. EPA is also correcting its previous approval of some statute provisions as approval of these provisions into the SIP was in error.

DATES: This final rule is effective on September 18, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2015–0850. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov* or in hard copy at the EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Jeff Riley, EPA Region 6 Office, Infrastructure and Ozone Section, 1201 Elm Street, Suite 500, Dallas, TX 75270, 214–665–8542, *Riley.Jeffrey@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Jeff Riley or Mr. Bill Deese at 214–665–7253.

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

I. Background

The background for this action is discussed in detail in our February 27, 2019 direct final rule and proposal (84 FR 6334, 84 FR 6353). In the direct final rule, we approved revisions to the New Mexico SIP that pertain to updated statutes under New Mexico Statutes Annotated 1978 (NMSA) Chapter 74—Article 2 contained in the State's August 6, 2015 submittal. We also made an error correction to remove from the New Mexico SIP certain statutes under NMSA 1978 Chapter 74, Article 2 originally approved in our November 2, 1984 rulemaking (49 FR 44099).

The rule and proposal stated that if any relevant adverse comments were received by the end of the public comment period on March 29, 2019, the direct final rule would be withdrawn, and we would respond to the comments in a subsequent final action. Relevant adverse comments were received during the comment period, and the direct final rule was partially withdrawn on May 16, 2019 (84 FR 22049). This partial withdrawal only concerned statutes being removed from the SIP (NMSA sections 74–2–6, 74–2–12 and 74–2–13) through our direct final rule that were the subject of relevant adverse comments. Our February 27, 2019 proposal provides the basis for this final action.

We received comments on our proposal from two commenters, the City of Albuquerque Environmental Health Department (EHD) and the New Mexico Environmental Department (NMED). Our responses to the comments are below.

II. Response to Comments

Comment 1: EHD states that NMSA section 74–2–4 (*Local authority*) must be SIP-approved in full to satisfy CAA section 110(a)(2) requirements because it authorizes creation of a local authority to assume control over air quality in a local jurisdiction (Albuquerque-Bernalillo County), using a local board, local agency, and an agency director to perform duties which would otherwise be performed by the NMED Secretary in the remainder of the state. This section specifically grants EHD authority to fulfill CAA responsibilities for Bernalillo County.

Response 1: EPA did not address NMSA section 74–2–4 in our February 27, 2019 direct final rulemaking. Thus, this comment is outside the scope of this rulemaking. However, EPA is addressing this comment in a separate direct final rulemaking with the opportunity for public comment published elsewhere in this issue of the **Federal Register**.

Comment 2: EHD and NMED state that NMSA section 74–2–5.1 (*Duties and powers of the department and the local agency*) must be SIP-approved to satisfy CAA section 110(a)(2) requirements because it describes the powers of EHD and NMED to manage air quality and to implement and enforce air quality requirements, such as the powers to:

- Conduct investigations & studies, entering properties;
- Institute legal proceedings to compel compliance;
- Encourage voluntary cooperation;
- Consult on efficacy of contaminant sources, devices or controls;
- Establish small business assistance program (CAA section 507);
- Accept & administer grants (CAA section 105); and
- Classify & record air contaminant sources (emission inventories).

Further, NMSA section 74–2–5.1 authorizes EHD to develop and propose control strategies to its Air Board.

Response 2: EPA did not address NMSA section 74–2–5.1 in our February 27, 2019 direct final rulemaking. This comment is outside the scope of this rulemaking. However, EPA is addressing this comment in a separate direct final rulemaking with the opportunity for public comment published elsewhere in this issue of the **Federal Register**.

Comment 3: EHD and NMED commented that NMSA section 74–2–6 (*Adoption of regulations; notice and hearings*) should not be removed from the SIP because it establishes the required legal procedures for adopting regulations. Both state that if this section is not included in the SIP, the NMED Environmental Improvement Board and the City of Albuquerque Air Board do not have the required procedural elements under the CAA for adopting regulations for a SIP.

Response 3: EPA's February 27, 2019 action proposed to remove NMSA section 74–2–6 from the SIP because the language was viewed as administrative in nature, and therefore need not be made federally enforceable by incorporating this section into the SIP. The comments submitted by EHD and NMED have provided clarification that this language outlines an established process that must occur prior to adoption and submission of regulations to revise the SIP. We agree with the commenters that NMSA section 74–2–6 details necessary procedural elements for adopting regulations that are not provided elsewhere in SIP-approved regulations and statutes. EPA is approving the August 6, 2015 updates to NMSA section 74–2–6 into the SIP to address this comment.

Comment 4: EHD and NMED argue that NMSA section 74–2–12 (*Enforcement*) should not be removed from the SIP because it confers general authority to EHD and NMED to manage an effective air quality enforcement program. Further, both argue that NMSA section 74–2–4(D) does not convey general enforcement authority to either agency.

Response 4: EPA's February 27, 2019 action proposed to remove NMSA section 74–2–12 from the SIP because we viewed the language as being duplicative of SIP-approved NMSA section 74–2–4(D), which we read to provide for administration and enforcement of the Air Quality Control Act. The comments submitted by EHD and NMED have provided clarification that this language does not confer general enforcement authority to either agency; rather, NMSA section 74–2–4(D) only authorizes NMED to assert jurisdiction in Bernalillo County if the Air Board, EHD or the EHD Director fail to adequately protect air quality. Therefore, we agree with the commenters that NMSA section 74–2–12 is essential for demonstrating adequate state legal authority for enforcement actions, as required by CAA section 110(a)(2)(C). However, we note that this authority is conferred to each agency by NMSA section 74–2–12(A)(1) & (2), with the remaining paragraphs providing details specific to each agency's implementation of the authority granted. The remaining paragraphs contain elements appropriate for state and local agencies to adopt and implement, but inclusion of these agency-specific details into the federally-enforceable SIP is not a requirement under CAA section 110(a)(2)(C) and may result in confusion regarding applicable provisions for federal enforcement actions.

EPA concludes that this authority is not provided elsewhere in SIP-approved regulations and statutes, and we are approving the August 6, 2015 updates to NMSA section 74–2–12(A)(1) & (2) into the SIP to address this comment and remove the remainder of NMSA section 74–2–12 from the SIP.

Comment 5: EHD and NMED assert that NMSA section 74–2–13 (*Inspection*) should not be removed from the SIP because it authorizes ''right of entry'' on any premises on which an emission source is located or where required records are stored. It also authorizes the copying of records, sampling of emissions, and the inspection of monitoring equipment and methods. Further, both state that this section provides more specific authority for investigations than the general authority granted under NMSA section 74–2–5.1.

Response 5: EPA's February 27, 2019 action proposed to remove NMSA section 74–2–13 from the SIP because we viewed the language as being duplicative of NMSA section 74–2–5.1, which we read to confer similar authority to EHD and NMED to enter any premises the agency has reasonable cause to believe is or will become a source contributing to air pollution, as well as authority to require the production of information relating to emissions that cause or contribute to air pollution. We note that NMSA section 74–2–5.1 was erroneously cited as being SIP-approved in our February 27, 2019 action. The comments submitted by EHD and NMED have provided clarification that NMSA section 74–2–5.1 does grant the authority to make investigations in order to determine whether a source should be regulated under the AQCA and to conduct enforcement proceedings to compel compliance, but NMSA section 74–2–13 specifically grants these agencies the right to entry to the premises on which a *regulated* emission source is located for the purposes of reviewing records, inspection of monitoring equipment, or to conduct sampling. Further, NMSA section 74–2–13 grants these agencies authority to obtain a search warrant to conduct an inspection which has been refused. Therefore, we agree with the commenters that NMSA section 74–2–13 is essential for demonstrating adequate state legal authority to conduct inspections, as required by CAA section 110(a)(2)(C). EPA concludes that this extent of authority is not provided elsewhere in SIP-approved regulations and statutes, and we are approving the August 6, 2015 updates to NMSA section 74–2–13 into the SIP to address this comment.

We note that our February 27, 2019 action removed NMSA sections 74–2–14, 74–2–15, 74–2–15.1, and 74–2–16 from the New Mexico SIP; however, this removal was not finalized due to inclusion of these sections in a portion of that rulemaking's amendatory language that also included NMSA sections 74–2–12 and 74–2–13, which were impacted by the relevant adverse comments received. EPA's May 16, 2019 partial withdrawal required our withdrawal of the entire portion of amendatory language. Our February 27, 2019 removal of NMSA sections 74–2–14, 74–2–15, 74–2–15.1, and 74–2–16 from the New Mexico SIP did not receive relevant adverse comments; therefore, EPA is finalizing removal of

these sections through this final rulemaking.

III. Final Action

We are approving revisions to the New Mexico SIP that pertain to updated statutes under NMSA 1978 Chapter 74, Article 2 sections 74–2–6, 74–2–12, and 74–2–13 contained in the State's August 6, 2015 submittal. We are also making an error correction to remove from the New Mexico SIP certain statutes under NMSA 1978 Chapter 74, Article 2 sections 74–2–14, 74–2–15, 74–2–15.1, and 74–2–16 originally approved in our November 2, 1984 rulemaking.

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 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. 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 18, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 13, 2019.

Kenley McQueen,

Regional Administrator, Region 6.

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 GG—New Mexico

■ 2. In § 52.1620(e), the table titled ''EPA-Approved New Mexico Statutes'' is amended under ''Chapter 74-Environmental Improvement'' by:

■ a. Revising the entries for Sections 74–2–6, 74–2–12, and 74–2–13; and

■ b. Removing the entries for Sections 74–2–14, 74–2–15, 74–2–15.1, and 74–2–16.

The revisions read as follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEW MEXICO STATUTES

State citation	Title/subject	State approval/ effective date	EPA approval date	Comments
New Mexico Statutes				
*	*	*	*	*
Chapter 74—Environmental Improvement				
*	*	*	*	*
74–2–6	Adoption of regulations; notice and hearings.	8/6/2015	8/19/2019, [Insert **Federal Register** citation].	
*	*	*	*	*
74–2–12	Enforcement; compliance orders.	8/6/2015	8/19/2019, [Insert **Federal Register** citation].	Only paragraphs (A)(1) & (2) are SIP-approved (enforcement authority under CAA section 110(a)(2)(C)).
74–2–13	Inspection	8/6/2015	8/19/2019, [Insert **Federal Register** citation].	
*	*	*	*	*

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[FR Doc. 2019–17746 Filed 8–16–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0731; FRL–9998–49–Region 5]

Air Plan Approval; Minnesota; Flint Hills Sulfur Dioxide (SO_2) Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Minnesota sulfur dioxide (SO_2) State Implementation Plan (SIP) for the Flint Hills Resources, LLC Pine Bend Refinery (FHR) as submitted on October 23, 2018. The SIP revision pertains to the shutdown and replacement of certain equipment at the refinery as well as amendments to certain emission limits, resulting in an overall decrease of SO_2 emissions from FHR.

DATES: This final rule is effective on September 18, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0731. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

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

I. What is being addressed by this document?
II. What comments did we receive on the proposed action?
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. What is being addressed by this document?

On October 23, 2018, the Minnesota Pollution Control Agency (MPCA) submitted a request for EPA to approve into the Minnesota SIP the conditions cited as ''Title I Condition: 40 CFR 50.4(SO_2 SIP); Title I Condition: 40 CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y'' in FHR's revised joint Title I/Title V document, Permit No. 03700011–102 (joint document 102). On May 16, 2019 (84 FR 22091), EPA proposed to approve MPCA's October 23, 2018 submittal.

MPCA's submittal demonstrated that joint document 102 contains amended SIP conditions that implement changes to technology at the plant as well as revise SO_2 emissions limits for existing equipment. MPCA's submittal demonstrated that the amended SIP revisions reduce allowable SIP-based SO_2 emissions by 7.9 pounds per hour or 119.8 tons per year. After review, EPA proposed to approve MPCA's request to revise Minnesota's SO_2 SIP for FHR, reflected in conditions labeled ''Title I Condition: 40 CFR 50.4(SO_2 SIP); Title I Condition: 40 CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y'' in joint document 102.

II. What comments did we receive on the proposed action?

Our May 16, 2019 proposed rule provided a 30-day review and comment period. The comment period closed on June 17, 2019. EPA received no comments on the proposed action.

III. What action is EPA taking?

EPA is approving a revision to Minnesota's SO_2 SIP for FHR, as submitted by MPCA on October 23, 2018, and reflected in conditions labeled ''Title I Condition: 40 CFR 50.4 (SO_2 SIP); Title I Condition: 40 CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y'' in joint document 102.

IV. Incorporation by Reference

In this rule, 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 the Minnesota Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 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 State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the Clean Air Act as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide 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. 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 18, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 6, 2019.

Cathy Stepp,

Regional Administrator, Region 5.

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.*

■ 2. In § 52.1220, the table in paragraph (d) is amended by revising the entry for ''Flint Hills Resources Pine Bend, LLC'' to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(d) * * *

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

EPA-APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
*	*	*	*	*
Flint Hills Resources Pine Bend, LLC.	03700011–102	10/5/2018	8/19/2019, [Insert **Federal Register** citation].	Only conditions cited as "Title I Condition: 40 CFR Section 50.4(SO_2 SIP); Title I Condition: 40 CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y".
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[FR Doc. 2019–17670 Filed 8–16–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150413357–5999–02]

RIN 0648–XT012

Atlantic Highly Migratory Species; Commercial Aggregated Large Coastal Shark and Hammerhead Shark Management Group in the Atlantic Region; Retention Limit Adjustment

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

ACTION: Temporary rule; inseason retention limit adjustment.

SUMMARY: NMFS is adjusting the commercial aggregated large coastal shark (LCS) and hammerhead shark management group retention limit for directed shark limited access permit holders in the Atlantic region from 36 LCS other than sandbar sharks per vessel per trip to 45 LCS other than sandbar sharks per vessel per trip. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments. The retention limit will remain at 45 LCS other than sandbar sharks per vessel per trip in the Atlantic region through the rest of the 2019 fishing season or until NMFS announces via a notice in the **Federal Register** another adjustment to the retention limit or a fishery closure. This retention limit adjustment affects anyone with a directed shark limited access permit fishing for LCS in the Atlantic region.

DATES: This retention limit adjustment is effective on August 16, 2019, through December 31, 2019, or until NMFS announces via a notice in the **Federal Register** another adjustment to the retention limit or a fishery closure, if warranted.

FOR FURTHER INFORMATION CONTACT: Lauren Latchford Guy DuBeck, or Karyl Brewster-Geisz 301–427–8503; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: Atlantic shark fisheries are managed under the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and implementing regulations (50 CFR part 635) issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Atlantic shark fisheries have separate regional (Gulf of Mexico and Atlantic) quotas for all management groups except those for blue shark, porbeagle shark, pelagic sharks (other than porbeagle or blue sharks), and the shark research fishery for LCS and sandbar sharks. The boundary between the Gulf of Mexico region and the Atlantic region is defined at § 635.27(b)(1) as a line beginning on the East Coast of Florida at the mainland at 25°20.4′ N lat, proceeding due east. Any water and land to the north and east of that boundary is considered, for the purposes of setting and monitoring quotas, to be within the Atlantic region. This inseason action only affects the aggregated LCS and hammerhead shark management groups in the Atlantic region.

Under § 635.24(a)(8), NMFS may adjust the commercial retention limits in the shark fisheries during the fishing season. Before making any adjustment, NMFS must consider specified regulatory criteria (see § 635.24(a)(8)(i) through (vi)). After considering these criteria as discussed below, NMFS has concluded that increasing the retention limit of the Atlantic aggregated LCS and hammerhead management groups for directed shark limited access permit holders in the Atlantic region will allow use of available aggregated LCS and hammerhead shark management group quotas and will provide fishermen throughout the region equitable fishing opportunities for the rest of the year. Therefore, NMFS is increasing the commercial Atlantic aggregated LCS and hammerhead shark retention limit in the Atlantic region from 36 to 45 LCS other than sandbar shark per vessel per trip.

NMFS considered the inseason retention limit adjustment criteria listed at § 635.24(a)(8)(i) through (vi), which includes:

- The amount of remaining shark quota in the relevant area, region, or sub-region to date, based on dealer reports.

Based on dealer reports through August 9, 2019, 28.6.0 metric tons (mt) dressed weight (dw) (62,980 lb dw), or 17 percent, of the 168.9 mt dw shark quota for aggregated LCS and 8.9 mt dw (19,652 lb dw), or 33 percent, of the 27.1 mt dw shark quota for the hammerhead management groups have been harvested in the Atlantic region. This means that approximately 83 percent of the aggregated LCS quota remains available and approximately 67 percent of the hammerhead shark quota remains available. NMFS took action on April 2, 2019 to reduce retention the retention limit from 25 to 3 after considering the relevant inseason adjustment criteria, particularly the need for all regions to have an equitable opportunity to utilize the quota (84 FR 12524). On June 25, 2019, NMFS increased the retention limit to 36 LCS other than sandbar sharks per vessel per trip (84 FR 29808) to promote use of the available quota.

- The catch rates of the relevant shark species/complexes in the region or sub-region, to date, based on dealer reports.

Based on the current commercial retention limit and average catch rate of landings data from dealer reports, the amount of Atlantic aggregated LCS and hammerhead shark quota available is high, while harvest in the Atlantic region on a daily basis is low. Using current catch rates, projections indicate that landings would not reach 80 percent of the quota before the end of the 2019 fishing season (December 31, 2019). A higher retention limit

authorized under this action will promote increased fishing opportunities and utilization of available quota in the Atlantic region.

• Estimated date of fishery closure based on when the landings are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season.

Once the landings reach 80 percent of either the aggregated LCS or hammerhead shark quotas, NMFS would, as required by the regulations at § 635.28(b)(3), close the aggregated LCS and hammerhead shark management groups since they are ''linked quotas.'' However, current catch rates would likely result in the fisheries remaining open for the remainder of the year. The higher retention limit should increase the likelihood of full utilization of the quota in the Atlantic region, while also allowing the fisheries to operate for the remainder of the year.

• Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments.

Increasing the retention limit on the aggregated LCS and hammerhead management groups in the Atlantic region from 36 to 45 LCS other than sandbar sharks per vessel per trip would continue to allow for fishing opportunities throughout the rest of the year consistent with objectives established in the 2006 Consolidated HMS FMP, including rebuilding requirements for overfished stocks.

• Variations in seasonal distribution, abundance, or migratory patterns of the relevant shark species based on scientific and fishery-based knowledge.

The directed shark fisheries in the Atlantic region are composed of a mix of species, with a high abundance of aggregated LCS caught in conjunction with hammerhead sharks. Migratory patterns of many LCS in the Atlantic region indicate that sharks move farther north in the summer and then return south in the fall. Taking these migration patterns into account, NMFS increased the retention limit on June 25, 2019 from 3 to 36 LCS other than sandbar sharks per vessel per trip (84 FR 29808) to provide additional fishing opportunities for fishermen in the Mid-Atlantic and New England areas. However, based on dealer reports through August 9, 2019, harvest in the Atlantic region on a daily basis has been low. Therefore, NMFS is increasing the retention limit from 36 to 45 LCS other than sandbar sharks per vessel per trip in order to fully utilize the quota in the entire Atlantic region.

• Effects of catch rates in one part of a region or sub-region precluding vessels in another part of that region or sub-region from having a reasonable opportunity to harvest a portion of the relevant quota.

NMFS' goal for the 2019 commercial shark fishery is to ensure fishing opportunities throughout the fishing season and the Atlantic region (83 FR 60777; November 27, 2018, 84 FR 12524; April 2, 2019, and 84 FR 29808; June 25, 2019). While dealer reports indicate that, under current catch rates, the aggregated LCS and hammerhead shark management groups in the Atlantic region would remain open for the remainder of the year, the catch rates also indicate that the quotas would likely not be fully harvested under the current retention limit. If the harvest of these species is increased through an increased retention limit, NMFS estimates that the fishery would remain open for the remainder of the year and fishermen throughout the Atlantic region would have a reasonable opportunity to harvest a portion of the quota.

On November 27, 2018 (83 FR 60777), NMFS announced in a final rule that the aggregated LCS and hammerhead shark fisheries management groups for the Atlantic region would open on January 1 with a quota of 168.9 mt dw (372,552 lb dw) and 27.1 mt dw (59,736 lb dw), respectively, and a commercial retention limit of 25 LCS other than sandbar sharks per trip for directed shark limited access permit holders in those fisheries. NMFS published a proposed rule on September 11, 2018 (83 FR 45866) and invited and considered public comment. In the final rule, NMFS explained that if it appeared that the quota is being harvested too quickly, thus precluding fishing opportunities throughout the entire region (*e.g.,* if approximately 20 percent of the quota is caught at the beginning of the year), NMFS would consider reducing the commercial retention limit to 3 or fewer LCS other than sandbar sharks and then later consider increasing the retention limit, perhaps to 36 LCS other than sandbar sharks per vessel per trip around July 15, 2019, consistent with the applicable regulatory requirements. In April 2019, dealer reports indicated that landings had reached 21 percent of the quota, and NMFS therefore reduced the commercial Atlantic aggregated LCS and hammerhead shark retention limit from 25 to 3 LCS other than sandbar sharks per vessel per trip on April 2, 2019 (84 FR 12524; April 2, 2019) after considering the inseason retention limit adjustment criteria listed in § 635.24(a)(8). On June 25, 2019, NMFS increased the retention limit from 3 LCS other than sandbar sharks to 36 LCS other than sandbar sharks (84 FR 29808). Based on dealer reports through August 9, 2019, approximately 83 percent and 67 percent of the aggregated LCS and hammerhead shark quotas remain unharvested, respectively. Commercial shark landings in the Atlantic region at this point in the season are uncharacteristically low. A higher retention limit should increase the likelihood of full utilization of the quota in the Atlantic region, while also allowing the fisheries to operate for the remainder of the year.

Accordingly, as of August 16, 2019, NMFS is increasing the retention limit for the commercial aggregated LCS and hammerhead shark management groups in the Atlantic region for directed shark limited access permit holders from 36 LCS other than sandbar sharks per vessel per trip to 45 LCS other than sandbar sharks per vessel per trip. This retention limit adjustment does not apply to directed shark limited access permit holders if the vessel is properly permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip, in which case the recreational retention limits for sharks and ''no sale'' provisions apply (§ 635.22(a) and (c)); or if the vessel possesses a valid shark research permit under § 635.32 and a NMFS-approved observer is onboard, in which case the restrictions noted on the shark research permit apply.

All other retention limits and shark fisheries in the Atlantic region remain unchanged. This retention limit will remain at 45 LCS other than sandbar sharks per vessel per trip for the rest of the 2019 fishing season, or until NMFS announces another adjustment to the retention limit or a fishery closure via a notice in the **Federal Register**, if warranted.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

Prior notice is impracticable because the regulatory criteria for inseason retention limit adjustments are intended to allow the agency to respond quickly to existing management considerations, including remaining available shark quotas, estimated dates for the fishery closures, the regional variations in the shark fisheries, and equitable fishing

opportunities. Additionally, regulations implementing Amendment 6 of the 2006 Atlantic Consolidated HMS FMP (80 FR 50074, August 18, 2015) intended that the LCS retention limit could be adjusted quickly throughout the fishing season to provide management flexibility for the shark fisheries and provide equitable fishing opportunities to fishermen throughout a region. Based on available shark quotas and informed by shark landings in previous seasons, responsive adjustment to the LCS commercial retention limit from the incidental level is warranted as quickly as possible to allow fishermen to take advantage of available quotas while sharks are present in their region. For such adjustment to be practicable, it must occur in a timeframe that allows fishermen to take advantage of it.

Adjustment of the LCS fisheries retention limit in the Atlantic region will begin on August 16, 2019. Prior notice would result in delays in increasing the retention limit and would adversely affect those shark fishermen that would otherwise have an opportunity to harvest more than the current retention limit of 36 LCS other than sandbar sharks per vessel per trip and could result in low catch rates and underutilized quotas. Analysis of available data shows that adjustment of the LCS commercial retention limit upward to 45 would result in minimal risks of exceeding the aggregated LCS and hammerhead shark quotas in the Atlantic region based on our consideration of previous years' data, in which the fisheries have opened in July. With quota available and with no measurable impacts to the stocks expected, it would be contrary to the public interest to require vessels to wait to harvest the sharks otherwise available through this action. Therefore, NMFS finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. Adjustment of the LCS commercial retention limit in the Atlantic region is effective August 16, 2019, to minimize any unnecessary disruption in fishing patterns and to allow fishermen to benefit from the adjustment. Foregoing opportunities to harvest the respective quotas could have negative social and economic impacts for U.S. fishermen that depend upon catching the available quotas. Therefore, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.24(a)(2) and is exempt from review under Executive Order 12866.

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

Dated: August 14, 2019.

Alan D. Risenhoover,

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

[FR Doc. 2019–17754 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 160
Monday, August 19, 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 Parts 430 and 431

[EERE–2017–BT–STD–0062]

RIN 1904–AD38

Energy Conservation Program: Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products

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

ACTION: Notice of re-opening of the public comment period.

SUMMARY: On February 13, 2019, the U.S. Department of Energy (''DOE'') published a notice of proposed rulemaking (''NOPR'') to update and modernize the Process Rule (''Process Rule NOPR''). On July 26, 2019, DOE published a notice of data availability (''NODA'') regarding national energy savings estimates from past DOE energy conservation standards rulemakings that were used in support of the NOPR and requested comments on these data. Prior to the end of the comment period for the NODA, DOE received a request from stakeholders on August 6, 2019, seeking additional time to analyze the NODA's data and to supplement their comments accordingly. In light of this request, DOE is re-opening the comment period for an additional 21 days and announcing that decision in this document.

DATES: The comment period for the NODA published on July 26, 2019 (84 FR 36037), which closed on August 9, 2019, is hereby reopened and extended. Written comments and information will be accepted on or before August 30, 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–0062, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email: Process.Rule@ee.doe.gov.* Include EERE–2017–BT–STD–0062 in the subject line of the message.
3. *Postal Mail:* Ms. Sofie Miller, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Room 6A–013, Washington, DC 20585. 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:* Ms. Sofie Miller, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–5000. 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.

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 *https://www.regulations.gov/docket?D=EERE-2017-BT-STD-0062.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Sofie Miller, Senior Advisor, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–5000. Email: *Process.Rule@ee.doe.gov.*

Ms. Francine Pinto, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–7432. Email: *Francine.Pinto@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On February 13, 2019, DOE published a NOPR in the **Federal Register** that proposed to update and modernize the Process Rule (''Process Rule NOPR''). 84 FR 3910. On July 26, 2019, DOE published a notice of data availability (''NODA'') regarding national energy savings estimates from past DOE energy conservation standards rulemakings that were used in support of the NOPR and requested comments on these data. 84 FR 36037. The NODA, which presented these data uniformly in terms of site energy, sought public input regarding these data. DOE developed these data after re-examining its use of source and full-fuel-cycle energy savings data in consideration of a threshold for significant conservation of energy in order to provide a consistent accounting across rulemakings. Because EPCA uses a household energy consumption metric as a threshold for setting standards for new covered products (42 U.S.C. 6295(l)(1)), DOE believes that site energy would be the most appropriate metric for evaluating energy savings across rulemakings. As a result, DOE provided national site energy savings data from its past rulemakings for public comment to help inform DOE's decision regarding whether (and how) to define a threshold for significant energy savings. DOE previously noted, and stresses again, that the rules reported and the data analyzed in the information provided with the NODA are identical to those provided with DOE's original proposal and discussed at the public meeting. DOE's restating of the results from each examined rulemaking on a site energy basis is solely for the purpose of making an ''apples-to-apples'' comparison of the results of each rulemaking using the statutorily-required measure for setting energy conservation standards. The NODA provided for the submission of comments by August 9, 2019.

On August 6, 2019, DOE received requests from several parties to extend the comment period on the proposal. More specifically, stakeholders requested additional time to analyze the data and to prepare comments.

Given the importance to DOE of receiving public input on this matter, DOE is re-opening the comment period and will consider all comments received on or before August 30, 2019.

Signed in Washington, DC, on August 12, 2019.

Alexander N. Fitzsimmons,

Acting Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2019–17760 Filed 8–16–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Parts 302 and 315

[Docket No.: 170830844–9318–01]

RIN 0610–AA80

General Updates and Elimination of Certain TAAF and PWEDA Regulations

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice of proposed rulemaking, request for public comment.

SUMMARY: The Economic Development Administration (''EDA''), U.S. Department of Commerce (''DOC''), is publishing this notice of proposed rulemaking (''NPRM'') to request public comment on proposed updates to the agency's regulations implementing the Trade Adjustment Assistance for Firms (''TAAF'') provisions of the Trade Act of 1974, as amended (''Trade Act''), and the Public Works and Economic Development Act of 1965, as amended (''PWEDA''). The proposed changes to the TAAF program regulations would clarify the process for import-impacted U.S. manufacturing, oil and natural production and service firms to obtain technical assistance—identified in the Trade Act as ''adjustment assistance''—through the TAAF program, reorganize the regulations to make them easier to read and understand, incorporate best practices, and bring the regulations into closer alignment with the program's statutory requirements. The result will be to ease the burden on firms seeking adjustment assistance through the TAAF program and make it easier for Trade Adjustment Assistance Centers (''TAACs'') to work with firms. EDA also proposes the elimination of certain TAAF and PWEDA regulations that are unnecessary or duplicative because they describe requirements already established in other regulations or award documentation.

DATES: Written comments on this NPRM must be submitted by September 18, 2019.

ADDRESSES: Comments on this NPRM may be submitted through any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. EDA will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).
- *Email: regulations@eda.gov.* Include ''Comments on EDA's regulations'' and Docket No. 170830844–9318–01 in the subject line of the message.
- *Mail:* Office of the Chief Counsel, Economic Development Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Suite 72023, Washington, DC 20230. Please indicate ''Comments on EDA's regulations'' and Docket No. 170830844–9318–01 on the envelope.

FOR FURTHER INFORMATION CONTACT: Ryan Servais, Attorney Advisor, Office of the Chief Counsel, Economic Development Administration, U.S. Department of Commerce, 1244 Speer Boulevard, Suite 431, Denver, CO 80204; telephone: (303) 844–4403.

SUPPLEMENTARY INFORMATION:

Background

Through strategic grant investments that foster job creation and attract private investment, EDA supports development in economically distressed areas of the United States to prepare these areas for growth and success in the worldwide economy.

EDA is publishing this NPRM to request public comments on proposed updates to the agency's regulations implementing the TAAF program (Part I) and PWEDA (Part II). These changes would ease the burden on firms and grantees by eliminating unnecessary and duplicative regulations and clarify and reorganize the regulations to make them easier to understand.

The proposed updates would also incorporate best practices. For example, EDA is proposing to build into the definition of ''subsidiary'' language that would recognize independent subsidiaries as eligible to apply for assistance separately from the firm that has acquired them. This change is in response to a growing number of petitions by firms that have been acquired before or after filing a petition for assistance, while continuing to operate independently. In addition, EDA proposes to add a requirement that firms must begin implementation of their Adjustment Proposal within six months after the Proposal is approved by EDA. Firms that do not begin implementation within six months after approval must update, re-submit their Adjustment Proposal, and request re-approval before any Adjustment Assistance may be provided. EDA also proposes to incorporate changes that would enable firms to amend their Adjustment Proposals within two years of EDA approval and that would require firms to complete implementation of the Adjustment Proposals within five years of approval. Furthermore, the regulations would require firms that are transferred, sold, or otherwise acquired by another firm, during this five-year period, to notify EDA, which will make a determination regarding the continued eligibility of the petitioner firm. These are existing best practices and help to ensure that Adjustment Proposals reflect current conditions and are maximally effective.

These proposed changes would also align the regulations more closely with statutory requirements. Specifically, EDA proposes to refer to imported articles or services that compete with and are substantially equivalent to the petitioning firm's as ''directly competitive or like,'' as written in the Trade Act, rather than simply ''directly competitive.'' In addition, EDA proposes to clarify all references to ''days'' as ''calendar days,'' to reflect this usage in the Trade Act, a change that would also speed up the time within which EDA is required to make determinations regarding firm eligibility and assistance.

Additionally, because this rule would remove certain regulations and will make it easier for firms and EDA grantees to comply with the requirements for the TAAF and EDA grant programs, it is considered a ''deregulatory action'' pursuant to the April 5, 2017, OMB guidance memorandum implementing Executive Order 13771.

Part I: Updates to TAAF Program Regulations

Trade Act Background

Authorized under Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341–2355), the TAAF program assists import-impacted U.S. manufacturing, oil and natural gas production, and service firms with developing and

implementing projects to regain global competitiveness, expand markets, strengthen operations, and increase profitability, thereby increasing U.S. jobs.

The TAAF program provides cost-sharing technical assistance to eligible import-impacted U.S. manufacturing, oil and natural gas production, and service firms in all 50 States, the District of Columbia and the Commonwealth of Puerto Rico. Technical assistance is provided through a nationwide network of 11 TAACs, which are non-profits or university-affiliated.

TAACs provide eligible firms with customized assistance from industry experts knowledgeable about the unique needs, challenges, and opportunities facing industries in their respective regions. Firms work with the TAACs to apply for certification of eligibility for TAAF assistance. Firms demonstrate their eligibility by documenting that they have experienced a decline in sales or a decline or impending decline in employment or worker hours, and that an increase of imports of directly competitive goods or services contributed importantly to such declines. EDA then renders a decision regarding the firms' eligibility.

The TAAC works closely with eligible firms' management to identify the firms' strengths and weaknesses and then develop a customized business recovery plan, called an Adjustment Proposal (AP), designed to stimulate recovery and growth. The TAAF program pays up to 75 percent of the costs of developing the AP. EDA reviews firms' APs and determines whether or not to approve them. When the AP has been approved, company management and TAAC staff jointly identify consultants with the specific expertise needed to help the firm implement the AP. For consultant costs that are above the acquisition threshold for sole source contracts, selection is made through a competitive procurement process. The TAACs and firms then enter into a contract with the private consultants, and the TAACs pay up to 75 percent of the costs of the consultants.

Overview of Proposed Changes to the TAAF Regulations

The discussion that follows presents the proposed changes by subpart letter and section number, with an explanation for each proposal.

Subpart A

EDA proposes no changes to the designation or heading of this subpart. EDA proposes to transfer §§ 315.4 and 315.5 from Subpart A to Subpart B. This proposed change would retain all general provisions (purpose and scope, definitions, and Confidential Business Information) within Subpart A, while consolidating those regulations regarding TAAC selection, operation, role, and coverage within Subpart B.

Section 315.1

EDA proposes replacing this section with a new programmatic description of TAAF's purpose. The revised section will more clearly lay out the process by which EDA executes its responsibilities concerning the TAAF program, as delegated by the Secretary of Commerce, and the process by which firms work with TAACs to request and obtain Adjustment Assistance. EDA also proposes adding a citation to those sections of the Trade Act of 1974 which establish the responsibilities and requirements associated with the TAAF program.

Section 315.2

EDA proposes a minor wording change to the introduction to the definitions, as well as changes to the definitions identified below.

Adjustment Assistance

EDA proposes three revisions to the definition of *Adjustment Assistance.* First, EDA proposes to remove the reference to ''or industries.'' As explained further in the discussion of the changes to section 315.17, EDA proposes to eliminate its regulations related to the provision of trade adjustment assistance to industries. EDA has historically not provided separate industry-wide assistance programs because firms within impacted industries have solicited help through TAAF on an individual basis and because there has been no demand for industry-wide assistance. In addition, EDA provides expedited review of petitions and Adjustment Plans from firms within impacted industries. When the U.S. International Trade Commission (ITC) makes an injury determination, in accordance with Chapter 3 of the Trade Act, EDA provides expedited consideration to petitions by firms in the affected industry, as well as expedited assistance in preparing and processing Adjustment Proposal applications to such firms. EDA believes this individualized approach has been effective in facilitating adjustments within both firms and industries. Removing regulations that reference trade adjustment assistance to industries will help prevent potential confusion regarding the availability of a parallel industry program. In the event that EDA does determine it is appropriate to provide trade adjustment assistance for industries, EDA will promulgate new regulations to implement the program.

Second, EDA proposes to revise the definition to clarify that *Adjustment Assistance* refers to technical assistance provided by the TAACs. The current regulation is ambiguous and could be interpreted that EDA provides the technical assistance directly, which is not the case. Third, EDA proposes adding to the definition a statement that EDA determines what type of assistance is provided and to incorporate a list of the types of assistance that this may include: Preparing a firm's petition for certification of eligibility, developing an Adjustment Proposal, and implementing an Adjustment Proposal.

Adjustment Proposal

EDA proposes revising the definition for *Adjustment Proposal,* clarifying that the Adjustment Proposal is a firm's plan for improving its competitiveness in the marketplace, consistent with the intent of the TAAF program as established in the Trade Act. The current regulations state that the purpose of an Adjustment Proposal is to improve the firm's economic situation, a less clear goal not linked to the purposes of the Trade Act.

Decreased Absolutely

EDA proposes a minor change to the definition of *Decreased Absolutely* to add language clarifying that a firm's sales or production must have declined by a minimum of five percent relative to its sales or production during the applicable time period and that the decline is independent of industry or market fluctuations and relative only to the previous performance of the firm unless EDA determines that such limitations would not be consistent with the purposes of the Trade Act. While it is implied in the existing regulations that all three of these factors must be present to constitute an absolute decrease in a firm's sales or production, EDA believes this minor revision will provide clear confirmation of this requirement.

Directly Competitive

EDA proposes revising the defined term *Directly Competitive* to add the words ''or Like'' to the end, such that the term would be *Directly Competitive or Like.* This change would more closely align this term with the terminology of the Trade Act. EDA proposes further revising this definition by adding language that clarifies the linkage between this definition and the reference to firms that engage in exploring, drilling, or producing oil or natural gas. By adding the phrase ''For

the purposes of this term,'' before the final sentence in this definition, EDA reinforces the requirement in Section 251 of the Trade Act that firms that engage in these types of activities be considered as producing articles that are directly competitive with imported oil and natural gas for the purposes of TAAF eligibility.

Firm

EDA proposes revising the definition of *Firm* to correct the citation to the section of the Trade Act that defines this term. In addition, EDA proposes capitalizing the term, ''Unjustifiable Benefits,'' as referenced in this definition. This change is the result of EDA's proposal to include a definition for Unjustifiable Benefits, as described below. EDA also proposes further revising this definition by adding to the sub-definition of *Subsidiary,* which is included as a category of firm that may be considered jointly with another firm that is requesting Adjustment Assistance pursuant to TAAF in an effort to prevent Unjustifiable Benefits. EDA proposes to qualify the definition of *Subsidiary* by adding an explanation that a firm acquired by another firm but which operates independently of the acquiring firm is considered an *Independent Subsidiary* and may be considered separately from the acquiring firm as eligible for Adjustment Assistance. This change reflects existing practice and addresses a growing trend in petitions requesting Adjustment Assistance for firms that have been acquired by another firm but continue to operate independently after the acquisition, generally retaining the same management, maintaining control over management decisions, and otherwise continuing operations without significant change.

Increase in Imports

EDA proposes revising the definition of *Increase in Imports* by making minor wording changes for increased clarity. EDA proposes further modification to this definition by moving the second sentence of this definition to the revised Subpart C (Certification of firms) as a new paragraph (c) in § 315.6 (Certification Requirements). EDA believes this sentence more appropriately belongs in this Subpart C as a description of one way for a firm to demonstrate that it meets the eligibility requirements for Certification to apply for Adjustment Assistance. The sentence provides that a firm may submit certifications from a firm's customers that account for a significant percentage of the firm's decrease in sales or production, that the customers increased their purchase of imports of Directly Competitive or Like Articles or Services from a foreign country.

Partial Separation

EDA proposes changing the definition of *Partial Separation* by replacing language denoting that this definition is with respect to any employment in a firm with language that clarifies that a Partial Separation occurs when there has been no increase in overall employment at the firm and either of the conditions currently described in this definition exist: (1) A reduction in an employee's work hours to 80 percent or less of the employee's average weekly hours during the year of such reductions as compared to the preceding year; or (2) a reduction in the employee's weekly wage to 80 percent or less of his/her average weekly wage during the year of such reduction as compared to the preceding year. EDA occasionally receives petitions submitted by firms whose overall employment figures have increased within the periods of time in question and which, nonetheless, assert that there has been a Partial Separation with regards to a certain portion of their workforce's work hours or weekly wages. EDA believes that this revision should resolve the apparent confusion caused by the current wording and clarify that a firm does not meet the eligibility criteria if its overall employment has increased during the relevant time period.

Service Sector Firm

EDA proposes revising the definition of *Service Sector Firm* to remove the last two sentences of that definition because they are already included in the definition of *firm.* The first superfluous sentence states that when a Service Sector Firm owns or controls other Service Sector Firms, those firms may be considered a single Service Sector Firm for the purposes of requesting Adjustment Assistance when they furnish Directly Competitive or Like services or are exerting essential economic control over one or more servicing facilities. The second superfluous sentence notes that these firms may be Predecessor, Successor, Affiliate, or Subsidiary Firms as defined in the definition of firm.

Total Separation

EDA proposes streamlining and clarifying the definition of *Total Separation* by removing the phrase ''with respect to any employment in a firm'' and adding the words ''in a firm'' after ''the laying off or termination of employment of an employee.''

Unjustifiable Benefits

As noted above, EDA also proposes adding a definition for *Unjustifiable Benefits.* Under this new definition, *Unjustifiable Benefits* describe Adjustment Assistance inappropriately accruing to the benefit of (1) other firms that would not otherwise be eligible when provided to a firm or (2) any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same person, rather than treating these entities as a single firm. EDA believes that this is an important concept that should be fully explained to help firms understand TAAF eligibility requirements, particularly when a firm has a relationship through ownership or control by another firm.

Section 315.3

EDA proposes no revisions to this section.

Subpart B

EDA proposes revising this subpart to consolidate and clarify all regulations regarding TAAC selection, operations, and coverage. The revised Subpart B, entitled ''TAAC Provisions,'' would be inserted after § 315.3 and would include revised §§ 315.4 and 315.5, which would be transferred to Subpart B from Subpart A.

Section 315.4

EDA proposes revising the heading of § 315.4 from ''Eligible applicants'' to ''TAAC Selection and Operation.'' EDA also proposes revising paragraph (a) of this section to better describe the TAAC selection process by replacing the words ''The following entities may apply for assistance to operate a TAAC'' with ''EDA solicits applications from organizations interested in operating a TAAC through Notice of Funding Opportunity announcements laying out selection and award criteria. The following entities are eligible to apply:''. EDA also proposes replacing ''or'' with ''and'' after subparagraph (2) to clarify that all of the types of entities listed in paragraph (a) are eligible to apply to be selected as a TAAC, including universities or affiliated organizations, States or local governments, and non-profit organizations.

EDA proposes revising paragraph (b) of this section to replace the existing language, which lists the types of organizations assisting or representing industries in which a substantial number of firms or workers have been certified as eligible to apply for Adjustment Assistance under the Trade Act, with language explaining that

TAACs are awarded cooperative agreements that are subject to all Federal laws and to Federal, Department, and EDA policies, regulations, and procedures applicable to Federal financial assistance awards, including 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and that the TAACs work closely with EDA and import-impacted firms. EDA believes this new language clarifies the basis for the relationship between EDA and the TAACs and clarifies the legal, policy, and procedural criteria that govern this relationship.

Section 315.5

EDA proposes revising the heading of this section from ''TAAC scope, selection, evaluation and awards'' to ''The Role and Geographic Coverage of the TAACs'' to more accurately reflect the focus of this section, particularly in the more streamlined version of the regulations being proposed by EDA in this Notice. EDA proposes revising paragraph (a) of this section by removing the introductory language, ''TAAC purpose and scope,'' as unnecessary. EDA also proposes removing the numbered subparagraphs from paragraph (a) and, in that same paragraph, changing the third sentence, which currently reads, in part, ''Information concerning TAACs serving particular areas may be obtained . . .'' from various EDA and TAAC websites. EDA proposes to revise that sentence to read: ''Information concerning TAACs and their coverage areas may be obtained . . .'' EDA anticipates that this change will clarify that information regarding all of the TAACs service areas, rather than just particular geographic areas, are available at these websites.

EDA proposes renumbering subparagraphs (2) and (3) as paragraphs (b) and (c), respectively. EDA also proposes streamlining newly re-designated paragraph (c) by removing the words ''providing assistance to a,'' renumbering subparagraphs (i) and (ii) as (1) and (2), respectively, and rewording those two subparagraphs as follows: ''(1) Helping a firm to prepare its petition for eligibility certification; and (2) Assisting Certified firms with diagnosing their strengths and weaknesses, and with developing and implementing an Adjustment Proposal.'' This change should provide enhanced clarity on the types of Adjustment Assistance a TAAC may provide a firm.

EDA also proposes removing existing paragraphs (b), (c), and (d) in their entirety. These paragraphs discuss the application and evaluation process for TAACs to be awarded a cooperative agreement as well as the award requirements for the cooperative agreements. EDA believes these paragraphs are unnecessary, as these provisions and requirements would generally be covered in the Notice of Funding Opportunity used to announce the availability of funding for TAAC awards.

Subpart C

EDA proposes revising Subpart C to consolidate all regulations regarding the certification of firms. The revised Subpart C would be entitled, ''Certification of Firms'' and would include § 315.6 through § 315.10.

Section 315.6

EDA proposes to revise the heading for § 315.6 from ''Firm eligibility for Adjustment Assistance'' to ''Certification Requirements'' and revise paragraph (a) to remove the introductory language. EDA also proposes moving the matching share requirements for Adjustment Proposals as set forth in current paragraph (c)(2) to the new § 315.11 (''Adjustment Proposal Process'') in Subpart D (''Adjustment Proposals''). EDA proposes eliminating the remaining requirements in § 315.6. These remaining requirements are duplicative of other regulations in this Part and provide no additional guidance or clarity to the TAACs or firms. Moreover, EDA proposes adding to § 315.6(a) a reference to the codified version of the relevant section of the Trade Act.

In addition to these revisions, as noted above in the discussion regarding proposed revisions to the definition of *Increase in Imports,* EDA proposes adding a new paragraph (c) to this section and moving into this paragraph the language formerly located in the definition of *Increase in Imports* that enabled firms to help demonstrate that they meet the eligibility requirements for Adjustment Assistance by submitting certification from the firm's customers that account for a significant percentage of the firms' decrease in sales or production, that the customers increased their purchase of imports of Directly Competitive or Like Articles or Services from a foreign country. A comma has been added to this sentence after the word ''production'' to increase clarity. EDA proposes further adding to this new paragraph (c) a sentence specifying that such certification from a firm's customer must be submitted directly to a TAAC or to EDA. EDA believes this addition will ease some confusion by firms, some of which have requested their customers to provide such certification directly to the firms which subsequently pass on the certifications to EDA through the TAACs. While EDA recognizes the potential sensitivity and challenges involved with a firm asking one or more of its customers to certify that the customers have increased their purchase of imports relative to their purchase from U.S. suppliers, EDA believes that this information is critical to support claims of import impact. In addition, Section 251(e) of the Trade Act requires these certifications to be made to the Secretary of Commerce, who has delegated this and the other responsibilities associated with the TAAF program to EDA.

Section 315.7

EDA proposes re-designating the current § 315.8 as § 315.7 and revising the section heading to capitalize the words ''Petitions'' and ''Certification'' to reflect the use of capitalization in the headings of the other sections within part 315.

Because of the revisions discussed above, EDA also proposes revising the cross-reference in paragraph (b)(4) to cite to § 315.6(b), rather than to § 315.7(b). This cross-reference links to the section describing the data on sales, production, and employment required to demonstrate a firm has met the established certification thresholds.

Furthermore, EDA proposes revising paragraph (b)(5) to clarify the additional requirements for publicly-owned corporations when submitting financial information as part of their petitions for certification. EDA proposes revising the paragraph by adding the words, ''in addition'' and ''also'' to clarify that publicly-owned corporations should submit copies of the most recent Form 10–K annual reports (or Form 10–Q quarterly reports, as appropriate) filed with the U.S. Securities and Exchange Commission for the entire period covered by the petition in addition to the other requirements described in this same paragraph.

EDA also proposes revising paragraph (b)(6) to make clear the information required regarding a firm's customers. Specifically, EDA proposes replacing the qualifier that the description relates to the ''major'' customers of the firm with one that identifies the customers as ''accounting for a significant percent of the firm's decline.'' EDA proposes further revising this paragraph to clarify that firms should submit information regarding those customers' purchases or the firm's unsuccessful bids if there are no customers fitting the description outlined in this paragraph.

EDA also proposes revising paragraph (e) by including a citation to the codified section of the Trade Act set forth in this paragraph and by updating the cross-reference to the section of part 315 that discusses certification requirements.

EDA proposes revising paragraph (f) to clarify that, in order to withdraw a petition for certification, the petitioner must submit a request for withdrawal before EDA makes a determination regarding approval or denial of the certification. EDA proposes further revising this paragraph by updating the cross-reference cited in the second sentence of paragraph (f), which regards submission of a new petition, to reflect the re-designation of the section that discusses certification requirements from § 315.7 to § 315.6.

EDA also proposes revising subparagraphs (1) and (2) in paragraph (g) of this section. EDA proposes revising subparagraph (1) to add the word ''requested'' before the word ''material'' in order to make clear that EDA may request additional material from a firm beyond what was submitted with the firm's original petition if necessary to make a determination regarding the firm's eligibility for Adjustment Assistance. In addition, EDA proposes revising subparagraph (1) to insert the word ''calendar'' before the word ''days.'' EDA also proposes making similar revisions to all references to ''days'' found throughout part 315. EDA proposes these changes to clarify that all references to ''days'' within part 315 refer to calendar days. The current regulations are not clear on whether these references to ''days'' are calendar or business days. These revisions will bring the TAAF regulations into alignment with the Trade Act.

EDA proposes revising subparagraph (2) of paragraph (g) by altering the final sentence to clarify that firms may not resubmit a petition within one year from the date of a denial without a waiver from EDA issued for good cause.

Section 315.8

EDA proposes re-designating the current § 315.9 as § 315.8.

For the reasons discussed above, EDA proposes inserting the word ''calendar'' in front of the word ''days'' in the introductory paragraph to this section.

EDA proposes revising paragraphs (a) and (c) by replacing the semicolon at the end of each paragraph with a period to reflect that each is a complete sentence.

EDA proposes revising paragraph (b)(2) by deleting the word ''its'' and inserting the words ''the requesting party's'' in lieu thereof to clarify that, when someone other than the petitioner requests a public hearing on an accepted petition, the requester must include a statement describing the nature of the requester's interest in the proceedings.

EDA also proposes revising paragraph (d) of this section to clarify that EDA will publish a notice of a public hearing in the **Federal Register** only if EDA has made the determination that the requesting party has a substantial interest in the hearing. EDA proposes further revising this paragraph by removing the semicolon and the word ''and'' from the end of the paragraph and adding a period.

Section 315.9

EDA proposes re-designating the current § 315.10 as § 315.9 and revising the section heading to capitalize the words ''Certification'' and ''Benefits'' to reflect the use of capitalization in the headings of the other sections within part 315.

EDA also proposes revising paragraphs (a), (b), and (d) to replace the word ''Failure'' at the beginning of each of those paragraphs with the words ''The firm failed'' to provide clarity regarding which entity's omission triggers the loss of certification benefits.

In addition, EDA proposes revising paragraphs (a), (b), and (c) to replace the semicolons at the end of each of those paragraphs with a period to reflect that these are separate and not cumulative requirements. For the same reason, EDA proposes to further revise paragraph (c) by removing the word ''or'' from the end of that paragraph.

EDA proposes further revising paragraph (d) by adding a comma after the words ''Adjustment Proposal'' and replacing the word ''where'' with the word ''and''. This paragraph, as revised, reads: ''(d) The firm failed to diligently pursue an approved Adjustment Proposal, and five years have elapsed since the date of certification.''

Section 315.10

EDA proposes re-designating the current § 315.11 as § 315.10 and revising the section heading to capitalize the words ''Final,'' ''Determinations,'' ''Termination,'' and ''Certification,'' to reflect the use of capitalization in the headings of the other sections within part 315.

EDA proposes revising paragraphs (a) and (b) of this section by inserting the word ''calendar'' before the word ''days'' for the reasons mentioned above. EDA proposes further revising paragraph (a) by updating the cross-references to the regulations regarding EDA's process for making determinations regarding petitions for certification. Specifically, EDA proposes changing the two references in this paragraph from § 315.8(g) to § 315.7(g). EDA proposes further revising paragraph (b) by adding a reference to the codified version of the cited section of the Trade Act.

EDA proposes removing the designation of paragraph (d) and adding the sentence that formerly stood alone as paragraph (d) to the end of paragraph (c) in this same section. EDA believes this reorganization would reduce potential confusion by placing all requirements regarding the steps EDA takes when it terminates a certification, including notifying the petitioner and stating the reasons for such termination, in a single paragraph.

Subpart D

EDA proposes no changes to the designation or heading of this subpart. However, EDA proposes to revise this subpart to include §§ 315.11 and 315.12.

Section 315.11

Section 315.11 would be revised to combine requirements currently contained in other sections of part 315 and add new language to reflect best practices. The section heading would be revised to be ''Adjustment Proposal Process.''

EDA proposes moving paragraphs (a)(2) and (a)(3) from the current § 315.6 to the revised § 315.11 as paragraphs (a) and (b) within this section in order to consolidate Adjustment Proposal procedures within a single section. In addition, within paragraph (a) of § 315.11, EDA proposes updating the cross-references to those sections within part 315 that refer to certification requirements and processing petitions for certification to reflect the changes discussed above. In line with these changes, the references cited in this paragraph would change from §§ 315.7 and 315.8 to §§ 315.6 and 315.7, respectively. In order to more clearly reflect the requirements of the Trade Act, EDA proposes to move the requirement established in the current § 315.16(a), which says Adjustment Proposals must be submitted to EDA for approval within two years after the date of Certification, to the newly designated § 315.11(a).

In addition to moving the requirements that currently exist in § 315.6(a)(3) to the revised § 315.11(b), EDA proposes adding language to these requirements that would require firms to begin implementation of their approved Adjustment Proposal within six months after approval. EDA also proposes adding a requirement that firms that do not begin implementation

within six months after approval must update and re-submit their Adjustment Proposal for re-approval before any Adjustment Assistance may be provided. These additions reflect long-standing practice and would help firms to ensure that their Adjustment Proposals reflect the most up-to-date economic conditions and financial situation and, consequently, that the firms will receive the most effective Adjustment Assistance.

EDA proposes adding a paragraph (c) to this section that discusses how EDA will make a determination regarding the Adjustment Proposal no later than 60 calendar days after receipt of the Adjustment Proposal. This new language incorporates a requirement in Section 252(b)(2) of the Trade Act that the Secretary make a determination as soon as possible after the date on which an application is filed, but in no event later than 60 days after such date.

EDA also proposes adding a paragraph (d) to this section. EDA proposes moving the matching share requirements for Adjustment Assistance from the existing § 315.6(b)(2) to this paragraph. In addition, EDA proposes adding a sentence stating that certified firms may request no more than the amount established by EDA for total Adjustment Assistance over the entire lifetime of the firm. This proposed addition incorporates current practice, established to ensure that the maximum number of eligible firms are able to receive Adjustment Assistance and to encourage certified firms to appropriately plan and implement their Adjustment Proposals within established funding limits.

EDA proposes adding a paragraph (e) to this section and specifying within this paragraph that firms may request EDA approval to amend their Adjustment Plans within two years from the date of EDA approval of their initial Adjustment Plans. This new language incorporates current practice and allows firms to update their Adjustment Plans as needed within the two-year time frame to address any unexpected changes in their situation, new information, or a need to re-direct resources to areas of greatest need.

EDA also proposes adding a paragraph (f) to this section. The proposed paragraph (f) requires firms to complete implementation of their Adjustment Plans within five years of EDA approval of their initial Adjustment Plan. This added language reflects current practice and EDA's expectation that firms who request Adjustment Assistance are financially and operationally prepared to engage in the TAAF program and will implement their Adjustment Plan in a timely way.

EDA proposes adding a paragraph (g) to this section to address what occurs if a Certified firm is transferred, sold, or otherwise acquired by another firm during the five-year period established in paragraph (f). Paragraph (g) requires a Certified firm that is transferred, sold, or otherwise acquired by another firm during the five-year period of Adjustment Assistance to notify EDA no later than 30 calendar days following the transfer, sale, or acquisition. EDA will then make a determination as to whether the firm remains eligible for Adjustment Assistance. EDA will make this determination no later than 60 calendar days following notification by the firm. This new language incorporates current practice and is designed to resolve any confusion about how firms and TAACs should handle this type of scenario.

Finally, EDA proposes adding a paragraph (h) to this section. Paragraph (h) would require firms that receive Adjustment Assistance to provide data regarding the firms' sales, employment, and productivity upon completion of the program and each year for the two-year period following completion. This language incorporates into the regulations reporting requirements established in Section 255A of the Trade Act, which requires EDA to report annually to Congress on data regarding the TAAF program for the preceding fiscal year.

Section 315.12

EDA proposes revising the heading of this section to capitalize the words ''Proposal'' and ''Requirements'' to reflect the use of capitalization in the headings of the other sections within part 315.

In addition, as discussed above, EDA proposes eliminating paragraph (a) of this section after moving the requirement that firms must submit their Adjustment Proposals to EDA within two years of the date of certification to § 315.11(a).

As a result of this proposed elimination of paragraph (a), EDA proposes re-designating the remaining paragraphs such that the existing paragraph (b) is re-designated paragraph (a), paragraph (c) becomes paragraph (b), and paragraph (d) becomes paragraph (c).

Subpart E

EDA proposing revising the heading for this subpart to ''Protective Provisions.'' As revised, Subpart E would include §§ 315.13 and 315.14. EDA proposes moving the requirements regarding persons engaged by firms to expedite petitions and Adjustment Proposals as found in the current § 315.14 (Certifications) and the requirements regarding conflicts of interest that are contained the current § 315.15 (Conflicts of interest), both of which are found in the current Subpart C, to Subpart E. EDA believes this reorganization and new location will make it easier for firms to read and understand the regulations and will help clarify that these provisions apply to firms at all stages of the TAAF process.

Section 315.13

EDA proposes moving the requirements for firms to certify in writing to EDA the names of any attorneys, agents, and other Persons engaged by or on behalf of the firm for the purpose of expediting Petitions for Adjustment Assistance and the fees paid or to be paid to any such Person, as found in the current § 315.14, to § 315.13. EDA proposes further revising these requirements by clarifying, in paragraph (a), that they apply to both Adjustment Assistance and Adjustment Proposals.

Section 315.14

EDA proposes moving the requirements found in the current § 315.15 to § 315.14. EDA also proposes revising these requirements by modifying the list of firm representatives subject to the conflicts of interest requirements to parallel the list of firm representatives identified in the revised § 315.13. With this revision, § 315.14 applies the conflict of interest requirements to the ''owners, partners, members, directors or officers'' of the firm, replacing the prior language applying these requirements to the ''owners, partners, or officers'' of the firm.

Subpart F

EDA proposes adding Subpart F, entitled ''International Trade Commission Investigations.'' Subpart F sets forth, through § 315.15—what actions EDA takes when the ITC makes an affirmative finding under the Trade Act or under sections 705 or 735 of the Tariff Act regarding injury or threat of injury to an industry.

Section 315.15

EDA proposes revising the heading of this section to ''Affirmative Findings.'' EDA also proposes removing the designation ''(a)'' from the first paragraph of this section and eliminating paragraphs (b) and (c) to reflect the fact that EDA, historically,

has not provided Adjustment Assistance for the establishment of industry-wide programs for new product development, export development, or other uses consistent with the purposes of the Trade Act because there has been no demand for such programs. As noted above in the discussion regarding proposed changes to the definition of *Adjustment Assistance* in § 315.2, firms within impacted industries have sought Adjustment Assistance through TAAF on an individual basis rather than through industry-wide solutions. EDA also provides expedited review of petitions and Adjustment Plans from firms within industries that have received an injury determination by the ITC. This individualized approach enables EDA to support adjustments at the firm level, while having a cumulative impact at the industry level.

EDA proposes further revising this section by correcting the citation, within the first paragraph, to read ''section 202(b) of the Trade Act'' with a lower case (b) as is used in the Trade Act. EDA also proposes citing to the codified form of the relevant section of the Trade Act, 19 U.S.C. 2252, within that first paragraph and updating the paragraph by including a reference to sections 705 and 735 of the Tariff Act (19 U.S.C. 1671d, 1673d). Furthermore, EDA proposes replacing within this paragraph the language stating that EDA will provide to firms in the identified industry assistance in the preparation and processing of petitions and applications for benefits; EDA instead will include language establishing notification to the TAACs and expedited review of petitions and Adjustment Plans from firms within the specified industry. EDA believes these revisions more clearly describe the assistance EDA provides to industries in response to determinations made by the International Trade Commission under the Trade and Tariff Acts.

Part II: Updates to PWEDA Regulations

PWEDA Background

PWEDA is EDA's organic authority and is the primary legal authority under which EDA awards grants. Other legal authorities include the Trade Act and the Stevenson-Wydler Technology Innovation Act of 1980. Under PWEDA, EDA provides financial assistance to both rural and urban distressed communities by fostering entrepreneurship, innovation, and productivity through investments in infrastructure development, capacity building, and business development in order to attract private capital investments and new and better jobs to regions experiencing substantial and persistent economic distress.

Overview of PWEDA Regulations Proposed for Elimination

EDA proposes eliminating certain provisions within part 302 of the PWEDA regulations that are unnecessary or already established in other regulations or award documentation. Specifically, EDA is proposing to eliminate the regulations located at 13 CFR 302.4, 302.5, and 302.14. These regulations describe: The responsibilities of EDA grant recipients to maintain records, how information supplied to EDA may be subject to public release under the Freedom of Information Act or Privacy Act, how government auditors may need access to various records, and that grant recipients are subject to the government-wide relocation assistance and land acquisition policies. These regulations can be removed because notice is already provided to grant recipients through other Department of Commerce-wide or government-wide regulations as well as in specific documentation EDA provides to each grant recipient. Specifically, recipients of EDA financial assistance are already subject to the requirements related to the Freedom of Information Act or Privacy Act currently described in § 302.4 through 15 CFR part 4 and the Standard Terms and Conditions of an EDA award. Similarly, the relocation and land acquisition policies currently found in § 302.5 are already applicable to all EDA financial assistance recipients under government-wide regulations found at 49 CFR part 24. Finally, the record-keeping requirements currently located in § 302.14 duplicate the requirements of Section 608 of PWEDA (42 U.S.C. 3218), 2 CFR 200.333 and 200.336, and the Standard Terms and Conditions of an EDA award.

In addition, EDA is proposing the elimination of 13 CFR 302.11. Beginning with the enactment of the original section 502 of PWEDA (42 U.S.C. 3192) in 1998, Congress has required EDA to maintain an economic development information clearinghouse on matters related to economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities. See Public Law 105–393. With the EDA Reauthorization Act of 2004 (Pub. L. 108–373 (Oct. 27, 2004)), Congress amended section 502 to require EDA to, among other things, maintain this information clearinghouse online. The current regulation adds nothing of value to the requirements already in place under section 502 and consequently should be eliminated.

Classification

Prior notice and opportunity for public comment are not required for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). EDA's programs, including TAAF, are financial assistance programs provided through grants and cooperative agreements. As such, prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553, or any other law, and the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Executive Orders No. 12866, 13563, and 13771

This proposed rule was drafted in accordance with Executive Orders 12866, 13563, and 13771. The Office of Management and Budget (OMB) has determined that this proposed rule is not significant for purposes of Executive Order 12866 and Executive Order 13563.

This proposed rule is a deregulatory action that has a neutral effect on the costs to firms, organizations, and all other stakeholders to comply with the regulations discussed in this NPRM. It is therefore considered to have a total incremental cost of zero pursuant to the April 5, 2017, OMB guidance memorandum implementing Executive Order 13771.

Congressional Review Act

This proposed rule is not major under the Congressional Review Act (5 U.S.C. 801 *et seq.*).

Executive Order No. 13132

Executive Order 13132 requires agencies to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in Executive Order 13132 to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' It has been determined that this proposed rule does not contain policies that have federalism implications.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA'') requires that a Federal agency consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA § 3507(d), obtain approval from OMB for each collection of information it conducts, sponsors, or requires through regulations. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the PRA unless that collection displays a currently valid OMB Control Number.

The following table provides the only collection of information (and corresponding OMB Control Numbers) set forth in this proposed rule. This collection of information is necessary for the proper performance and functions of EDA. The proposed rule does not include a new information collection requirement and will, thus, use the previously approved ED–840p form to collect information relevant to a petition for certification of eligibility for trade adjustment assistance.

Part or section of this proposed rule	Nature of request	Form/title/OMB control No.
315.7(b)	All firms seeking certification of eligibility to apply for trade adjustment assistance must complete the ED–840p form, which provides EDA with the information needed to determine if a firm is eligible to apply for trade adjustment assistance.	ED–840p, Petition by a firm for Certification of Eligibility to Apply for Trade Adjustment Assistance (0610–0091).

List of Subjects

13 CFR Part 302

Community development, Grant programs-business, Grant programs-housing and community development, Technical assistance.

13 CFR Part 315

Administrative practice and procedure, Community development, Grant programs-business, Reporting and recordkeeping requirements, Trade adjustment assistance.

For the reasons discussed above, EDA proposes to amend 13 CFR, chapter III as follows:

PART 302—GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE

■ 1. The authority citation of part 302 continues to read as follows:

Authority: 19 U.S.C. 2341 *et seq.;* 42 U.S.C. 3150; 42 U.S.C. 3152; 42 U.S.C. 3153; 42 U.S.C. 3192; 42 U.S.C. 3193; 42 U.S.C. 3194; 42 U.S.C. 3211; 42 U.S.C. 3212; 42 U.S.C. 3216; 42 U.S.C. 3218; 42 U.S.C. 3220; 42 U.S.C. 5141; 15 U.S.C. 3701; Department of Commerce Delegation Order 10–4.

§ § 302.4 and 302.5 [Removed]

■ 2. Remove §§ 302.4 and 302.5.

§ 302.11 [Removed]

■ 3. Remove § 302.11.

§ 302.14 [Removed]

■ 4. Remove § 302.14.

PART 315—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

■ 5. Revise the authority citation of part 315 to read as follows:

Authority: 19 U.S.C. 2341 *et seq.,* as amended by Division B, Title I, Subtitle I, Part II of Pub. L. 111–5, 42 U.S.C. 3211; Pub. L. 111–344, 124 Stat. 3611; Pub. L. 112–40, 125 Stat. 401; Pub. L. 113–203; Pub. L. 114–27; Department of Commerce Delegation Order 10–4.

■ 6. Revise § 315.1 to read as follows:

§ 315.1 Purpose and Scope

Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341–2355) establishes the responsibilities of the Secretary of Commerce concerning the Trade Adjustment Assistance for Firms (TAAF) program. The regulations in this part lay out those responsibilities as delegated to EDA by the Secretary. EDA executes these responsibilities through cooperative agreements that support a network of Trade Adjustment Assistance Centers (TAACs). The TAACs assist Firms in petitioning EDA for certification of eligibility to receive Adjustment Assistance. EDA certifies the eligibility of Firms. The TAACs then provide Adjustment Assistance to Firms through the development and implementation of Adjustment Proposals.

■ 7. Amend § 315.2 by:

■ a. Revising the introductory paragraph;

■ b. Revising the definitions for ''Adjustment Assistance'', ''Adjustment Proposal'', ''Decreased Absolutely'', and ''Directly Competitive''*;*

■ c. Amending the definition of ''Firm'' by revising the introductory text and paragraph (4);

■ d. Revising the definitions of ''Increase in Imports'', ''Partial Separation'', ''Service Sector Firm'', and ''Total Separation''; and

■ c. Adding in alphabetical order a definition for ''Unjustifiable Benefits''.

The revisions and additions read as follows:

§ 315.2 Definitions

In addition to the defined terms set forth in § 300.3 of this chapter, the following terms used in this part shall have the meanings set forth below:

Adjustment Assistance means technical assistance provided to Firms by TAACs under chapter 3 of title II of the Trade Act. The type of assistance provided is determined by EDA and may include one or more of the following:

(1) Assistance in preparing a Firm's petition for certification of eligibility;

(2) Assistance to a Certified Firm in developing an Adjustment Proposal for the Firm; and

(3) Assistance to a Certified Firm in implementing an Adjustment Proposal.

Adjustment Proposal means a Certified Firm's plan for improving the Firm's competitiveness in the marketplace.

* * * * *

Decreased Absolutely means a firm's sales or production has declined by a minimum of five percent relative to its sales or production during the applicable prior time period, and this decline is:

* * * * *

Directly Competitive or Like means imported articles or services that compete with and are substantially equivalent for commercial purposes (*i.e.,* are adapted for the same function or use and are essentially interchangeable) as the Firm's articles or services. For the purposes of this term, any Firm that engages in exploring or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.

Firm means an individual proprietorship, partnership, joint venture, association, corporation (includes a development corporation),

business trust, cooperative, trustee in bankruptcy or receiver under court decree, and includes fishing, agricultural or service sector entities and those which explore, drill or otherwise produce oil or natural gas. *See also* the definition of Service Sector Firm. Pursuant to section 259 of chapter 3 of title II of the Trade Act (19 U.S.C. 2351), a Firm, together with any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same person, may be considered a single Firm where necessary to prevent Unjustifiable Benefits. For purposes of receiving benefits under this part, when a Firm owns or controls other Firms, the Firm and such other Firms may be considered a single Firm when they produce or supply like or Directly Competitive articles or services or are exerting essential economic control over one or more production facilities. Accordingly, such other Firms may include a(n):

(1) * * *

(4) *Subsidiary*—a company (either foreign or domestic) that is wholly owned or effectively controlled by another company. A Firm that has been acquired by another Firm but which maintains operations independent of the acquiring Firm is considered an *Independent Subsidiary* and may be considered separately from the acquiring Firm as eligible for TAAF assistance.

Increase in Imports means an increase in imports of Directly Competitive or Like Articles or Services with articles produced or services supplied by a Firm.

* * * * *

Partial Separation occurs when there has been no increase in overall employment at the Firm and either of the following applies:

* * * * *

Service Sector Firm means a Firm engaged in the business of supplying services.

* * * * *

Total Separation means the laying off or termination of employment of an employee in a Firm for lack of work.

Unjustifiable Benefits means Adjustment Assistance inappropriately accruing to the benefit of:

(1) Other Firms that would not otherwise be eligible when provided to a Firm; or

(2) Any predecessor or successor Firm, or any affiliated Firm controlled or substantially beneficially owned by substantially the same person, rather than treating these entities as a single Firm.

§ § 315.4 and 315.5 [Amended]

■ 8. Transfer §§ 315.4 and 315.5 from subpart A to subpart B;

■ 9. Revise subparts B through E and add subpart F to read as follows:

Subpart B—TAAC Provisions

Sec.
315.4 TAAC Selection and Operation
315.5 The Role and Geographic Coverage of the TAACs

Subpart C—Certification of Firms

Sec.
315.6 Certification Requirements
315.7 Processing Petitions for Certification
315.8 Hearings
315.9 Loss of Certification Benefits
315.10 Appeals, Final Determinations and Termination of Certification

Subpart D—Adjustment Proposals

Sec.
315.11 Adjustment Proposal Process
315.12 Adjustment Proposal Requirements

Subpart E—Protective Provisions

Sec.
315.13 Persons Engaged by Firms to Expedite Petitions and Adjustment Proposals.
315.14 Conflicts of Interest

Subpart F—International Trade Commission Investigations

Sec.
315.15 Affirmative Findings.

Subpart B—TAAC Provisions

§ 315.4 TAAC Selection and Operation.

(a) EDA solicits applications from organizations interested in operating a TAAC through Notice of Funding Opportunity announcements laying out selection and award criteria. The following entities are eligible to apply:

(1) Universities or affiliated organizations;

(2) States or local governments; or

(3) Non-profit organizations.

(b) Entities selected to operate the TAACs are awarded cooperative agreements and work closely with EDA and import-impacted firms. TAAC cooperative agreements are subject to all Federal laws and to Federal, Department, and EDA policies, regulations, and procedures applicable to Federal financial assistance awards, including 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

§ 315.5 The Role and Geographic Coverage of the TAACs.

(a) TAACs are available to assist Firms in obtaining Adjustment Assistance in all 50 U.S. States, the District of Columbia and the Commonwealth of Puerto Rico. TAACs provide Adjustment Assistance in accordance with this part either through their own staffs or by arrangements with outside consultants. Information concerning TAACs and their coverage areas may be obtained from the TAAC website at *http://www.taacenters.org* or from EDA at *http://www.eda.gov.*

(b) Prior to submitting a petition for Adjustment Assistance to EDA, a Firm should determine the extent to which a TAAC can provide the required Adjustment Assistance. EDA will provide Adjustment Assistance through TAACs whenever EDA determines that such assistance can be provided most effectively in this manner. Requests for Adjustment Assistance will be made through TAACs.

(c) A TAAC generally provides Adjustment Assistance by:

(1) Helping a Firm to prepare its petition for eligibility certification; and

(2) Assisting Certified Firms with diagnosing their strengths and weaknesses, and with developing and implementing an Adjustment Proposal.

Subpart C—Certification of Firms

§ 315.6 Certification Requirements.

(a) *General.* Firms apply for certification through a TAAC by completing a petition for certification. The TAAC will assist Firms in completing such petitions at no cost to the Firms. EDA evaluates Firms' petitions based on the requirements set forth in § 315.7. EDA may certify a Firm as eligible to apply for Adjustment Assistance under section 251(c) of the Trade Act (19 U.S.C. 2341) if it determines that the petition for certification meets one of the minimum certification thresholds set forth in paragraph (b) of this section. In order to be certified, a Firm must meet the criteria listed under any one of the 5 circumstances described in paragraph (b) of this section.

(b) *Minimum certification thresholds.* (1) *Twelve-month decline.* Based upon a comparison of the most recent 12-month period for which data are available and the immediately preceding twelve-month period:

(i) A Significant Number or Proportion of Workers in the Firm has undergone Total or Partial Separation or a Threat of Total or Partial Separation;

(ii) Either sales or production, or both, of the Firm has Decreased Absolutely; or sales or production, or both, of any article or service that accounted for not less than 25 percent of the total production or sales of the Firm during the 12-month period preceding the most recent 12-month period for which data are available have Decreased Absolutely; and

(iii) An Increase in Imports has Contributed Importantly to the applicable Total or Partial Separation or Threat of Total or Partial Separation, and to the applicable decline in sales or production or supply of services.

(2) *Twelve-month versus twenty-four month decline.* Based upon a comparison of the most recent 12-month period for which data are available and the immediately preceding 24-month period:

(i) A Significant Number or Proportion of Workers in the Firm has undergone Total or Partial Separation or a Threat of Total or Partial Separation;

(ii) Either average annual sales or production, or both, of the Firm has Decreased Absolutely; or average annual sales or production, or both, of any article or service that accounted for not less than 25 percent of the total production or sales of the Firm during the 24-month period preceding the most recent 12-month period for which data are available have Decreased Absolutely; and

(iii) An Increase in Imports has Contributed Importantly to the applicable Total or Partial Separation or Threat of Total or Partial Separation, and to the applicable decline in sales or production or supply of services.

(3) *Twelve-month versus thirty-six month decline.* Based upon a comparison of the most recent 12-month period for which data are available and the immediately preceding 36-month period:

(i) A Significant Number or Proportion of Workers in the Firm has undergone Total or Partial Separation or a Threat of Total or Partial Separation;

(ii) Either average annual sales or production, or both, of the Firm has Decreased Absolutely; or average annual sales or production, or both, of any article or service that accounted for not less than 25 percent of the total production or sales of the Firm during the 36-month period preceding the most recent 12-month period for which data are available have Decreased Absolutely; and

(iii) An Increase in Imports has Contributed Importantly to the applicable Total or Partial Separation or Threat of Total or Partial Separation, and to the applicable decline in sales or production or supply of services.

(4) *Interim sales or production decline.* Based upon an interim sales or production decline:

(i) Sales or production has Decreased Absolutely for, at minimum, the most recent six-month period during the most recent 12-month period for which data are available as compared to the same six-month period during the immediately preceding 12-month period;

(ii) During the same base and comparative period of time as sales or production has Decreased Absolutely, a Significant Number or Proportion of Workers in such Firm has undergone Total or Partial Separation or a Threat of Total or Partial Separation; and

(iii) During the same base and comparative period of time as sales or production has Decreased Absolutely, an Increase in Imports has Contributed Importantly to the applicable Total or Partial Separation or Threat of Total or Partial Separation, and to the applicable decline in sales or production or supply of services.

(5) *Interim employment decline.* Based upon an interim employment decline:

(i) A Significant Number or Proportion of Workers in such Firm has undergone Total or Partial Separation or a Threat of Total or Partial Separation during, at a minimum, the most recent six-month period during the most recent 12-month period for which data are available as compared to the same six-month period during the immediately preceding 12-month period; and

(ii) Either sales or production of the Firm has Decreased Absolutely during the 12-month period preceding the most recent 12-month period for which data are available; and

(iii) An Increase in Imports has Contributed Importantly to the applicable Total or Partial Separation or Threat of Total or Partial Separation, and to the applicable decline in sales or production or supply of services.

(c) EDA may consider as evidence of an Increase in Imports a certification from the Firm's customers that account for a significant percentage of the Firm's decrease in sales or production, that they have increased their purchase of imports of Directly Competitive or Like Articles or Services from a foreign country, either absolutely or relative to their acquisition of such Like Articles or Services from suppliers located in the United States. Such certification from a Firm's customer must be submitted directly to a TAAC or to EDA.

§ 315.7 Processing Petitions for Certification.

(a) Firms shall consult with a TAAC for guidance and assistance in the preparation of their petitions for certification.

(b) A Firm seeking certification shall complete a *Petition by a Firm for Certification of Eligibility to Apply for Trade Adjustment Assistance* (Form ED–840P or any successor form) with the following information about such Firm:

(1) Identification and description of the Firm, including legal form of organization, economic history, major ownership interests, officers, directors, management, parent company, Subsidiaries or Affiliates, and production and sales facilities;

(2) Description of goods or services supplied or sold;

(3) Description of imported Directly Competitive or Like Articles or Services with those produced or supplied;

(4) Data on its sales, production and employment for the applicable 24-month, 36-month, or 48-month period, as required under § 315.6(b);

(5) One copy of a complete auditor's certified financial report for the entire period covering the petition, or if not available, one copy of the complete profit and loss statements, balance sheets and supporting statements prepared by the Firm's accountants for the entire period covered by the petition. In addition, publicly-owned corporations should also submit copies of the most recent Form 10–K annual reports (or Form 10–Q quarterly reports, as appropriate) filed with the U.S. Securities and Exchange Commission for the entire period covered by the petition.

(6) Information concerning customers accounting for a significant percent of the Firm's decline and the customers' purchases (or the Firm's unsuccessful bids, if there are no customers fitting this description); and

(7) Such other information as EDA considers material.

(c) EDA shall determine whether the petition has been properly prepared and can be accepted. Promptly thereafter, EDA shall notify the petitioner that the petition has been accepted or advise the TAAC that the petition has not been accepted, but may be resubmitted at any time without prejudice when the specified deficiencies have been corrected. Any resubmission will be treated as a new petition.

(d) EDA will publish a notice of acceptance of a petition in the **Federal Register**.

(e) EDA will initiate an investigation to determine whether the petitioner meets the requirements set forth in section 251(c) of the Trade Act (19 U.S.C. 2341) and § 315.6.

(f) A petition for certification may be withdrawn if EDA receives a request for withdrawal submitted by the petitioner before EDA makes a certification determination or denial. A Firm may submit a new petition at any time thereafter in accordance with the requirements of this section and § 315.6.

(g) Following acceptance of a petition, EDA will:

(1) Make a determination based on the Record as soon as possible after the petitioning Firm or TAAC has submitted all requested material. In no event may the determination period exceed 40 calendar days from the date on which EDA accepted the petition; and

(2) Either certify the petitioner as eligible to apply for Adjustment Assistance or deny the petition. In either event, EDA shall promptly give written notice of action to the petitioner. Any written notice to the petitioner of a denial of a petition shall specify the reason(s) for the denial. A petitioner shall not be entitled to resubmit a petition within one year from the date of denial unless EDA waives the one-year limitation for good cause.

§ 315.8 Hearings.

EDA will hold a public hearing on an accepted petition if the petitioner or any interested Person found by EDA to have a Substantial Interest in the proceedings submits a request for a hearing no later than 10 calendar days after the date of publication of the notice of acceptance in the **Federal Register**, under the following procedures:

(a) The petitioner or any interested Person(s) shall have an opportunity to be present, to produce evidence and to be heard.

(b) A request for public hearing must be delivered by hand or by registered mail to EDA. A request by a Person other than the petitioner shall contain:

(1) The name, address and telephone number of the Person requesting the hearing; and

(2) A complete statement of the relationship of the Person requesting the hearing to the petitioner and the subject matter of the petition, and a statement of the nature of the requesting party's interest in the proceedings.

(c) If EDA determines that the requesting party does not have a Substantial Interest in the proceedings, a written notice of denial shall be sent to the requesting party. The notice shall specify the reasons for the denial.

(d) If EDA determines that the requesting party does have a Substantial Interest in the proceedings, EDA shall publish a notice of a public hearing in the **Federal Register**, containing the subject matter, name of petitioner, and date, time and place of the hearing.

(e) EDA shall appoint a presiding officer for the hearing who shall respond to all procedural questions.

§ 315.9 Loss of Certification Benefits.

EDA may terminate a Firm's certification or refuse to extend Adjustment Assistance to a Firm for any of the following reasons:

(a) The Firm failed to submit an acceptable Adjustment Proposal within two years after date of certification. While approval of an Adjustment Proposal may occur after the expiration of such two-year period, a Firm must submit an acceptable Adjustment Proposal before such expiration.

(b) The Firm failed to submit documentation necessary to start implementation or modify its request for Adjustment Assistance consistent with its Adjustment Proposal within six months after approval of the Adjustment Proposal, where two years have elapsed since the date of certification. If the Firm anticipates needing a longer period to submit documentation, it should indicate the longer period in its Adjustment Proposal. If the Firm is unable to submit its documentation within the allowed time, it should notify EDA in writing of the reasons for the delay and submit a new schedule. EDA has the discretion to accept or refuse a new schedule.

(c) EDA has denied the Firm's request for Adjustment Assistance, the time period allowed for the submission of any documentation in support of such request has expired, and two years have elapsed since the date of certification.

(d) The Firm failed to diligently pursue an approved Adjustment Proposal, and five years have elapsed since the date of certification.

§ 315.10 Appeals, Final Determinations and Termination of Certification.

(a) Any petitioner may appeal in writing to EDA from a denial of certification, provided that EDA receives the appeal by personal delivery or by registered mail within 60 calendar days from the date of notice of denial under § 315.7(g). The appeal must state the grounds on which the appeal is based, including a concise statement of the supporting facts and applicable law. The decision of EDA on the appeal shall be the final determination within the Department. In the absence of an appeal by the petitioner under this paragraph, the determination under § 315.7(g) shall be final.

(b) A Firm, its representative or any other interested domestic party aggrieved by a final determination under paragraph (a) of this section may, within 60 calendar days after notice of such determination, begin a civil action in the United States Court of International Trade for review of such determination, in accordance with section 284 of the Trade Act (19 U.S.C. 2395).

(c) Whenever EDA determines that a Certified Firm no longer requires Adjustment Assistance or for other good cause, EDA will terminate the certification and promptly publish notice of such termination in the **Federal Register**. The termination will take effect on the date specified in the published notice. EDA shall immediately notify the petitioner and shall state the reasons for any termination.

Subpart D—Adjustment Proposals

§ 315.11 Adjustment Proposal Process.

(a) Firms certified in accordance with the procedures described in §§ 315.6 and 315.7 must prepare an Adjustment Proposal and submit it to EDA for approval within two years after the date of Certification.

(b) EDA determines whether to approve the Adjustment Assistance requested in the Adjustment Proposal based upon the evaluation criteria set forth in § 315.12 of this subpart. Upon approval, a Certified Firm may submit a request to the TAAC for Adjustment Assistance to implement an approved Adjustment Proposal. Firms must begin implementation within six months after approval. Firms that do not begin implementation within six months after approval must update, re-submit their Adjustment Proposal, and request re-approval before any Adjustment Assistance may be provided.

(c) EDA will make a determination regarding the Adjustment Proposal no later than 60 calendar days upon receipt of the Adjustment Proposal.

(d) Adjustment Assistance is subject to the following matching share requirements:

(1) Each Certified Firm must pay at least 25 percent of the cost of preparing its Adjustment Proposal. Each Certified Firm requesting $30,000 or less in total Adjustment Assistance in its approved Adjustment Proposal must pay at least 25 percent of the cost of that Adjustment Assistance. Each Certified Firm requesting more than $30,000 in total Adjustment Assistance in its approved Adjustment Proposal must pay at least 50 percent of the cost of that Adjustment Assistance. Certified Firms may request no more than the amount as established by EDA for total Adjustment Assistance over the entire lifetime of the firm.

(e) Firms may request EDA approval to amend their Adjustment Plans within two years from the date of EDA approval of their initial Adjustment Plan.

(f) Firms must complete implementation of their Adjustment

Plans within five years of EDA approval of their initial Adjustment Plan.

(g) If a Certified Firm is transferred, sold, or otherwise acquired by another Firm during the five-year period of Adjustment Assistance, the Firm must notify EDA no later than 30 calendar days following the transfer, sale, or acquisition. EDA will then make a determination as to whether the Firm remains eligible for Adjustment Assistance. EDA will make this determination no later than 60 calendar days following notification by the Firm.

(h) In accordance with Section 255A of chapter 3 of title II of the Trade Act (19 U.S.C. 2345a), Firms that receive Adjustment Assistance must provide data regarding the Firms' sales, employment, and productivity upon completion of the program and each year for the two-year period following completion.

§ 315.12 Adjustment Proposal Requirements.

EDA evaluates Adjustment Proposals based on the following:

(a) The Adjustment Proposal must include a description of any Adjustment Assistance requested to implement such proposal, including financial and other supporting documentation as EDA determines is necessary, based upon either:

(1) An analysis of the Firm's problems, strengths and weaknesses and an assessment of its prospects for recovery; or

(2) If EDA so determines, other available information;

(b) The Adjustment Proposal must:

(1) Be reasonably calculated to contribute materially to the economic adjustment of the Firm (*i.e.,* that such proposal will constructively assist the Firm to establish a competitive position in the same or a different industry);

(2) Give adequate consideration to the interests of a sufficient number of separated workers of the Firm, by providing, for example, that the Firm will:

(i) Give a rehiring preference to such workers;

(ii) Make efforts to find new work for a number of such workers; and

(iii) Assist such workers in obtaining benefits under available programs; and

(3) Demonstrate that the Firm will make all reasonable efforts to use its own resources for its recovery, though under certain circumstances, resources of related Firms or major stockholders will also be considered; and

(c) The Adjustment Assistance identified in the Adjustment Proposal must consist of specialized consulting services designed to assist the Firm in becoming more competitive in the global marketplace. For this purpose, Adjustment Assistance generally consists of knowledge-based services such as market penetration studies, customized business improvements, and designs for new products. Adjustment Assistance does not include expenditures for capital improvements or for the purchase of business machinery or supplies.

Subpart E—Protective Provisions

§ 315.13 Persons Engaged by Firms to Expedite Petitions and Adjustment Proposals.

EDA will provide no Adjustment Assistance to any Firm unless the owners, partners, members, directors or officers thereof certify in writing to EDA:

(a) The names of any attorneys, agents, and other Persons engaged by or on behalf of the Firm for the purpose of expediting Petitions for such Adjustment Assistance or Adjustment Proposals; and

(b) The fees paid or to be paid to any such Person.

§ 315.14 Conflicts of Interest.

EDA will provide no Adjustment Assistance to any Firm under this part unless the owners, partners, members, directors or officers thereof execute an agreement binding them and the Firm for a period of two years after such Adjustment Assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any Person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which involved discretion with respect to the provision of such Adjustment Assistance.

Subpart F—International Trade Commission Investigations

§ 315.15 Affirmative Findings.

Whenever the International Trade Commission makes an affirmative finding under section 202(b) of the Trade Act (19 U.S.C. 2252) that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry or under sections 705 or 735 of the Tariff Act (19 U.S.C. 1671d, 1673d), EDA will notify the TAACs and provide expedited review of petitions and Adjustment Plans from Firms within the specified industry.

Dated: August 12, 2019.

John Fleming,

Assistant Secretary of Commerce for Economic Development.

[FR Doc. 2019–17710 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2019–0330; Notice No. 25–19–05–SC]

Special Conditions: The Boeing Company Model 777–9 Series Airplane; Overhead Flight Attendant Rest Compartment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for The Boeing Company (Boeing) Model 777–9 series airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is associated with the installation of an overhead flight attendant rest (OFAR) compartment. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before October 3, 2019.

ADDRESSES: Send comments identified by Docket No. FAA–2019–0330 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Shannon Lennon, Airframe and Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3209; email *shannon.lennon@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On April 24, 2018, The Boeing Company applied for an amendment to Type Certificate No. T00001SE to include the new Model 777–9 series airplane. The Boeing Model 777–9 series airplane, which is a derivative of the 777–300ER currently approved under Type Certificate No. T00001SE, is a twin-engine, transport category airplane with seating for up to 495 passengers depending upon airplane configuration, and a maximum takeoff weight of approximately 775,000 lbs.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the Model 777–9 series airplane continues to meet the applicable provisions of part 25, as amended by amendments 25–1 through 25–139, and parts 26, 34, and 36, and the regulations listed in Type Certificate No. T00001SE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 777–9 series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 777–9 series airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Boeing Model 777–9 series airplane will incorporate the following novel or unusual design features:

This airplane will have an installation of an OFAR compartment. The OFAR compartment of the Boeing Model 777–9 series airplane is unique to part 25 due to its design, location, and use on the airplane. This compartment is particularly unique in that it is located in the overhead area of the passenger compartment and crewmembers may occupy this compartment for crew rest purposes during flight.

Discussion

Boeing has previously installed certified OFAR compartments on Boeing Model 777 series airplanes in varied locations, such as the main passenger seating area, the overhead space above the main passenger cabin seating area, and below the passenger cabin seating area within the cargo compartment. In each case, the Administrator determined that the applicable regulations did not provide all of the necessary requirements because each installation had unique features by virtue of its design, location, and use on the airplane.

When the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16. The special conditions contain safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

For the Boeing Model 777–9 series airplane, the OFAR compartment is located in the overhead space, above the main passenger cabin seating area, adjacent to Door 5. The OFAR compartment will contain six, eight, or ten private berths depending upon customer configuration. Additionally, only trained crewmembers will occupy the OFAR compartment in flight, not during taxi, takeoff, or landing. Crewmembers will access the OFAR compartment from the main deck by stairs through a vestibule. In addition, a secondary evacuation route, which opens directly into the main passenger seating area, will be available as an alternate route for evacuating occupants of the compartment. The compartment will provide a smoke detection system, an oxygen system, and occupant amenities.

This Boeing Model 777–9 series airplane OFAR compartment is unique to part § 25.853 (a), (e), and (h) due to its design, location, and use on the airplane. This compartment is particularly unique in that it is located in the overhead area of the passenger compartment and crewmembers may occupy this compartment for crew rest purposes during flight. Due to the novel or unusual features associated with the installation of this compartment, the FAA considers special conditions necessary to provide a level of safety equal to that established by the airworthiness regulations incorporated by reference in the G–1 Issue Paper for the Boeing Model 777–9 series airplane.

Boeing originally requested that Special Conditions No. 25–230–SC (68 FR 17513, April 9, 2003) for the OFAR compartment be made applicable to the Boeing Model 777–9 series airplane via collector issue paper. Subsequent to the issuance of Special Conditions No. 25–

230–SC, the FAA issued Special Conditions No. 25–419–SC (76 FR 10482, February 25, 2011), for OFAR compartments allowed to be occupied during flight on Boeing Model 787 series airplanes. In consideration of these special conditions, which reflect the current methodology for addressing remote OFAR compartments, new special conditions are proposed for the Boeing Model 777–9 series airplanes.

The proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 777–9 series airplane. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Boeing Model 777–9 series airplane.

Overhead Flight Attendant Rest (OFAR) Special Conditions

1. OFAR Compartment Occupancy. Occupancy of the OFAR compartment is limited to the total number of installed bunks and seats in each compartment. An approved seat or berth—able to withstand the maximum flight loads when occupied for each occupant permitted in the OFAR compartment—must be available. Maximum occupancy in the OFAR compartment is six, eight, or ten crewmembers during flight depending upon customer configuration.

a. Appropriate placards must be located inside and outside each entrance to the OFAR compartment to indicate:

(1) The maximum number of occupants allowed during flight.

(2) Occupancy is restricted to crewmembers who are trained in the evacuation procedures for the OFAR compartment.

(3) Occupancy is prohibited during taxi, take-off, and landing.

(4) Smoking is prohibited in the OFAR compartment.

(5) That stowage in the OFAR compartment must be limited to emergency equipment, airplane-supplied equipment (*e.g.,* bedding), and crew personal luggage; the stowage of cargo and passenger baggage is not allowed.

b. At least one ashtray must be located on both the inside and the outside of any entrance to the OFAR compartment.

c. A limitation in the airplane flight manual, or other means, must be established to restrict occupancy to crewmembers, which the pilot in command has determined to be trained in the emergency procedures for the OFAR compartment.

d. A limitation in the airplane flight manual, or other means, must be established to restrict occupancy to crewmembers that have received training to be able to rapidly use the evacuation routes of the OFAR compartment.

e. A means must be in place for any door installed between the OFAR compartment and the passenger cabin to be quickly opened from inside the compartment, even when crowding occurs at each side of the door.

f. For all doors installed in the OFAR compartment, a means must be in place that precludes anyone from being trapped inside the OFAR compartment. If a manufacturer or operator installs a locking mechanism on a door, it must be capable of being unlocked from the outside without the aid of special tools. The lock must not prevent opening from the inside of the OFAR compartment at any time.

g. The means of opening doors and hatches to the OFAR compartment must be simple and obvious. Crewmembers must be able to close OFAR compartment doors and hatches from the main passenger cabin. Doors or hatches that separate the OFAR compartment from the main deck must not adversely affect evacuation of occupants on the main deck, for example, by slowing evacuation by encroaching into aisles, or causing injury to those occupants during opening of doors, or while doors are opened.

2. Emergency Evacuation Routes. At least two emergency evacuation routes must be available for occupants of the OFAR compartment to evacuate rapidly to the main cabin. OFAR compartment doors must be able to close these evacuation routes from the main passenger cabin after evacuation. In addition—

a. These routes must be located with sufficient separation within the OFAR compartment to minimize the possibility of an event either inside or outside of the OFAR compartment rendering both routes inoperative.

b. The routes must be designed to minimize the possibility of blockage, which might result from fire, mechanical or structural failure, or persons standing below or against the OFAR compartment outlets.

c. One of the two OFAR evacuation routes should not be located where egress from the OFAR compartment may be impeded, during times when normal movement or occupancy is allowed, or evacuation by passengers occurs (for example, the main aisle, cross aisle, or galley complex). If an evacuation route is in an area where normal movement of passengers occurs, it must be demonstrated that passengers would not impede egress to the main deck.

d. If low headroom is at or near the evacuation route, provisions must be made to prevent or to protect occupants of the OFAR compartment from head injury.

e. Use of evacuation routes must not depend on any powered device.

f. If an OFAR compartment outlet is over an area of passenger seats, a maximum of five passengers may be displaced from their seats temporarily during the process of evacuating an incapacitated person(s).

g. If an evacuation procedure involves the evacuee stepping on seats, the seats must not be damaged to the extent that they would not be acceptable for occupancy during an emergency landing.

h. OFAR compartment emergency evacuation procedures—including procedures for emergency evacuation of an incapacitated occupant from the OFAR compartment—must be established. The applicant must transmit all of these procedures to each operator for incorporation into its training programs and appropriate operational manuals

i. A limitation must be included in the airplane flight manual, or other suitable means, to require that crewmembers are trained in the use of the OFAR compartment evacuation routes.

3. Evacuation of Incapacitated Person. A means must be available for evacuating an incapacitated person (representative of a 95th percentile male) from the OFAR compartment to the passenger cabin floor.

4. Exit Signs and Placards. The applicant must provide the following exit signs and placards in the OFAR compartment, which meet the following criteria:

a. At least one exit sign, located near each OFAR compartment outlet, meeting the emergency lighting requirements of § 25.812(b)(1)(i).

b. One allowable exception is an exit sign having a reduced background area of no less than 5.3 square inches (excluding the letters) that is installed where the material surrounding the exit sign is light in color (such as white, cream, or light beige).

c. If the material surrounding the exit sign is not light in color, a sign with a minimum of a one-inch-wide background border around the letters is acceptable. Another allowable exception in an OFAR compartment is a sign with a symbol that the FAA has determined to be equivalent for use as an exit sign that meets § 25.811(d).

d. An appropriate placard for general access located conspicuously on or near each OFAR compartment door or hatch that defines the location and the operating instructions for access to and operation of the outlet door or hatch.

e. Placards must be readable from a distance of 30 inches under emergency lighting conditions.

f. The door handles, hatch handles, and operating-instruction placards required by Special Condition 4(d) of these special conditions must be illuminated to at least 160 micro lamberts under emergency lighting conditions.

5. Emergency Illumination. A means must be available, in the event of failure of the aircraft's main power system, and of the normal OFAR compartment lighting system, for emergency illumination to be automatically provided for the OFAR compartment.

a. This emergency illumination must be powered independent of the main lighting system.

b. The sources of general cabin illumination may be common to both the emergency and the main lighting systems, if the power supply to the emergency lighting system is independent of the power supply to the main lighting system.

c. The emergency illumination level must be sufficient to allow occupants of the OFAR compartment to locate and move to the main passenger cabin floor by means of each evacuation route.

d. The emergency illumination level must be sufficient, with the privacy curtains in the closed position, for each occupant of the OFAR compartment to locate a deployed oxygen mask required by Special Condition 13 of these special conditions.

6. Two-Way Voice Communications. A means must be available for two-way voice communications between crewmembers on the flight deck and occupants of the OFAR compartment.

a. Two-way communications must also be available between occupants of the OFAR compartment and each flight attendant station in the passenger cabin that is required per § 25.1423(g) to have a microphone for the public address system.

b. The public address system must be able to communicate the relevant safety information to the crewmembers in the OFAR compartment (for example, fire in flight, aircraft depressurization, and preparation of the compartment for landing).

7. Emergency Alarm System. A means must be available for manual activation of an aural emergency alarm system, audible during normal and emergency conditions that enable crewmembers on the flight deck and at each pair of the required floor-level emergency exits to alert occupants of the OFAR compartment of an emergency. The use of a public address or crew interphone system is acceptable, provided an adequate means of differentiating between normal and emergency communications is incorporated. The system must be powered in flight and after the shutdown or failure of all engines and auxiliary power units for a period of at least ten minutes.

8. Seatbelt Fasten Signal. A signal, readily detectable by seated or standing occupants of the OFAR compartment, must be in place to indicate when seat belts should be fastened.

a. If the OFAR compartment has no seats, at least one means must be provided to cover anticipated turbulence (*e.g.,* sufficient handholds).

b. Seatbelt-type restraints must be provided for berths and must be compatible for the sleeping position during cruise conditions.

c. A placard on each berth must require that these restraints be fastened when occupied.

d. If compliance with any of the other requirements of these special conditions predicates a specific head position, a placard must identify that head position.

9. Protective Breathing Equipment (PBE). In lieu of the requirements specified in § 25.1439(a) pertaining to PBE in isolated compartments, and to provide a level of safety equivalent that is provided to occupants of an isolated galley, the following equipment must be provided in the OFAR compartment:

a. Two PBE devices suitable for firefighting, or one PBE for each hand-held fire extinguisher, whichever is greater. All PBE devices must be approved to Technical Standard Order (TSO)-C116 or equivalent.

b. At least one approved, hand-held fire extinguisher appropriate for the kinds of fires likely to occur.

c. One flashlight.

Note: Additional PBE devices and fire extinguishers in specific locations, beyond the minimum numbers prescribed in Special Condition 9, may be required as a result of the egress analysis accomplished to satisfy Special Condition 2(a) of these special conditions.

10. Smoke and fire detection system. Smoke and fire detection system(s) must be provided that monitor each occupiable area within the OFAR compartment, including those areas partitioned by curtains or doors. The applicant must conduct flight tests to show compliance with this requirement. Each smoke or fire detection system(s) must provide:

a. A visual indication to the flight deck within one minute after the start of a fire.

b. An aural warning in the OFAR compartment.

c. An aural or visual warning in the main passenger cabin. This warning must be readily detectable by a flight attendant, taking into consideration the locations of flight attendants throughout the main passenger compartment during various phases of flight.

11. Built-in fire suppression system. The OFAR compartment must be designed such that fires within the compartment can be controlled without a crewmember having to enter the compartment (*i.e.,* built-in fire suppression system), or the design of the access provisions must allow crewmembers equipped for firefighting to have unrestricted access to the compartment. The time for a crewmember on the main deck to react to the fire alarm, to don the firefighting equipment, and to gain access must not exceed the time for the compartment to become smoke-filled, making it difficult to locate the fire source. The acceptable duration that a built-in fire suppression system can be maintained must be verified by certification flight-testing.

12. Hazardous Smoke and Extinguishing Agent. The applicant must provide a means to prevent hazardous quantities of smoke or extinguishing agent originating in the OFAR compartment from entering the

flight deck, passenger cabin, or any other occupiable compartment.

a. Small quantities of smoke may penetrate from the OFAR compartment into other occupied areas during the one-minute smoke detection time.

b. Firefighting procedures must ensure that crewmembers close all doors and hatches at the OFAR compartment outlets after evacuation of the compartment and during firefighting to minimize smoke and extinguishing agent entering other occupiable compartments.

c. Hazardous quantities of smoke may not enter any occupied compartment while a crewmember accesses an OFAR compartment to manually fight a fire there. The amount of smoke entrained by a crewmember exiting the OFAR compartment is not considered a hazardous amount.

d. Smoke entering any occupiable compartment, when access to the OFAR compartment is open for evacuation, must dissipate within five minutes after the access to the OFAR compartment is closed.

e. The applicant must conduct flight tests to show compliance with this requirement.

13. Supplemental Oxygen System. A supplemental oxygen system within the OFAR compartment that supplies oxygen in the event of decompression must provide the following:

a. At least one oxygen mask for each seat and berth in the OFAR compartment.

b. If a destination area, such as a changing area, is provided in the OFAR compartment, an oxygen mask must be readily available for each occupant who can reasonably be expected to be in the destination area. The maximum number of required oxygen masks within the destination area is limited to the placarded maximum occupancy of the OFAR compartment.

c. An oxygen mask must be readily accessible to each occupant who can reasonably be expected to be moving from the main cabin into the OFAR compartment, moving around within the OFAR compartment, or moving from the OFAR compartment to the main cabin.

d. The supplemental oxygen system must provide an aural and visual alert to warn occupants of the OFAR compartment to don oxygen masks in the event of decompression.

(1) The aural and visual alerts must activate concurrently with deployment of the oxygen masks in the passenger cabin.

(2) To compensate for sleeping occupants, the aural alert must be heard in each section of the OFAR compartment and must sound continuously for a minimum of five minutes or until a reset switch within the OFAR compartment is activated.

(3) A visual alert that informs occupants that they must don an oxygen mask must be visible in each section.

e. A means must be in place by which oxygen masks in the OFAR compartment can be manually deployed from the flight deck.

f. The applicant must establish approved procedures for OFAR occupants in the event of decompression. The applicant must transmit these procedures must be transmitted to the operator for incorporation into its training programs and appropriate operational manuals.

g. The supplemental oxygen system for the OFAR compartment must meet the same 14 CFR part 25 regulations for the supplemental oxygen system for the passenger cabin occupants, except for the 10 percent additional masks requirement of 14 CFR 25.1447(c)(1).

h. The illumination level of the normal OFAR compartment lighting system must automatically be sufficient for each occupant of the compartment to locate a deployed oxygen mask.

14. Divided OFAR Compartments. The following requirements apply to OFAR compartments that are divided into several sections by the installation of curtains or partitions:

a. A placard is required adjacent to each curtain that visually divides or separates, for example, for privacy purposes, the OFAR compartment into smaller sections. The placard must require that the curtain(s) remains open when that section is unoccupied. The vestibule section adjacent to the stairway is not considered a private section and, therefore, does not require a placard.

b. For each section of the OFAR compartment created by the installation of a curtain, the following requirements of these special conditions must be met with the curtain open or closed:

(1) No-smoking placard (Special Condition 1),

(2) Emergency illumination (Special Condition 5),

(3) Aural emergency alarm system (Special Condition 7),

(4) Seatbelt-fasten signal or return-to-seat signal as applicable (Special Condition 8),

(5) Smoke or fire detection system requirement (Special Condition 10), and

(6) Oxygen system (Special Condition 13).

c. OFAR compartments that are divided by curtains to the extent that evacuation could be adversely affected must have exit signs directing occupants to the primary stairway outlet. The exit signs must be provided in each separated section of the OFAR compartment, except for curtained bunks, and must meet requirements of § 25.812(b)(1)(i). An exit sign with reduced background area or a symbolic exit sign, as described in Special Condition 4(a), may be used to meet this requirement.

d. For OFAR compartments that are divided using an installation of a rigid partition with a door separating the sections, the following requirements of these special conditions must be met with the door open or closed:

(1) A secondary evacuation route from each section to the main deck is required, or alternatively, the applicant must show that any door between the sections precludes anyone from being trapped inside a section of the compartment. The applicant must consider removal of an incapacitated occupant from within this area. A secondary evacuation route from a small room designed for only one occupant for a short time duration, such as a changing area or lavatory, is not required, but the applicant must consider removal of an incapacitated occupant from within such a small room.

(2) Any door between the sections must be shown to be openable when crowded against, even when crowding occurs at each side of the door.

(3) No more than one door may be located between any seat or berth and the primary stairway door.

(4) In each section, exit signs meeting requirements of § 25.812(b)(1)(i), or shown to have an equivalent level of safety, must direct occupants to the primary stairway outlet. An exit sign with reduced background area or a symbolic exit sign, as described in Special Condition 4(a), may be used to meet this requirement.

(5) Special Conditions 1 (no-smoking placards), 5 (emergency illumination), 7 (emergency alarm system), 8 (fasten-seatbelt signal or return to seat signal as applicable), 10 (smoke or fire detections system), and 13 (oxygen system) must be met with the door open or closed.

(6) Special Condition 6 (two-way voice communication) and 9 (Emergency firefighting and protective equipment) must be met independently for each separate section except for lavatories or other small areas that are not intended to be occupied for extended periods of time.

15. Waste Disposal Receptacle. If a waste-disposal receptacle is fitted in the OFAR compartment, it must be equipped with an automatic fire

extinguisher that meets the performance requirements of § 25.854(b).

16. OFAR Compartment Materials. Materials (including finishes or decorative surfaces applied to the materials) of OFAR compartments must comply with flammability requirements of § 25.853(a) as amended by Amendment 25–116. Seat cushions and mattresses must comply with the flammability requirements of § 25.853(c) as amended by Amendment 25–116 and the test requirements of part 25, appendix F, part II, or other equivalent methods.

17. OFAR Compartment Lavatory. An addition of a lavatory within the OFAR compartment requires the lavatory to meet the same requirements as a lavatory installed on the main deck except with regard to Special Condition 10 for smoke detection.

18. OFAR Compartment Stowage. Each stowage compartment in the OFAR compartment, except for under seat compartments for occupant convenience, must be completely enclosed. All enclosed stowage compartments within the OFAR compartment that are not limited to stowage of emergency equipment or airplane-supplied equipment (*e.g.,* bedding) must meet the design criteria described in table 1 of these special conditions. Enclosed stowage compartments greater than 200 ft^3 in interior volume are not addressed by this special condition. The in-flight accessibility of very large, enclosed, stowage compartments and the subsequent impact on the crewmembers' ability to effectively reach any part of the compartment with the contents of a hand-held fire-extinguishing system will require additional fire-protection considerations similar to those required for inaccessible compartments such as Class C cargo compartments.

TABLE 1—DESIGN CRITERIA FOR ENCLOSED STOWAGE COMPARTMENTS NOT LIMITED TO STOWAGE OF EMERGENCY OR AIRPLANE-SUPPLIED EQUIPMENT

Fire protection features	Applicability of fire protection requirements by interior volume		
	Less than 25 cubic feet	25 cubic feet to less than 57 cubic feet	57 cubic feet to 200 cubic feet
Compliant Materials of Construction [a]	Yes	Yes	Yes.
Smoke or Fire Detectors [b]	No	Yes	Yes.
Liner [c]	No	Conditional	Yes.
Fire Location Detector [d]	No	Yes	Yes.

a. Materials of Construction: The material used in constructing each enclosed stowage compartment must at least be fire resistant and must meet the flammability standards established for interior components (*i.e.,* 14 CFR part 25 Appendix F, Parts I, IV, and V) per the requirements of § 25.853. For compartments less than 25 ft.^{3} in interior volume, the design must ensure the ability to contain a fire likely to occur within the compartment under normal use.

b. Smoke or Fire Detectors: Enclosed stowage compartments equal to or exceeding 25 ft.^{3} in interior volume must be provided with a smoke or fire detection system to ensure that a fire can be detected within a one-minute detection time. The applicant must conduct flight tests to show compliance with this requirement. Each smoke or fire detection system(s) must provide:

(1) A visual indication to the flight deck within one minute after the start of a fire.

(2) An aural warning in the OFAR compartment.

(3) A warning in the main passenger cabin. This warning must be readily detectable by a flight attendant, taking into consideration the locations of flight attendants throughout the main passenger compartment during various phases of flight.

c. Stowage compartment liner.

(1) If the material used in constructing the stowage compartment meets the flammability requirements of a liner for a Class B cargo compartment (§ 25.855 at Amendment 25–116, and Appendix F, part I, paragraph (a)(2)(ii)), then no liner is required for enclosed stowage compartments equal to or greater than 25 ft.^{3}, but less than 57 ft.^{3} in interior volume.

(2) For all enclosed stowage compartments equal to or greater than 57 ft.^{3} in interior volume, but less than or equal to 200 ft.^{3}, a liner must be provided that meets the requirements of § 25.855 for a Class B cargo compartment.

d. Fire Location Detector: If an OFAR compartment has enclosed stowage compartments exceeding 25 ft.^{3} interior volume that are located separately from the other stowage compartments central location, such as the entry to the OFAR compartment or other common area, that OFAR compartment requires additional fire protection features and devices to assist a firefighter in determining the location of that fire.

Issued in Des Moines, Washington, on August 13, 2019.

Mary A. Schooley,

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

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

[Docket No. CPSC–2019–0020]

Performance Requirements for Residential Gas Furnaces and Boilers; Advance Notice of Proposed Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) is considering developing a rule to address the risk of injury and death associated with carbon monoxide (CO) production and leakage from residential gas furnaces and boilers. This advance notice of proposed rulemaking (ANPR) initiates a rulemaking proceeding under the Consumer Product Safety Act (CPSA). We invite comments concerning the risk of injury associated with CO production and leakage from residential gas furnaces and boilers, the alternatives discussed in this ANPR, and other possible alternatives for addressing the risk. We also invite interested parties to submit existing voluntary standards or a statement of intent to modify or develop a voluntary standard that addresses the risk of injury described in this document.

DATES: Submit comments by October 18, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2019–0020, by any of the following methods:

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

Written Submissions: Submit written submissions by mail/hand delivery/courier 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 document. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *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–2019–0020, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Ronald A. Jordan, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2219; email: *rjordan@cpsc.gov.*

SUPPLEMENTARY INFORMATION: The CPSC [1] is publishing an ANPR to possibly develop a rule to address the risk of injury and death associated with CO production and leakage from residential gas furnaces and boilers.

I. Background

The Commission is aware of numerous injuries and deaths resulting from CO poisoning caused by residential gas furnaces and boilers. Gas-fired central furnaces and boilers historically have been among the leading causes of non-fire CO poisoning deaths associated with consumer products. To address this risk, CPSC staff reviewed incident data for residential gas furnaces and boilers and determined that residential gas furnaces and boilers were involved in a significant number of fatalities and injuries from CO poisoning. From 2013 to 2015, there were 57 deaths (average 19 deaths per year) related to residential gas furnaces and boilers reported to CPSC. In addition, an estimated 7,590 injuries related to CO poisoning associated with residential gas furnaces and boilers were reported to CPSC from 2013 to 2015.

In the late 1980s, the voluntary standards for a variety of gas appliances, including gas furnaces and boilers, were revised to address some of the operating, installation, or usage conditions of the products that could result in hazards, such as fire, explosion, and leakage of CO into the living space. Despite revisions to the voluntary standards that addressed some CO hazards, gas furnaces and boilers continue to be the second leading cause of CO deaths (portable generators are the leading cause of CO deaths [2] among all consumer products) and the leading cause among all heating systems. CPSC staff has advocated for more effective performance requirements for gas furnaces and boilers since 1993 to protect consumers from CO hazards that were not addressed by the voluntary standards for these products.

Starting in 2000, CPSC staff sought to address CO hazards at the source of production (*i.e.,* in the heat exchanger and flue passageways) in these appliances by working with voluntary standards organizations proposing [3] that that they add ''CO shutoff/response'' provisions to the voluntary standards. Despite repeated requests from CPSC staff for the U.S. standards development organizations (SDO) to address the CO risk at the source of production in gas appliances, and the existence of the Japanese and European performance requirements for CO and combustion product sensors, voluntary standards in the United States have not adopted similar requirements to address the CO hazard. The rationale U.S. SDOs cited for not adopting similar requirements is that the CO and combustion product-sensing devices needed to implement the requirements must have a 20-year lifespan and that no such devices are currently available.

The Commission is considering developing a mandatory standard to reduce the risk of death and injury associated with CO production and leakage from residential gas furnaces and boilers. CPSC staff prepared a briefing package to describe the products at issue, further assess the relevant incident data, examine relevant voluntary standards, and discuss options for addressing the risk associated with residential gas furnaces and boilers. That briefing package is available at: *https://www.cpsc.gov/s3fs-public/Draft%20ANPR%20-%20Performance%20Requirements%20for%20Residential%20Gas%20Furnaces%20and%20Boilers.pdf?izgUebOXOcPhQ51iScglAVrv0NbIb_rB.*

II. Relevant Statutory Provisions

To address the risk of injury associated with CO production and leakage from residential gas furnaces and boilers, the Commission is considering developing a mandatory safety standard. The rulemaking falls under the CPSA. 15 U.S.C. 2051–2089. Under section 7 of the CPSA, the Commission may issue a consumer product safety standard if the requirements of the standard are ''reasonably necessary to prevent or reduce an unreasonable risk of injury associated with [a] product.'' *Id.* 2056(a). The safety standard may consist of performance requirements or requirements for warnings and instructions. *Id.* However, if there is a voluntary standard that would adequately reduce the risk of injury the Commission seeks to address, and there is likely to be substantial compliance with that standard, then the Commission must rely on the voluntary standard, instead of issuing a mandatory standard. *Id.* 2056(b)(1). To issue a mandatory standard under section 7, the Commission must follow the procedural and substantive requirements in section 9 of the CPSA. *Id.* 2056(a).

Under section 9 of the CPSA, the Commission may begin rulemaking by issuing an ANPR. *Id.* 2058(a). The ANPR must identify the product and the nature of the risk of injury associated with it; summarize the regulatory alternatives the Commission is considering; and include information

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

[2] *Non-Fire Carbon Monoxide Deaths Associated with the Use of Consumer Products. 2015 Annual Estimates,* Hnatov, M. December 2018.

[3] Jordan, R., CO shutoff/response proposal letter Canadian Standards Association International, CPSC. November 2000.

about any relevant existing standards, and why the Commission preliminarily believes those standards would not adequately reduce the risk of injury associated with the product. The ANPR also must invite comments concerning the risk of injury and regulatory alternatives and invite the public to submit existing standards or a statement of intent to modify or develop a voluntary standard to address the risk of injury. *Id.* 2058(a).

After publishing an ANPR, the Commission may proceed with rulemaking by reviewing the comments received in response to the ANPR and publishing a notice of proposed rulemaking (NPR). An NPR must include the text of the proposed rule, alternatives the Commission is considering, a preliminary regulatory analysis describing the costs and benefits of the proposed rule and the alternatives, and an assessment of any submitted standards. *Id.* 2058(c). The Commission would then review comments on the NPR and decide whether to issue a final rule, along with a final regulatory analysis.

III. The Product

The ANPR covers residential, gas-fired central furnaces, boilers, wall furnaces, and floor furnaces (gas furnaces and boilers). These appliances are fueled by natural gas or propane (gas). Residential gas furnaces and boilers are vented gas heating appliances that are used to heat all categories of consumer dwellings, including single family homes, townhomes, condominiums, and multifamily dwellings, as well as small- to medium-sized commercial dwellings. These products provide heat to a dwelling by burning a mixture of fuel (either natural gas or propane) and air within the combustion chamber of a heat exchanger. As the mixture of fuel and air is burned, heat is released and transferred through the wall of the heat exchanger to the medium surrounding the heat exchanger and circulated through air ducts or water pipes throughout the dwelling, or into the ambient air to provide heat. Burning the mixture of fuel and air results in the formation of combustion products that are typically composed of oxygen, carbon dioxide, water vapor, and CO. When the mixture of fuel and air is burned completely, the concentration of CO produced should remain relatively low, typically below 50 parts per million (ppm), depending on the design of the gas appliance. The combustion products are exhausted to the outdoors through a vent system.

In a gas-fired central furnace, air is the medium that surrounds and is heated by the heat exchanger. A large fan is used to force the heated air across the exterior surfaces of the heat exchanger, through a duct system, and then the heated air exits the duct system through warm air registers in each room within the dwelling. In a gas boiler, water in the liquid phase or vapor phase (*i.e.,* steam) is the medium that surrounds and is heated by the heat exchanger. The heated water or steam is circulated, using a pump to force the fluid through a piping system to radiators in each room of the dwelling. Heat is transferred from the heated water or steam supplied to the radiators to the room through radiative and conductive heat transfer. Gas-fired central furnaces and boilers are considered central heating appliances, because they provide heat to each room of a dwelling. The combustion products of gas-fired central furnaces and boilers are vented to the outdoors, either vertically through the roof, or horizontally through a side wall through the vent pipe.

In addition to central gas-fired furnaces and boilers, the ANPR also covers gas wall furnaces and gas floor furnaces. As their names indicate, gas wall furnaces are installed in wall spaces, typically between the wall stud framing members; and floor furnaces are installed in the floor, typically between the floor joist framing members. Wall furnaces and floor furnaces both provide localized heating directly to the room in which they are located, and indirectly to adjoining rooms within the dwelling. The combustion products of wall furnaces are vented to the outdoors, either vertically through the roof, or horizontally through a side wall with the vent pipe running along the length of the wall studs between which the unit is installed. The combustion products of a floor furnace are typically vented horizontally through a side wall, with the vent pipe normally running along the length of the floor joists between which the unit is installed and through an exterior wall.

IV. Market Information

Of the gas appliances covered by this ANPR, central gas-fired furnaces are the type most commonly used in U.S. households. Natural gas and propane central furnaces are the primary heating equipment in 50.3 million homes; from 2.6 to 3.1 million units were shipped annually between 2013 and 2017. Gas boilers are the next most commonly used heating appliances in U.S. homes, accounting for the main heating source in 6.8 million U.S. homes and about 390,000 annual shipments. The average product life of gas furnaces (including boilers) ranges from 15 to 20 years. Floor and wall furnaces are less common than central furnaces and boilers, but they still accounted for heating in 800,000 U.S. homes. No annual shipment data were available for floor or wall furnaces.

V. Risk of Injury

A. Incident Data

1. Fatalities

In 2015, (the latest time period for which data are available) there were an estimated 175 unintentional, non-fire CO poisoning deaths associated with consumer products under the CPSC's jurisdiction.[4] Of that number, heating systems were associated with an estimated 37 (21 percent) of the deaths. Gas furnaces and boilers (liquefied petroleum, natural gas, and unspecified gas) were associated with the largest share of CO deaths (19 deaths or 51 percent) among heating systems and the second largest share (11 percent) among all consumer products. For the 11-year period, 2005 through 2015, gas furnaces accounted for 248 CO deaths (44 percent) among heating appliances, and 14 percent among all consumer products.

2. Injury Estimates

Staff estimates that annually there were about 1,850 gas furnace or boiler non-fire, CO-related injuries treated between 2013 and 2015 at U.S. hospital emergency departments (EDs).[5] Combined with estimates of medically attended injuries that were treated outside of hospital EDs, and using estimates from the CPSC's Injury Cost Model (ICM),[6] staff estimates an average

[4] *Non-Fire Carbon Monoxide Deaths Associated with the Use of Consumer Products 2015 Annual Estimates.* M. Hnatov. CPSC Directorate for Epidemiology. December 2018.

[5] Physicians have noted difficulty in correctly diagnosing these injuries (*e.g.,* Aniol, 1992). Carbon monoxide poisoning may mimic many conditions, including alcohol or drug intoxication, psychiatric disorders, flulike illnesses, and others conditions that can lead to misdiagnoses (ibid). Measurement of HbCO levels in the blood can also be confounded, based on the time elapsed and any breathing treatment administered that can lower counts before measurement. Absent an attempt to provide NEISS cases where carbon monoxide was diagnosed, however, it would not be possible to compute nonfatal injuries. Thus, a potential underestimate was deemed more practical than assuming the injury costs would be zero. Aniol, M.J. *Carbon Monoxide Toxicity: The Difficulty in Diagnosing This Leading Cause of Poisoning.* Can Fam Physician. 1992 2123–2134, 2174.

[6] The ICM is fully integrated with NEISS and uses empirical relationships between the characteristics of injuries and victims initially treated in hospital EDs and those treated elsewhere, to estimate the number of medically attended injuries treated outside of hospital EDs.

of 7,590 non-fire, CO-related injuries annually between 2013 and 2015, which were associated with gas furnaces and boilers. This includes the estimate from NEISS of 1,850 ED-treated injuries and an additional 5,750 medically attended cases not treated in EDs.

B. Hazard Patterns

CPSC staff routinely relies on in-depth investigations (IDIs) to understand failure modes and conditions that reportedly caused or contributed to incidents involving the production and leakage of dangerous levels of CO into the living space. For CO exposure to occur from a vented gas appliance, two conditions typically must exist. First, a condition must exist that prevents complete combustion of the fuel. Second, there must be a path or mechanism that allows or causes combustion products, including CO, to leak from the flue passageways or vent system of the gas appliance into the living space. In 2012, CPSC staff conducted reviews of CO-related IDIs that involved ''modern'' (*i.e.,* manufactured after 1989) gas furnace or boiler. [7] Of these incidents involving ''modern'' gas appliances, staff identified two primary concurrent hazard patterns for CO exposure:

- A condition that resulted in production of a hazardous level of CO by the appliance; and
- a condition that allowed hazardous CO to leak into a living space.

Staff confirmed that the failure modes that led to production of dangerous levels of CO included too much fuel (*i.e.,* ''overfiring'') to the appliance or inadequate air for combustion. The failure modes that led to leakage of CO into the living space included: Disconnected or breached vents; blocked vents, heat exchangers, or chimneys; depressurization of the space or back drafting of exhaust products; and improper venting. Staff also determined that the majority of the CO incidents occurred from appliances that were reported to be 15 years old or less at the time of the incident, and the average age of appliances involved in CO incidents was 9.6 years. The average age of the appliances indicates that these products were ''modern'' appliances equipped with the latest safety devices, and that these safety devices were not capable of protecting against CO exposure.

From review of CO-related IDIs, staff has been able to establish the following hazard patterns for gas appliances:

Incomplete combustion: Complete combustion of hydrocarbon fuels, such as natural gas or liquefied petroleum gas (LP-gas or propane), requires a proper mixture of air (*i.e.,* combustion air) and fuel, as well as an adequate amount of heat to ignite the combustion air-fuel mixture. Incomplete combustion of the fuel supplied to gas appliances can lead to production of hazardous levels of CO and can occur when the following conditions exist:

- *Inadequate combustion air:* Inadequate air for combustion supplied to an appliance occurs when: (1) Air openings to the appliance combustion chamber or burner assembly are blocked; (2) combustion air inlet piping (in the case of direct vent appliances) to the appliance is blocked; (3) the exhaust outlet from the appliance is blocked; (4) the appliance is installed in a room that does not have a large enough volume to provide the proper amount of air for combustion; or (5) the appliance is installed in a smaller room or closet that does not have adequately sized combustion and ventilation air openings to support proper combustion.
- *Too much fuel (i.e., over-firing):* Causes of over-firing can occur when the appliance gas manifold pressure is too high, causing the quantity of fuel delivered to the burner to be too high for complete combustion of the fuel/air mixture. This causes incomplete combustion of the fuel/air mixture and production of CO. This scenario can occur as a result of improper adjustment by a service technician or a product defect or component failure/malfunction associated with the gas valve or the burner orifice.
- *Reduced flame temperature:* Inadequate or reduced flame temperature can occur when the appliance burner is misaligned, causing the burner flame to come into contact with a metal surface within the combustion chamber. Because the metal surface is much cooler than the burner flame, direct contact will cause a greater rate of heat transfer from the flame to the metal, resulting in a reduction in the flame temperature (*i.e.,* flame quenching). Depending on the severity and duration, all of these conditions can result in incomplete combustion of the fuel.

Exhaust leakage: Combustion products from a gas furnace or boiler are normally vented to remove them from the home. However, a potential CO hazard in a home can arise when a path or mechanism exists that allows or causes CO to leak from the flue passageways or vent system of the gas appliance into the living space. Typical leakage paths include: (1) A totally or partially blocked vent, chimney, or heat exchanger; or (2) a disconnected vent pipe, or a hole in the vent pipe. Sometimes leakage can occur when an exhaust fan or fireplace is installed in the same room, or in a room adjacent to a gas appliance. The actions of the exhaust fan or a warm chimney created by the fireplace can have the effect of pulling air out of the room in which the gas appliance is installed. This action can depressurize the room, resulting in reverse flow of the combustion products through the appliance vent system or flue passageways. Instead of being vented safely to the outdoors, depressurization can cause combustion products, including CO, to spill into the living space. Other mechanisms that can lead to spilling include a vent with lower capacity than the gas appliance(s) connected to it. This can be caused by total or partial vent blockage, installation of a vent pipe that is too small, or the connection of so many appliances to the vent that the vent is rendered too small.

VI. Existing Voluntary and International Standards

A. U.S. Voluntary Standards

1. Description of Existing U.S. Voluntary Standards

The four gas appliance types within the scope of the ANPR are covered by the following domestic ANSI Z21 voluntary standards:

- ANSI Z21.13, *Standard for Gas-Fired Low Pressure Steam and Hot Water Boilers*

This standard specifies the construction and performance requirements for gas-fired, low-pressure steam and hot water boilers with input ratings of less than 12,500,000 Btu/hr (3,663 kW). The first edition of the standard was published in 1934 and has been revised several times, with the latest edition published in 2017.

- ANSI Z21.47, *Standard for Gas-Fired Central Furnaces*

This standard specifies the construction and performance requirements for gas-fired central furnaces with input ratings up to and including 400,000 Btu/hr (117 kW). The requirements for gas-fired central furnaces were initially included in ANSI Z21.13, before becoming a separate standard in 1964. From 1978 through 1993, a separate standard for direct vent central furnaces (ANSI Z21.64) was in place before being consolidated into a single standard and harmonized with Canadian standard requirements in 1993, with the latest edition published in 2016.

[7] Jordan, R., Updated Review of In-Depth Investigations Associated with Carbon Monoxide Poisoning and ''Modern'' Gas Furnaces and Boilers. CPSC. September 2012.

• ANSI Z21.86, *Standard for Vented Gas-Fired Space Heating Appliances*

This standard specifies the construction and performance requirements for vented gas-fired space-heating appliances with input ratings up to and including 400,000 Btu/hr (117 kW), including vented room heaters (Parts III and IV), gravity and fan-type direct-vent wall furnaces (Parts V and VI), gravity and fan-type wall furnaces (Part VII), gravity and fan-type vented wall furnaces (VIII), and gravity and fan-type floor furnaces for the United States only (Parts IX and X). The scope of this ANPR only includes gravity and fan-type direct-vent wall furnaces (Parts V and VI), and gravity and fan-type floor furnaces (IX and X). The ANSI Z21.86 standard was first published in 1998, with the latest edition published in 2016; however, individual standards for gravity and fan-type direct-vent wall furnaces and gravity and fan-type floor furnaces predate this standard and were likely covered in the first edition of ANSI Z21.13.

The voluntary standards listed above all require the appliances to:

• Not produce CO in excess of 400 ppm;

• shut off when vent or flue is fully blocked;

• shut off when blower door is not sealed properly (gas-fired central furnaces only);

• shut off if flames issue outside of the burner inlet openings.

2. Assessment of Existing U.S. Voluntary Standards

Despite the requirements of the ANSI Z21 voluntary standards, as well as a number of improvements to these standards that have been made over the years, these standards do not include requirements to protect against many of the failure modes or conditions that have been associated with production and leakage of CO into living spaces of U.S. households. Furthermore, the voluntary standards requirements do not address the long-term use of the products once installed in a dwelling or the various conditions that can cause or contribute to CO production and leakage. There are a number of leakage paths or mechanisms by which CO can leak into a living space; however, the ANSI Z21 standards for gas furnaces, boilers, wall furnaces, and floor furnaces only address leakage caused by a totally blocked vent. Staff has identified a variety of conditions that are not addressed by the ANSI requirements. Those conditions include, but are not limited to:

• Disconnected or breached flues, vents, and chimneys;

• partially blocked heat exchangers, flues, vents, and chimneys;

• over-fired appliances; and

• inadequate combustion air to appliances.

Based on the hazard patterns identified in the staff's review of fatal CO poisoning incidents involving gas appliances, requirements to address CO risk at the source of production, before potentially deadly levels of CO can enter the living space, would reduce the occurrence of CO-related deaths, injuries, and exposures associated with gas furnaces, boilers, wall and floor furnaces.

In 2015, CPSC staff proposed requirements for CO shutoff/response to the respective voluntary standards development organizations for gas-fired central furnaces, boilers, wall furnaces, and floor furnaces. Staff's proposal would have required the appliance to limit the production of CO below a threshold level, or for the appliance to shut off when CO emissions in the combustion chamber, flue passageways, or vent pipe exceed a hazardous level. The 2015 staff proposal was supported by the proof-of-concept testing [8] previously conducted by CPSC staff in 2001, 2004, and 2007, and by current standards for gas appliances in Europe and Japan, which include similar requirements to use combustion sensors to regulate CO production and shut down the appliance or modulate its performance if CO production exceeds a specified safe level. To date, no revisions to the ANSI Z21 voluntary standards have been made that incorporate staff's proposed performance requirements to address the hazard patterns discussed above. Therefore, the existing ANSI Z21 voluntary standards currently do not adequately address the risk of injury and death associated with CO production and leakage from residential gas furnaces and boilers for the reasons discussed above.

B. International Standards

1. Japanese Gas Appliance Standards

The primary gas heating appliances used in Japan appear to be gas water heaters, gas boilers, and gas space heaters. Based on our limited review of the Japanese gas appliance market, instantaneous, tankless gas water heaters appear to be more common than traditional gas water heaters with storage tanks. The governing voluntary performance and safety standards for these appliances in Japan are:

• JIS–S–2109—*Gas burning water heaters for domestic use*

• JIS–S–2112—*Gas hydronic heating appliances for domestic use* [9]

• JIS–S–2122—*Gas burning space heaters for domestic use.*

These Japanese Industrial Standards (JIS) have explicit performance requirements for vented gas water heaters, gas boilers, and gas space heaters that require shutoff of the appliance in response to CO levels above a certain threshold (*i.e.,* 300 ppm CO). The CO-detection strategies used by Japanese manufacturers include detection of CO within the combustion chamber of the appliance and shutoff or combustion control in response to detection of hazardous levels of CO.

Although gas water heaters are not within the scope of the ANPR, the Japanese standard, JIS–S–2109, is relevant because the combustion process and technology involved in heating water is similar to the combustion process and technology used for gas furnaces and boilers sold in the United States. In addition, the Japanese standard's CO shutoff requirements are similar to CPSC staff's 2000 and 2015 CO shutoff/response proposals, and the CO detection and combustion components are applicable to gas furnaces and boilers sold in the United States.

To protect against CO exposure, JIS–S–2109 includes requirements that vented gas water heaters be equipped with what they call an ''Incomplete Combustion Prevention Device'' (ICPD). A gas appliance experiencing incomplete combustion means that the fuel is not being burned or combusted completely, and as a result, can produce elevated concentrations of CO. Section 7.7.6 of JIS–S–2109, Incomplete Combustion Preventive Device of FE includes requirements that the water

[8] This testing was initially used to support a CO shutoff/response requirements proposed by CPSC staff to the same voluntary standards organizations in 2001.

[9] JIS–S–2112 and JIS–S–2122 were not available in English. To confirm the existence of incomplete combustion preventive device requirements with these standards, the table of contents and sections of the standards pertaining to incomplete combustion, carbon monoxide, and CO were translated from Japanese to English using: *https://www.bing.com/search?q=translate+from+japanese+to+english&form=IENTHT&mkt=en-us&httpsmsn=1&refig=ffc0d5a3070d45d3c5187baeb690b6dd&sp=1&ghc=1&qs=AS&pq=translate+from+japanese+to+english&sc=8-34&cvid=ffc0d5a3070d45d3c5187baeb690b6dd.* Staff's partial translation and review of these standards confirmed that they both included requirements for devices to prevent incomplete combustion to protect against CO poisoning and that were consistent with the requirements in JIS–S–2109.

heater shut off when CO concentrations reach 0.03 percent (300 ppm) [10] in:

- The room in which the water heater is installed; and
- the adjacent room.

According to the Japanese Standards Association (JSA), the Incomplete Combustion Preventative Device provisions in JIS–S–2109 have been required since 2001. JSA also indicated that JIS–S–2109 does not have separate performance standards for ICPDs, requirements for a minimum life span for the device, and that these devices are replaced, if necessary, based on use and functionality. All of the performance requirements for ICPDs are specified in JIS–S–2109. In addition, JIS–S–2109 includes flame roll-out and blocked vent requirements (respectively, similar to the Flame Roll-Out and Blocked Vent Safety requirements in ANSI Z21.13 and ANSI Z21.47).

Another similarity between the ICPD requirements of JIS–S–2109 and CPSC staff's 2000 and 2015 CO shutoff/response proposals is that they both necessitate that the device be within the harsh environment of appliance combustion chamber, flue passageways, or vent system.

2. European Gas Appliance and Combustion Sensor Standards

Gas boilers are a common space-heating appliance used throughout Europe in residential settings, and they are similar in design and function to residential gas boilers certified to ANSI Z21.13 and sold in the United States. The relevant European Committee for Standardization (CEN) domestic gas boiler standards are:

- EN 15502–1, *Gas-fired heating boilers, Part 1: General requirements and tests;*
- EN 15502–2–1, *Gas-fired central heating boilers, Part 2–1: Specific standard for type C appliances and type B2, B3 and B5 appliances of a nominal heat input not exceeding 1000 kW;* and
- EN 15502–2–2, *Gas-fired central heating boilers, Part 2–2: Specific standard for type B1 appliances.*

These standards (EN 15502–1, EN 15502–2–1, and EN 15502–2–2) include requirements to ensure the proper supply of combustion air and gas to the combustion process (*i.e.,* air proving) through the use of one of the following mechanisms:

- Carbon Monoxide (EN 15502–1, EN 15502–2–1, and EN 15502–2–2);
- Supervision of the combustion air pressure or the combustion products pressure (EN 15502–1);
- Supervision of the combustion air rate or the combustion products rate (EN 15502–2–1 and EN 15502–2–2);
- Gas/air ratio control (EN 15502–1, EN 15502–2–1, and EN 15502–2–2); or
- Indirect supervision (*e.g.,* fan speed supervision) (EN 15502–1).

The second and third bullets listed above, Supervision of the combustion air rate or the combustion products rate, and Gas/air ratio control, are the most similar to CPSC staff's 2000 and 2015 CO Shutoff proposals to the ANSI Z21/83 Technical committee and furnace and boiler subcommittees. Additionally, these standards include performance requirements for blocked vents.

These standards also have combustion product discharge provisions, which are similar to the Flame Roll-Out provisions of the ANSI standards (*i.e.,* ANSI Z21.13 and ANSI Z21.47).

In addition to the common requirements for all three of the standards, EN 15502–2–1 also includes test conditions and CO emission limits for: Boilers without gas/air ratio controls (Section 8.12.2.101) and Boilers using gas/air ratio controls (Section 8.12.2.102). Both requirements specify that the maximum permissible CO concentration not exceed 0.10 percent (1,000 ppm). EN 15502–2–2 includes a provision, Section 8.12.101, Supplementary test for natural draught boilers, which specifies that the maximum permissible CO concentration not exceed 0.10 percent (1,000 ppm).

Unlike the JIS standards, the CEN includes separate standards for combustion monitoring devices and controls that are used in domestic gas boilers. The relevant CEN standards are:

- EN 13611, *Safety and control devices for burners and appliances burning gaseous and/or liquid fuels—General requirements*

This standard specifies the general safety, design, construction, and performance requirements and testing for safety, control, or regulating devices use for burners or appliances burning gaseous or liquid fuels. The standard is designed to be used in conjunction with the various CEN standards that govern the above types of control devices. Because they address combustion process monitoring and modulation, EN 12067–2 and EN 16340 are of particular relevance to this ANPR.

- EN 12067–2, *Gas/air ratio controls for gas burners and gas burning appliances—Part 2: Electronic types*

This standard specifies the safety, construction, and performance requirements for closed-loop electronic gas/air ratio control systems (GARCs) for use with gas burners and gas-burning appliances. A GARC provides the electromechanical interface to the burner or the gas valve and the combustion air supply that allows these devices to be modulated or controlled to increase or decrease gas flow or combustion air flow. This allows the GARC to maintain the combustion efficiency of the appliance by monitoring and maintaining an optimal gas/air ratio. An optimal gas/air ratio ensures that the gas/air mixture supplied to the appliance burner is burned completely, thereby maintaining combustion efficiency.

- EN 16340, *Safety and control devices for burners and appliances burning gaseous or liquid fuels—Combustion product sensing devices*

This standard specifies the safety, construction, and performance requirements for combustion product-sensing devices (CPSD) designed to measure combustion products, as part of combustion control systems for burners and appliances that operate by burning gaseous or liquid fuels. This standard covers sensing devices that measures CO, as well as other flue gases. This standard is designed to be used in conjunction with EN 13611, Safety and control devices for burners and appliances burning gaseous and/or liquid fuels—General requirements.

We note the similarities to CPSC staff's voluntary standards CO Shutoff/Response proposals. EN 16340 is compatible with CPSC staff's CO shutoff/response proposals because it establishes performance requirements for a device that monitors: (1) Within the same parameters (*i.e.,* combustion gases, including CO); and (2) within the same harsh environment (*i.e.,* the combustion chamber). Consequently, these devices are subject to the same harsh operating conditions (*i.e.,* high operating temperature, relative humidity, combustion gases, thermal cycling) that the Z21/83 Technical Committee and its subordinate technical subcommittees (for gas furnaces and boilers) and CO/combustion sensor working groups raised questions about in response to CPSC staff's 2000 and 2015 CO shutoff/response proposals.

3. International Standards as Examples of Technological Feasibility

A lack of technological feasibility can be a barrier to implementing a new or proposed standard. Therefore, CPSC staff has sought to identify technologies that might be capable of implementing the staff-recommended CO shutoff/response proposals made to voluntary standards groups in 2000 and 2015. In addition, staff has also assessed

[10] 0.03 percent converts to 300 ppm CO by multiplying 0.03 percent by 10,000.

international standards that required the same or similar performance requirements as staff's 2000 and 2015 CO shutoff/response proposals. The Japanese and European standards discussed above identify several gas-sensing technologies that are being used for CO shutoff or combustion control of residential gas appliances in Japan and Europe. As discussed, the CO-detection strategies used by Japanese manufacturers include detection of CO within the combustion chamber of the appliance and shutoff or combustion control in response. In Europe, residential gas boilers are required to meet certain combustion-efficiency requirements, as well as CO safety requirements. The combustion-control strategies used by European gas boiler manufacturers are often accomplished by monitoring the gas/air mixture, the combustion flame, or the concentration of CO, oxygen, or carbon dioxide within the combustion products. The combustion-control strategies are also used to detect CO, but rather than shutting down the appliance, CO production is either prevented or limited by modulating the appliance's operation. The Japanese and European standards do not specify a minimum lifespan for sensing devices used to implement their respective CO safety and combustion efficiency requirements.

The Japanese and European standards demonstrate that it is technologically feasible, using current technology, to address the hazard patterns identified by staff regarding CO poisoning in a safety standard. The Japanese and European standards discussed above are examples of existing international standards that address the risk of injury and death associated with CO production and leakage from residential gas furnaces and boilers that are the subject of this ANPR.

VII. Regulatory Alternatives the Commission Is Considering

The Commission is considering several alternatives to address the risk of death and injury associated with CO poisoning from residential gas furnaces and boilers.

A. Mandatory Standard

The Commission could develop a rule under the CPSA establishing performance requirements and/or warnings and instructions for residential gas furnaces and boilers to prevent or reduce an unreasonable risk of death or injury associated with the production and leakage of CO from these products.

B. Rely on Voluntary Standards

The Commission could continue to address the hazard through voluntary standards, ANSI Z21.13, ANSI Z21.47, and ANSI Z21.86, and continue to work to develop more effective voluntary standard requirements to address the identified hazards, instead of issuing a mandatory rule. However, as previously discussed, the Commission preliminarily believes that the existing ANSI standards do not adequately reduce the risk of injury associated with residential gas furnaces and boilers. The Commission is assessing the level of compliance with the voluntary standards.

C. Reliance on Recalls

The Commission has recalled residential gas furnaces and boilers related to CO leakage hazards. The Commission could continue to conduct recalls, both voluntary and mandatory, instead of promulgating a mandatory rule. However, recalls may not be as effective at reducing the risk of injury as a mandatory standard. Recalls only apply to an individual manufacturer and product and do not extend to similar products. Additionally, recalls can only address products that are already on the market, and cannot prevent unsafe products from entering the market.

D. Information and Education Campaign

The Commission could continue to issue annual and semi-annual news releases warning consumers about the dangers of CO poisoning and promoting the importance of consumers getting annual safety inspections of their residential fuel burning heating systems.

VIII. Request for Comments and Information

The Commission requests comments on all aspects of this ANPR, but specifically requests comments regarding:

- Information or analysis regarding mechanisms or performance requirements to mitigate more effectively the following hazard patterns that lead to CO production and leakage:
  - Inadequate air for combustion supplied to the appliance;
  - Too much fuel supplied to the appliance burner (*i.e.,* over-firing);
  - Reduction of burner flame temperature below the ignition temperature of the combustion air-fuel mixture (*i.e.,* flame quenching);
  - Disconnected or breached vent pipe, chimney, heat exchanger, or flue passageway;
  - Partially blocked vent pipe, chimney, heat exchanger, or flue passageways;
  - Snow blockage of side-wall vented gas appliances;
  - Improperly sized vent pipes; and
  - Depressurization of the room in which the gas appliance is installed.
- Studies, tests, analysis, or surveys performed to evaluate the effectiveness of gas-sensing and shut-off devices and performance standards, laws, or codes in reducing carbon monoxide fatalities and injuries associated with the use of domestic gas furnaces, boilers, water heaters and other gas heating appliances in Europe and Japan;
- Studies or analysis of the costs of incorporating carbon monoxide sensors or combustion controls systems into residential gas furnaces, boilers, or water heaters in Japan, Europe, or the United States;
- Studies or analyses that evaluate secondary cost impacts of using gas-sensing and shut-off devices in reducing carbon monoxide fatalities and injuries associated with the use of domestic gas furnaces, boilers, water heaters, and other gas heating appliances in Europe and Japan;
- Studies or analyses that evaluate the impact of carbon monoxide fatalities and injuries associated with the use of domestic gas furnaces, boilers, water heaters and other gas heating appliances in Europe and Japan;
- Data or analyses on the alternatives the Commission is considering, including the cost and effectiveness of the CO shutoff/response requirements under consideration;
- Studies, test, or analyses that correlate the effects of incomplete combustion to carbon monoxide production and changes in the combustion efficiency of natural gas and propane appliances.
- Information on any factors or trends that, independent of any CPSC rulemaking, could act to reduce (or increase) CO poisoning associated with gas furnaces, boilers, wall furnaces, and floor furnaces described in the ANPR;
- Information on any feasible means of addressing this hazard, along with the specific costs that might be involved, including information on the costs associated with the maintenance over the service life of the equipment that would likely result from potential remedies. We also request information on how effective the different remedies would be in reducing the hazard;
- Standards in Japan and some European Union countries require some gas appliances to have a means by which CO production or perhaps fuel consumption is measured. We request

information on those standards, the means by which compliance with the standards is achieved, the impact of the standards on the cost of equipment, including the maintenance costs, and the effectiveness of the standards at achieving their intended purpose;

- Any available information on the distribution of CO emissions of natural or LP gas furnaces in use, or in other words, the number of gas furnaces that are not in compliance with the 400 ppm air-free standard at any given time and the degree to which they might be producing CO in excess of that standard. We also request information on the causes of equipment producing excessive CO and their frequency of occurrence, such as improper installation, changes in installation, poor maintenance of the equipment, and so forth; and

- Any available information on the relationship between excessive CO production and fuel consumption and complete/incomplete combustion in residential furnaces and boilers that are producing excessive CO emissions may also be consuming excessive fuel or not burning fuel completely.

- Any available information on methods of alerting consumers to the need to replace sensors or combination controls that have stopped working on their furnaces or boilers (such as an alphanumeric LED trouble or error code, a flashing light, or short-cycling of the appliance).

In addition, the Commission invites interested parties to submit any existing standards, or portions of them, for consideration as a consumer product safety standard. The Commission also invites interested persons to submit a statement of intention to modify or develop a voluntary consumer product safety standard addressing the risk of injury associated with CO poisoning from residential gas furnaces and boilers, including a description of the plan to develop or modify such a standard.

Please submit comments in accordance with the instructions in the **ADDRESSES** section at the beginning of this ANPR.

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2019–17512 Filed 8–16–19; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 100

[Docket No. FR–6111–P–02]

RIN 2529–AA98

HUD's Implementation of the Fair Housing Act's Disparate Impact Standard

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Proposed rule.

SUMMARY: Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act or Act), prohibits discrimination in the sale, rental, or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status, or national origin. HUD has long interpreted the Act to create liability for practices with an unjustified discriminatory effect, even if those practices were not motivated by discriminatory intent. This rule proposes to amend HUD's interpretation of the Fair Housing Act's disparate impact standard to better reflect the Supreme Court's 2015 ruling in *Texas Department of Housing and Community Affairs* v. *Inclusive Communities Project, Inc.,* and to provide clarification regarding the application of the standard to State laws governing the business of insurance. This rule follows a June 20, 2018, advance notice of proposed rulemaking, in which HUD solicited comments on the disparate impact standard set forth in HUD's 2013 final rule, including the disparate impact rule's burden-shifting approach, definitions, and causation standard, and whether it required amendment to align with the decision of the Supreme Court in *Inclusive Communities Project, Inc.*

DATES: *Comment Due Date:* October 18, 2019.

ADDRESSES: Interested persons are invited to submit comments to the Office of the General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0001. Communications should refer to the above docket number and title and should contain the information specified in the ''Request for Comments'' section. There are two methods for submitting public comments.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at all Federal agencies, however, submission of comments by mail often results in delayed delivery. To ensure timely receipt of comments, HUD recommends that comments submitted by mail be submitted at least two weeks in advance of the public comment deadline.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *https://www.regulations.gov/.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through the *https://www.regulations.gov/* website can be viewed by other commenters and interested members of the public. Commenters should follow instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the document.

No Facsimile Comments. Facsimile (fax) comments are not acceptable.

Public Inspection of Comments. All comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m., weekdays, at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Copies of all comments submitted are available for inspection and downloading at *https://www.regulations.gov/.*

FOR FURTHER INFORMATION CONTACT: David H. Enzel, Deputy Assistant Secretary for Enforcement Programs, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW, Room 5204, Washington, DC 20410, telephone number 202–402–5557 (this is not a toll-free number). Individuals with hearing or speech impediments may access this number via TTY by calling the Federal Relay during working hours at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act or Act), prohibits discrimination in the sale, rental, or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status, or national origin.[1] Congress gave the authority and responsibility for administering the Fair Housing Act and the power to make rules to carry out the Act to HUD.[2] While the Supreme Court has held that the language of the Fair Housing Act prohibiting discrimination in housing is ''broad and inclusive,''[3] it has also cautioned that the language should not be construed to force defendants to ''resort to the use of racial quotas''[4] or require courts to ''second-guess'' reasonable choices.[5] HUD has implemented prohibitions on discriminatory conduct under the Fair Housing Act at 24 CFR part 100, most recently to include the disparate impact standard in 2013. However, as the Supreme Court cautioned, there must be adequate safeguards around application of disparate impact analysis to avoid setting ''our Nation back in its quest to reduce the salience of race in our social and economic system.''[6]

On February 15, 2013, pursuant to its authority to administer the Fair Housing Act, HUD published a final rule, entitled ''Implementation of the Fair Housing Act's Discriminatory Effects Standard''[7] (final disparate impact rule). The final disparate impact rule codified HUD's interpretation that the Fair Housing Act creates liability for practices with an unjustified discriminatory effect and responded to public comments on the proposed rule.[8] Relying in part on case law under the Fair Housing Act and title VII of the Civil Rights Act of 1964 (prohibiting employment discrimination) and HUD's longstanding view that discriminatory effects liability is available under the Fair Housing Act, HUD's final disparate impact rule established a burden-shifting framework for analyzing claims of disparate impact under the Fair Housing Act.[9] Specifically, the final rule provides that liability may be established under the Fair Housing Act when a challenged practice actually or predictably results in a disparate impact on a protected class of persons, even if the practice was not motivated by a discriminatory intent. The rule states that a practice that has a discriminatory effect may still be lawful if supported by a legally sufficient justification. Such a justification exists under the rule where the challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests of the respondent or defendant and those interests could not be served by another practice that has a less discriminatory effect. The rule also requires that the legally sufficient justification be supported by evidence and may not be hypothetical or speculative.

An unjustified discriminatory effect is established according to the following burdens of proof: (1) The charging party or the plaintiff has the burden of proving that a challenged practice caused, or predictably will cause, a discriminatory effect; (2) the respondent or defendant then has the burden of proving that the challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests of the respondent or defendant; and (3) if the respondent or defendant satisfies the burden of proof, the charging party or plaintiff may still prevail upon proving that the substantial, legitimate, nondiscriminatory interests supporting the challenged practice could be served by another practice that has a less discriminatory effect. Lastly, the rule provides that a demonstration that a practice is supported by a legally sufficient justification may not be used as a defense against a claim of intentional discrimination.

In 2016, HUD published a **Federal Register** document supplementing HUD's previous response to insurance industry comments HUD provided in its final disparate impact rule.[10] The comments HUD received were on its 2011 Fair Housing Act's discriminatory effects standard proposed rule. After reconsideration of the insurance industry comments, in accordance with the court's decision in *Property Casualty Insurers Association of America (PCIAA)* v. *Donovan,*[11] HUD explained that the agency ''continues to believe that case-by-case adjudication is preferable to creating the requested exemptions or safe harbors for insurance practices.'' HUD noted in support of its case-by-case adjudication preference that, given the diversity of State laws and potential discriminatory effect claims, ''it is practically impossible for HUD to define the scope of insurance practices covered by an exemption or safe harbor with enough precision to avoid case-by-case disputes over its application.''[12] This proposed rule uses the term ''Disparate Impact Rule'' to refer collectively to the final disparate impact rule and 2016 supplement.

In 2015, in *Texas Department of Housing and Community Affairs* v. *Inclusive Communities Project, Inc.,*[13] (*Inclusive Communities*), the Supreme Court held that disparate impact claims are cognizable under the Fair Housing Act. The Court's opinion referenced HUD's Disparate Impact Rule,[14] but the Court did not rely on it for its holding. Rather, the Court undertook its own analysis of the Fair Housing Act and discussed the standards for, and constitutional questions and necessary limitations regarding, disparate impact claims.[15]

In discussing disparate impact liability, the Court noted that ''disparate-impact liability must be limited so employers and other regulated entities are able to make the practical business choices and profit-related decisions that sustain a vibrant and dynamic free-enterprise system.''[16]

The Court placed special emphasis on the importance of the plaintiff's prima facie burden, warning that, ''[w]ithout adequate safeguards at the prima facie stage, disparate-impact liability might cause race to be used and considered in a pervasive way and would almost inexorably lead governmental or private entities to use numerical quotas, and serious constitutional questions then could arise.''[17] The Court held that, to allege a prima facie case, a plaintiff must specify a policy (or policies) as the cause of the disparity, to meet a ''robust causality'' requirement that ''protects defendants from being held liable for

[1] This preamble uses the term ''disability'' to refer to what the Act and its implementing regulations term a ''handicap.''

[2] *See* 42 U.S.C. 3608(a) and 42 U.S.C. 3614a.

[3] *Trafficante* v. *Metro. Life Ins. Co.,* 409 U.S. 205, 209 (1972); *City of Edmonds* v. *Oxford House, Inc.,* 514 U.S. 725, 731 (1995).

[4] *Texas Department of Housing and Community Affairs* v. *Inclusive Communities Project, Inc.,* 135 S. Ct. 2507, 2512 (2015).

[5] *Id.* at 2512 (''Here, the underlying dispute involves a novel theory of liability that may, on remand, be seen simply as an attempt to second-guess which of two reasonable approaches a housing authority should follow in allocating tax credits for low-income housing.'').

[6] *Id.* at 2524.

[7] 78 FR 11460.

[8] *See* 24 CFR 100.5(b), 100.70(d)(5), 100.120(b), 100.130(b), and 100.500.

[9] *See* 24 CFR 100.500(c).

[10] *See* ''Application of the Fair Housing Act's Discriminatory Effects Standard to Insurance,'' 81 FR 69012 (Oct. 5, 2016); 81 FR 69013.

[11] 66 F. Supp. 3d 1018 (N.D. Ill. 2014).

[12] *See* ''Application of the Fair Housing Act's Discriminatory Effects Standard to Insurance,'' 81 FR 69012 (Oct. 5, 2016) for HUD's additional justification.

[13] 135 S. Ct. 2507 (2015).

[14] *See* 135 S. Ct. at 2514–2515, 2522.

[15] *See Id.* at 2519–2524.

[16] *Id.*

[17] *Id.* at 2523 (internal quotations removed).

racial disparities they did not create.'' [18] A one-time decision may not be a policy at all, and multiple factors leading to a decision may make it difficult to establish causation.[19]

The Court also prohibited disparate impact suits that would displace ''valid governmental and private priorities[.]'' [20] ''Courts should avoid interpreting disparate-impact liability to be so expansive as to inject racial considerations into every housing decision'' [21] or ''to second-guess'' between ''two reasonable approaches[.]'' [22] If, for instance, a private developer is prevented from investing in housing for low-income individuals, or a government is prevented from ensuring compliance with health and safety codes, the purpose of the Fair Housing Act would be undermined.[23] The policy identified, therefore, must be an ''artificial, arbitrary, and unnecessary barrier'' to fair housing.[24]

Finally, the Court urged courts to ensure that their remedial orders ''concentrate on the elimination of the offending practice'' and ''eliminate racial disparities through race-neutral means.'' [25] ''Remedial orders that impose racial targets or quotas might raise more difficult constitutional questions.'' [26]

Following the *Inclusive Communities* decision, on May 15, 2017, HUD published a **Federal Register** notice pursuant to Executive Orders 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' and 13777, ''Enforcing the Regulatory Reform Agenda,'' inviting public comments to assist HUD in identifying existing regulations that may be outdated, ineffective, or excessively burdensome.[27] In response, HUD received numerous comments concerning the Disparate Impact Rule and *Inclusive Communities.* Some commenters wrote that the case supported HUD's rule as currently drafted while others felt HUD should revisit its rule considering the analysis provided in the case. Commenters in support of the rule noted that the *Inclusive Communities* case supported HUD's position that disparate impact claims are cognizable under the Fair Housing Act and that it did not require changes to HUD's framework, which standardized the ''burden-shifting'' approach used by HUD and 11 U.S. Courts of Appeals. Some commenters specifically thought the burden-shifting framework, the causality requirement, and the less discriminatory alternative step should be amended to better align with the case law. Some commenters also felt that HUD should revisit the application of disparate impact to the insurance industries. Additionally, in October 2017, the Secretary of the Treasury issued a report in response to Executive Order 13772, ''Core Principles for Regulating the United States Finance System,'' issued on February 3, 2017.[28] The Treasury report identified Federal regulations, among other items, that promote or inhibit the U.S. financial system. The report explicitly recommended that HUD reconsider applications of the Disparate Impact Rule, especially in the context of the insurance industry.[29]

In light of *Inclusive Communities,* public comments submitted in response to HUD's May 15, 2017, **Federal Register** notice, and the recommendation from the Secretary of the Treasury, on June 20, 2018, HUD published in the **Federal Register** an advance notice of proposed rulemaking (ANPR) inviting comments on possible amendments to HUD's Disparate Impact Rule. HUD received 1,923 comments on the ANPR, and the comments have been considered during the drafting of this new rule. Some commenters wrote in support of disparate impact liability more broadly, citing the important part it has played in monitoring exclusionary housing practices for at least 30 years, while others described the disparate impact standard as inconsistent with the constitutional presumption against race-based decision-making. Similarly, some comments supported HUD's disparate impact rule and others opposed the rule and felt that HUD's rule undermined the Fair Housing Act. Other commenters felt that the rule was plainly redundant or unnecessary given existing case law.

Commenters that supported HUD's current rule approved of HUD's burden-shifting framework requiring the defendant to prove that the practice is necessary. In addition, those commenters generally supported the rule's language that provided that a plaintiff could prevail by proving that an alternative practice could be used that has a less discriminatory effect. Commenters also referenced the importance of the HUD rule when it comes to the use of eminent domain and redevelopment.[30] Some commenters stated that *Inclusive Communities* was consistent with HUD's rule and that the Supreme Court did not state that any changes to the HUD rule were necessary or that HUD's rule created new obligations. Additionally, some comments noted that post-*Inclusive Communities* courts simultaneously have relied upon both the rule and *Inclusive Communities* as authorities for analyzing disparate impact claims, demonstrating there is no fundamental conflict between the two. Commenters that opposed HUD's current disparate impact rule requested that HUD revise the rule to be more consistent with *Inclusive Communities.* Many of those commenters specifically cited to the inconsistent effects of HUD's standards, the low level of proof and production, the limited causality requirement, the impact on the use of statistical disparities, and the consequences of allowing plaintiffs to show any alternative practice.

Commenters also provided feedback on the use of disparate impact for enforcement and the economic burden of the standard. Commenters wrote that providers should not be liable for disparities they did not create or intend. There were requests from the real estate, credit, property casualty insurer, and other industries for exemptions from the rule for insurance, risk-based pricing, and underwriting. The commenters cited concern with the rule's impact on costs and shifts of burden onto renters and insurance consumers. The commenters also noted increased litigation risks for providers and the possibility that the availability of insurance products and credit could be reduced. The commenters supported their position by pointing to the fact that underwriting is unrelated to protected characteristics and that compliance with

[18] *Id.* at 2523.

[19] *Id.*

[20] *Id.* at 2524.

[21] *Id.*

[22] *Id.* at 2512 (''Here, the underlying dispute involves a novel theory of liability that may, on remand, be seen simply as an attempt to second-guess which of two reasonable approaches a housing authority should follow in allocating tax credits for low-income housing.'').

[23] *Id.*

[24] *Id.* at 2522, 2524 (internal quotation marks and citation omitted) *Id.* at 2522 (quoting *Griggs* v. *Duke Power Co.,* 401 U.S. 424, 431, 91 S. Ct. 849 (1971)). *Id.* at 2522. *Id.* at 2522.

[25] *Id.* at 2525.

[26] *Id.*

[27] 82 FR 22344.

[28] *See* U.S. Department of the Treasury Report: ''A Financial System That Creates Economic Opportunities, Asset Management and Insurance (Oct. 26, 2017), available at: *https://www.treasury.gov/press-center/press-releases/Documents/A-Financial-System-That-Creates-Economic-Opportunities-Asset_Management-Insurance.pdf.*

[29] *See* U.S. Department of the Treasury Report: ''A Financial System That Creates Economic Opportunities, Asset Management and Insurance'' (Oct. 26, 2017), available at: *https://www.treasury.gov/press-center/press-releases/Documents/A-Financial-System-That-Creates-Economic-Opportunities-Asset_Management-Insurance.pdf.*

[30] Citing *Mount Holly Gardens Citizens in Action* v. *Twp. of Mount Holly,* 658 F.3d 375 (3d Cir. 2011).

the rule distorts market/risk-based pricing.

Lastly, some commenters stated that the States are better equipped to regulate certain industries and that the existing rule conflicts with State laws and violates the McCarran-Ferguson Act.[31] In contrast, other commenters stated that other Federal statutes should be read to be consistent with Federal civil rights laws and that Congress has the power to make exceptions and create ''safe harbors'' to the Fair Housing Act (as it did previously by excepting certain specific tenant selection practices from disparate impact liability) but Federal administrative agencies cannot. Those commenters generally noted no safe harbor should be provided and that HUD's case-by-case analysis should be retained to ensure consistency with HUD's statutory responsibility to enforce the Fair Housing Act.

All public comments can be viewed at the *www.regulations.gov website,* under docket number HUD–2018–0047. (See *https://www.regulations.gov/docket?D=HUD-2018-0047*).

II. This Proposed Rule

In response to comments received on HUD's May 15, 2017, notice and June 20, 2018, ANPR, this rule proposes to replace HUD's current discriminatory effects standard at § 100.500 with a new standard and incorporate minor amendments to §§ 100.5, 100.7, 100.70, and 100.120. These amendments are intended to bring HUD's disparate impact rule into closer alignment with the analysis and guidance provided in *Inclusive Communities* as understood by HUD and to codify HUD's position that its rule is not intended to infringe upon any State law for the purpose of regulating the business of insurance. HUD intends these regulations as an update to HUD's existing framework for evaluating administrative actions alleging a claim of disparate impact and to provide guidance to members of the public seeking to comply with the Fair Housing Act or in bringing a claim for disparate impact that meets the prima facie requirements outlined in *Inclusive Communities.*

§ 100.5 Scope

This rule proposes to amend § 100.5 to clarify that the new § 100.500 includes available defenses and rebuttals to allegations of discriminatory effect. The proposed rule would also clarify, in accordance with the language in *Inclusive Communities* warning against the use of racial quotas,[32] that neither the discriminatory effect standard, nor any other item in HUD's part 100 regulations, requires or encourages the collection of data with respect to protected classes and that the absence of such collection will not result in any adverse inference against a party.

§ 100.7 Liability for Discriminatory Housing Practices

The proposed amendment to § 100.7 clarifies, consistent with the Supreme Court's decision in *Meyer* v. *Holley,* 537 U.S. 280 (2003), that there must be a principal-agent relationship under common law for there to be vicarious liability on the part of a person for a discriminatory housing policy or practice by that person's agent or employee. In addition, the proposed rule would add a new paragraph (c) to provide the scope of remedies available in administrative proceedings for discriminatory effect cases. New paragraph (c) states, to conform with the language of *Inclusive Communities,*[33] that the remedy should concentrate on eliminating or reforming the discriminatory practice and that, therefore, a remedy in administrative proceedings may include equitable remedies and, when proved, pecuniary damage, but clarifies, consistent with the Fair Housing Act, that punitive and exemplary damages are unavailable in administrative proceedings.[34]

HUD is specifically seeking feedback on the question of whether, and under what circumstances, punitive or exemplary damages may be appropriate in disparate impact litigation in Federal court.

§ 100.70 Other Prohibited Sale And Rental Conduct

Section 100.70 provides that it is unlawful, because of race, color, religion, sex, handicap, familial status, or national origin, to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying, or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood, or development. The section provides examples of such practices in paragraph (c). This rule proposes to amend the final example of a violation of the Fair Housing Act in paragraph (c)(5) to add that enactment or implementation of building codes, permitting rules, and requirements should also be considered as other prohibited sale and rental conduct that could be considered as restricting or denying housing opportunities or otherwise making unavailable or denying dwellings to persons because of race, color, religion, sex, handicap, familial status, or national origin. HUD is adding these additional types of examples for clarity in connection with the changes HUD is making in § 100.500.

§ 100.120 Discrimination in the Making of Loans and in the Provision of Other Financial Assistance

Section 100.120 provides that it shall be unlawful for any person or entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available loans or other financial assistance for a dwelling, or which is or is to be secured by a dwelling, because of race, color, religion, sex, handicap, familial status, or national origin. The section provides examples of such practices in paragraph (b). This rule proposes to amend the first example in paragraph (b)(1), which provides that providing information which is inaccurate or different from that provided others, because of race, color, religion, sex, handicap, familial status, or national origin violates the Fair Housing Act, by amending ''inaccurate or different from that provided others'' to requiring the information be ''materially inaccurate or materially different from that provided others'' to clarify, in accordance with the guidance in *Inclusive Communities,*[35] that informational disparities that are inconsequential do not violate the Fair Housing Act. The proposed change would also add a clause to paragraph (b)(1) clarifying that the Fair Housing Act is not violated when a person or entity provides accurate responses to requests for information related to an individual's particular circumstances.

§ 100.500 Discriminatory Effect Prohibited

Section 100.500 continues to provide that liability under the Fair Housing Act may be established based on a specific practice's discriminatory effect on members of a protected class, even if the specific practice was not motivated by a discriminatory intent. HUD seeks to amend this regulation to provide additional guidance in light of *Inclusive Communities;* this proposed revision represents HUD's interpretation of

[31] 15 U.S.C. 1011–1015.

[32] 135 S. Ct. at 2512.

[33] *Id.* at 2524.

[34] 42 U.S.C. 3612(g)(3).

[35] 135 S. Ct. at 2524.

disparate impact law under the Fair Housing Act. Paragraph (a) would be slightly amended to reflect the removal of a definition for discriminatory effect and the changes to the burden-shifting framework. The previous definition simply reiterated the elements of a disparate impact claim, which HUD believes is now adequately defined in more detail in the later sections, thus, making the definition unnecessary. New paragraphs (b) through (d) would provide a new burden-shifting framework and new paragraph (e) would address the application of the section to the business of insurance.

New Burden-Shifting Framework

The proposed new burden-shifting framework provides, in paragraph (b), that a plaintiff's allegations that a specific, identifiable, policy or practice has a discriminatory effect must plead facts supporting five elements. HUD notes that since *Inclusive Communities* many parties have failed to identify a ''specific, identifiable practice.'' [36] It is insufficient to identify a program as a whole without explaining how the program itself causes the disparate impact as opposed to a particular element of the program. Plaintiffs must identify the particular policy or practice that causes the disparate impact. Plaintiffs will likely not meet the standard, and HUD will not bring a disparate impact claim, alleging that a single event—such as a local government's zoning decision or a developer's decision to construct a new building in one location instead of another—is the cause of a disparate impact, unless the plaintiff can show that the single decision is the equivalent of a policy or practice.[37] In unusual cases, a plaintiff may still be able to succeed at identifying a one-time decision, if the plaintiff can establish that the one-time decision is in fact a policy or practice.[38]

The first proposed element would require a plaintiff to plead that the challenged policy or practice is *arbitrary, artificial, and unnecessary* to achieve a valid interest or legitimate objective. *Inclusive Communities* requires plaintiffs to allege facts at the pleading stage supporting a prima facie claim of disparate impact and requires courts to analyze these claims ''with care'' to ensure that ''the specter of disparate-impact litigation'' does not prevent parties ''from achieving legitimate objectives.'' [39] In accordance with this standard, this proposed rule would require plaintiffs to allege facts plausibly showing that the challenged practice is arbitrary, artificial, and unnecessary. This requirement is supported by *Ellis* v. *City of Minneapolis,* which dismissed the plaintiffs' disparate impact claim against the city's housing code for failure to plead facts showing how the housing code was arbitrary, artificial, and unnecessary.[40] In *Ellis,* the challenged housing code was, on its face, intended to require sanitary housing, and the plaintiffs made no attempt to explain how the housing code was arbitrary, artificial, and unnecessary to advance this goal.[41] HUD recognizes that plaintiffs will not always know what legitimate objective the defendant will assert in response to the plaintiff's claim or how the policy advances that interest, and, in such cases, will not be able to plead specific facts showing why the policy or practice is arbitrary, artificial, and unnecessary. In such cases, a pleading plausibly alleging that a policy or practice advances no obvious legitimate objective would be sufficient to meet this pleading requirement. However, in cases where a policy or practice has a facially legitimate objective, the plaintiff must allege facts at the pleading stage sufficient to support a plausible allegation that the policy is arbitrary, artificial, and unnecessary.[42]

If a plaintiff adequately alleges facts to support the assertion that the practice or policy is arbitrary, artificial, and unnecessary, only then does the defendant have the burden to identify a valid interest or interests that the challenged policy or practice serves, which may then be rebutted by the plaintiff, as described below.[43]

The second proposed element would require a plaintiff to allege a *robust causal link* between the challenged policy or practice and a disparate impact on members of a protected class. Claims relying on statistical disparities must articulate how the statistical analysis used supports a claim of disparate impact by providing an appropriate comparison that shows that the policy is the actual cause of the disparity.[44]

The third proposed element would require a plaintiff to allege that the challenged policy or practice has an adverse effect *on members of a protected class.* This element would require a plaintiff to explain how the policy or practice identified has a harmful impact on members of a particular ''race, color, religion, sex, familial status, or national origin.'' [45] Consistent with *Inclusive Communities,* it would be insufficient to allege only that the plaintiff is a member of a protected class and would be adversely affected or that members of a protected class are impacted as are all individuals. This element would require the plaintiff to show that the policy or practice has the ''effect of discriminating against a protected class'' as a group.[46]

The fourth proposed element would require a plaintiff to allege that the disparity caused by the policy or practice is *significant.* Where a disparity exists but is not material, a plaintiff will not have stated a plausible disparate impact claim. If a defendant were subject to liability for policies that have a negligible disparity, the defendant could be forced to ''resort to the use of racial quotas'' [47] to ensure that no subset of its data appears to present a disparate impact. *Inclusive Communities* specifically noted that courts must ''examine with care whether a plaintiff has made out a prima facie showing of disparate impact, and prompt resolution is important . . .'' to avoid injecting ''racial considerations into every housing decision.'' [48] Therefore, a

[36] *See, e.g., Frederick* v. *Wells Fargo Home Mortg.,* 649 F. App'x 29, 30 (2d Cir. 2016) (Plaintiff challenging lender's denial of a mortgage application failed to identify the specific policy or practice that caused the disparate impact).

[37] *See, e.g., Barrow* v. *Barrow,* Civil Action No. 16–11493–FDS, 2017 U.S. Dist. LEXIS 103495, at *8 (D. Mass. July 5, 2017) (citing *Inclusive Communities,* 135 S. Ct. at 2523) (''[A] plaintiff challenging the decision of a private developer to construct a new building in one location rather than another will not easily be able to show this is a policy causing a disparate impact because such a one-time decision may not be a policy at all.'').

[38] *See* 135 S. Ct. at 2523–24 (''For instance, a plaintiff challenging the decision of a private developer to construct a new building in one location rather than another will not easily be able to show this is a policy causing a disparate impact because such a one-time decision may not be a policy at all. It may also be difficult to establish causation because of the multiple factors that go into investment decisions about where to construct or renovate housing units.'').

[39] 135 S. Ct. at 2523–24.

[40] *See Ellis* v. *City of Minneapolis,* 860 F.3d 1106, 1112–14 (8th Cir. 2017) (citing *Inclusive Communities,* 135 S. Ct. at 2524).

[41] *Id.*

[42] *See id.* at 1114 (''a plaintiff must, at the very least, point to an 'artificial, arbitrary, and unnecessary'' policy causing the problematic disparity.).

[43] *See Wards Cove Packing Co.* v. *Atonio,* 490 U.S. 642 (1989) (holding that the defendant has the burden of producing evidence of the justification for the alleged policy or practice but making clear that the burden of persuasion to prove their case ultimately remains with the plaintiff).

[44] *See id.* (holding that a disparate impact claim is not adequately pled where the alleged disparity is the result of factors outside the defendant's control and does not support the assertion that the defendant's policy itself is the cause of the disparity).

[45] 42 U.S.C. 3604(a).

[46] *Anderson* v. *City of Blue Ash,* 798 F.3d 338, 364 (6th Cir. 2015).

[47] 135 S. Ct. at 2512.

[48] *Id.*

plaintiff would be required to show that the statistical disparity identified is material and caused by the challenged policy or practice, rather than attributable to chance.

The fifth proposed element would require a plaintiff to allege that the *complaining party's alleged injury* is directly caused by the challenge policy or practice. This element seeks to codify the proximate cause requirement under the Fair Housing Act that there be ''some direct relation between the injury asserted and the injurious conduct alleged.'' [49]

If a party brings a claim under paragraph (b), HUD proposes that the defending party may rebut a claim at the pleading stage by asserting that a plaintiff has not alleged facts to support their prima facie claim as explained in paragraph (c).[50] Paragraph (c) also provides defendants with three methods through which to establish that plaintiffs have not alleged a disparate impact claim. HUD proposes to provide that the defendants may raise any of these defenses in paragraph (c) through a variety of procedural motions. For example, in a rule 12(b)(6) motion to dismiss, the defendant can make an argument under the paragraph (c) defense that the facts alleged in the complaint fail to allege sufficient facts to support a claim under paragraph (b). Another example is a rule 56 motion for summary judgment where the defendant could assert facts outside of the complaint to substantiate a defense under paragraph (c). For instance, on a rule 56 motion for summary judgment, the defendant may succeed where the defendant ''shows that there is no genuine dispute as to any material fact and . . . is entitled to judgment as a matter of law.''

Paragraph (c)(1) provides that the defendant may show its discretion is materially limited by a third party—such as through a Federal law or a State or local law—or a binding or controlling court, arbitral, regulatory, administrative order, or administrative requirement. In cases where a State actor or municipality is the defendant, a State or local law, respectively, may not be considered materially limiting for purposes of this defense.[51] This defense would allow a defendant to show that the complaining party has not shown a robust causality as required in *Inclusive Communities* and codified in paragraph (b)(2), by failing to show that the defendant's policy is the actual cause of the alleged disparate impact.[52] This defense partially overlaps with proposed paragraph (e) of this section, which clarifies that nothing in § 100.500 is intended to conflict with State insurance law. This defense applies to any Federal, State, or local law that limits the defendant's discretion. As discussed further in the Business of Insurance section below, § 100.500(e) applies only to State insurance law.

Paragraph (c)(2) provides that, where a plaintiff identifies an offending policy or practice that relies on an algorithmic model, a defending party may defeat the claim by: (i) Identifying the inputs used in the model and showing that these inputs are not substitutes for a protected characteristic and that the model is predictive of risk or other valid objective; (ii) showing that a recognized third party, not the defendant, is responsible for creating or maintaining the model; or (iii) showing that a neutral third party has analyzed the model in question and determined it was empirically derived, its inputs are not substitutes for a protected characteristic, the model is predictive of risk or other valid objective, and is a demonstrably and statistically sound algorithm.

HUD received comments expressing concern that complicated, yet increasingly commonly used, algorithmic models to assess factors such as risk or creditworthiness, should be provided a safe harbor. While disparate impact provides an important tool to root out factors that may cause these models to produce discriminatory outputs, these models can also be an invaluable tool in extending access to credit and other services to otherwise underserved communities. Therefore, HUD proposes these defenses to provide parties with three methods of defending their models where they can show their models achieve ''legitimate objectives[.]'' [53] They are intended to ensure that disparate impact liability is ''limited so employers and other regulated entities are able to make the practical business choices and profit-related decisions that sustain a vibrant and dynamic free-enterprise system.'' [54] This section is not intended to provide a special exemption for parties who use algorithmic models, but merely to recognize that additional guidance is necessary in response to the complexity of disparate impact cases challenging these models. HUD proposes that a successful defense under this section would demonstrate the lack of a robust causal link between the defendant's use of the model and the alleged disparate impact, as described below.

The first defense allows a defendant to provide analysis showing that the model is not the actual cause of the disparate impact alleged by the plaintiff. It allows the defendant to break down the model piece-by-piece and demonstrate how each factor considered could not be the cause of the disparate impact and to show how each factor advances a valid objective. This defense simply lays out the steps that a defendant would take in defending its actions. A defendant will succeed under this defense where the plaintiff is unable to then show that the defendant's analysis is somehow flawed, such as by showing that a factor used in the model is correlated with a protected class despite the defendant's assertion.

The second defense provides that a defendant can show that use of the model is standard in the industry, it is being used for the intended purpose of the third party, and that the model is the responsibility of a third party. It is similar to the defense that the defendant's actions are materially limited by law, as discussed above, in that it recognizes that there are situations in which standard practice is so clearly established that the proper party responsible for the challenged conduct is not the defendant, but the party who establishes the industry standard. In these situations, the defendant may not have access to the reasons these factors are used or may not even have access to the factors themselves, and, therefore, may not be able to defend the model itself, even where a perfectly rational reason exists for its use. Further, if the plaintiff prevails, the plaintiff would only remove the model from use by one party, whereas suing the party that is actually responsible for the creation and design of the model would remove the disparate impact from the industry as a whole. A plaintiff may rebut this allegation by showing that the plaintiff is not challenging the standard model alone, but the defendant's unique use or misuse of the model, as the cause of the disparate impact.

The third defense is similar to the first and provides defendants with another method of showing that the model is not

[49] *Bank of Am. Corp.* v. *City of Miami,* 137 S. Ct. 1296, 1306 (2017).

[50] For example, the Supreme Court in *Wards Cove Packing Co.* dismissed a disparate impact claim against a firm that denied job applicants from a protected class at a higher rate than non-protected class members. Despite the statistical disparity, the plaintiffs had not identified an injury because a disproportionate number of *qualified* minorities were not denied employment. 490 U.S. at 650, 653.

[51] *See Mount Holly,* 658 F.3d 375 (3d Cir. 2011).

[52] 135 S. Ct. at 2524 (''[I]f [the plaintiff] cannot show a causal connection between the Department's policy and a disparate impact—for instance, because Federal law substantially limits the Department's discretion—that should result in dismissal of this case.'').

[53] *Id.* at 2524.

[54] *Id.* at 2518.

the actual cause of the disparate impact. This defense allows defendants to prove through the use of a qualified expert that the model is not the cause of a disparate impact. A plaintiff may rebut this defense by showing that the third party is not neutral, that the analysis is incomplete, or that there is some other reason why the third party's analysis is insufficient evidence that the defendant's use of the model is justified.

Given the complicated nature of this issue, HUD is specifically soliciting comments on the nature, propriety, and use of algorithmic models as related to the defenses in (c)(2).

Paragraph (c)(3) provides that a defendant may make any additional claims that the plaintiff has failed to allege sufficient facts to support a prima facie case under paragraph (b).

If a party alleges facts sufficient to show a prima facie case under paragraph (b), a case proceeds beyond the pleading stage. Under paragraph (d)(1), HUD's proposed rule provides that the plaintiff has the burden of proving by a preponderance of the evidence each of the elements of the prima facie case, established not by statistical imbalances or disparities alone, but through evidence that is not remote or speculative. A plaintiff may now have access to discovery to establish facts supporting each allegation, including the allegation that the identified policy or practice is ''arbitrary, artificial, and unnecessary.'' In addition, a defendant may show that the policy or procedure advances a valid interest. The plaintiff must counter this by proving by a preponderance of the evidence that a less discriminatory policy or practice would serve the interest in an equally effective manner without imposing materially greater costs on, or creating other material burdens for, the defendant, consistent with existing disparate impact case law.[55]

Under paragraph (d)(2), the proposed rule provides that the defendant may rebut a plaintiff's case by proving any element identified under paragraph (c)(1) or (2). The defendant may also rebut a plaintiff's case by demonstrating that the plaintiff has not met the burden of proof laid out in paragraph (d)(1), either by failing to prove the elements of a prima facie case or by failing to identify an alternative practice that advances the valid interest identified by the defendant without creating materially greater costs or other material burdens for the defendant, and, therefore, has not in fact ''made out a prima facie case of disparate impact.''[56] HUD is also particularly seeking input on whether it would be consistent with *Inclusive Communities* to provide a defense for housing authorities who can show that the policy being challenged is a reasonable approach and in the housing authority's sound discretion.

HUD specifically seeks comments on the terms used in this section of the rule and whether HUD should define those terms. Examples of terms that HUD would consider providing definitions to are ''robust causal link,'' ''evidence that is not remote or speculative,'' ''algorithmic model,'' and ''material part.''

Business of Insurance

In response to comments requesting HUD consider its position on the application of disparate impact to insurance, HUD proposes adding new paragraph (e), which would provide that nothing in § 100.500 is intended to invalidate, impair, or supersede any law enacted by any State for the purpose of regulating the business of insurance. This codifies the general applicability of the ''reverse preemption'' provisions of the McCarran-Ferguson Act as it applies to the Fair Housing Act.[57] The McCarran-Ferguson Act provides that provisions of Federal law in conflict with state insurance laws are preempted by state laws ''unless such Act specifically relates to the business of insurance[.]''[58] This proposed language clarifies that the Fair Housing Act does not ''specifically relate to the business of insurance'' and affirms in regulation HUD's past position, as stated above, that case-by-case adjudication is the proper way to resolve cases to determine whether the Fair Housing Act conflicts with the State insurance law at issue in each case. The Fair Housing Act, and, therefore, this regulation, will only be preempted where application of the Fair Housing Act would invalidate, impair, or supersede the State insurance law. Under these circumstances, the State insurance law governs.[59]

Proposed paragraph (e) does not provide the safe harbor for insurance, which some commenters requested. However, this proposed section and the complete defense where a defendant's discretion is materially limited by compliance with Federal, State, or local law, would have a similar effect to a safe harbor, in appropriate circumstances, by ensuring that parties are never placed in a ''double bind of liability'' where they could be subject to suit under disparate impact for actions required for good faith compliance with another law.[60] Both provisions are also consistent with *Inclusive Communities'* robust causality requirement because, where the actual cause of the disparate impact is another law and not the defendant's own independent decisions, a plaintiff has not shown that the defendant is the actual cause of the disparate impact.[61]

This proposed paragraph applies where the defendant can show that imposing disparate impact liability under the Fair Housing Act would invalidate, impair, or supersede State insurance law. The ''materially limited'' defense is not restricted to State insurance law, but requires the defendant to show that the defendant's discretion is limited to comply with Federal, State, or local law.

III. Additional Questions for Public Comment

In addition to the specific feedback sought elsewhere in the preamble, HUD explicitly requests public comment on the following questions in order to better inform HUD's regulatory impact analysis at the final rule stage.

1. How well do HUD's proposed changes to its disparate impact standard align with the decision and analysis in *Inclusive Communities* with respect to the proposed prima facie burden, including:

i. Each of the five elements in the new burden-shifting framework outlined in paragraph (b) of § 100.500.

ii. The three methods described in paragraph (c) of § 100.500 through which defendants may establish that plaintiffs have failed to allege a prima facie case.

2. What impact, using specific court cases as reference, did *Inclusive Communities* have on the number, type, and likelihood of success of disparate impact claims brought since the 2015 decision? How might this proposed rule further impact the number, type, and likelihood of success of disparate impact claims brought in the future?

3. How, specifically, did *Inclusive Communities,* and the cases brought since *Inclusive Communities,* expand upon, conflict, or align with HUD's 2013

[55] *Wards Cove,* 490 U.S. at 661.

[56] 135 S. Ct. at 2523.

[57] 15 U.S.C. 1012(b).

[58] *Id.*

[59] For a discussion of this issue, see *Ojo* v. *Farmers Grp.,* 600 F.3d 1205 (9th Cir. 2010), in which the Appeals Court concluded that the McCarran-Ferguson Act can reverse-preempt the Fair Housing Act, and certified to the Texas Supreme Court the question of whether the Fair Housing Act would conflict with Texas insurance law.

[60] 135 S. Ct. at 2523.

[61] *Id.* at 2524 (''[I]f the ICP cannot show a causal connection between the Department's policy and a disparate impact—for instance, because Federal law substantially limits the Department's discretion—that should result in dismissal of this case.'').

final disparate impact rule and with this proposed rule?

4. How might the proposed rule increase or decrease costs and economic burden to relevant parties (*e.g.,* litigants, including private citizens, local governments, banks, lenders, insurance companies, or others in the housing industry) relative to the 2013 final disparate impact rule? How might the proposed rule increase or decrease costs and economic burden to relevant parties relative to *Inclusive Communities*?

5. How might a decision *not* to amend HUD's 2013 final disparate impact rule affect the status quo since *Inclusive Communities*?

6. What impact, if any, does the addition of paragraph (e) of § 100.500 regarding the business of insurance have on the number and type of disparate impact claims? What impact, if any, does the proposed paragraph (e) have on costs (or savings) and economic burden of disparate impact claims?

7. Is there any other data, information, or analysis the public can provide to assist HUD in assessing the impact of the proposed regulation relative to the 2013 disparate impact final rule and the 2015 Supreme Court decision in *Inclusive Communities*?

IV. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Pursuant to Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

The proposed rule has been determined to be a ''significant regulatory action,'' as defined in section 3(f) of the Order, but not economically significant under section 3(f)(1) of the Order. The docket file is available for public inspection in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service, toll-free, at 800–877–8339.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule updates HUD's uniform standards for determining when a housing practice with a discriminatory effect violates the Fair Housing Act. HUD's objective in this proposed rule is to ensure consistency and uniformity, given the Supreme Court decision, and, thereby, provide clarity for the public. HUD's 2013 regulation codified the then prevailing case law for bringing a discriminatory effect claim and the rule provided clarity to all parties involved in a case. Currently, the courts and the public are forced to reconcile how to implement HUD's regulations consistent with *Inclusive Communities.* This rule will provide clarity, thus reducing burdens, for all parties by, consistent with HUD's prior rule, codifying the current framework for bringing a discriminatory effect claim consistent with new case law. Specifically, plaintiffs will have a framework to use for ensuring complaints meet all the requirements identified in *Inclusive Communities* for pleading a claim of discriminatory effect, and defendants will be able to use this framework to rebut such claims. Similarly, defendants will be more proactive in ensuring that their policies and practices comply with the defenses that are provided. It is HUD's intention that plaintiffs will bring claims that are better supported and defendants will be able to resolve unsupported claims of discriminatory effect more quickly; therefore, leading to the ''prompt resolution'' of disparate impact for all parties.[62] HUD believes all parties, including small entities, will benefit from the changes and clarifications in the rule by reconciling HUD's existing regulatory framework for discriminatory effect claims with *Inclusive Communities* and subsequent case law. Similarly, all entities will especially benefit from this rule as it will allow for a quicker, less costly method of understanding their burden and responsibility under disparate impact law without the need to research and compile case law since *Inclusive Communities.*

Accordingly, the undersigned certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this rule will not have a significant effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in the preamble to this rule. HUD also requests comments on the potential burden or benefit the proposed regulations may have on potential claimants and the organizations that represent them, some of which are small businesses.

Environmental Impact

This proposed rule sets forth nondiscrimination standards. Accordingly, under 24 CFR 50.19(c)(3), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: (i) Imposes substantial direct compliance costs on State and local governments and is not required by statute, or (ii) preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and on the private sector. This rule would not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

[62] 135 S. Ct. at 2523.

List of Subjects in 24 CFR Part 100

Civil rights, Fair housing, Individuals with disabilities, Mortgages, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, HUD proposes to amend 24 CFR part 100 as follows:

PART 100—DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT

■ 1. The authority for 24 CFR part 100 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

■ 2. In § 100.5, revise the last sentence in paragraph (b) and add paragraph (d) to read as follows:

§ 100.5 Scope.

* * * * *

(b) * * * Allegations of unlawful housing discrimination under this part may be established by a practice's discriminatory effect, even if not motivated by discriminatory intent, and defenses and rebuttals to such allegations may be made, consistent with the standards outlined in § 100.500.

* * * * *

(d) Nothing in this part requires or encourages the collection of data with respect to race, color, religion, sex, handicap, familial status, or national origin. The absence of any such collection efforts shall not result in any adverse inference against a party.

■ 3. In § 100.7, revise paragraph (b) and add paragraph (c) to read as follows:

§ 100.7 Liability for discriminatory housing practices.

* * * * *

(b) *Vicarious liability.* Where a principal-agent relationship exists under common law, a person may be held vicariously liable for a discriminatory housing policy or practice by the person's agent or employee.

(c) *Remedies in administrative proceedings.* The remedy in an administrative discriminatory effect case should concentrate on eliminating or reforming the discriminatory practice so as to eliminate disparities between persons in a particular protected class and other persons through neutral means, and may include equitable remedies, and, where pecuniary damage is proved, compensatory damages or restitution. Punitive or exemplary damages shall not be available as a remedy.

■ 4. In § 100.70, revise paragraph (d)(5) to read as follows:

§ 100.70 Other prohibited sale and rental conduct.

* * * * *

(d) * * *

(5) Enacting or implementing land-use rules, ordinances, procedures, building codes, permitting rules, policies, or requirements that restrict or deny housing opportunities or otherwise make unavailable or deny dwellings to persons because of race, color, religion, sex, handicap, familial status, or national origin.

■ 5. In § 100.120, revise paragraph (b)(1) to read as follows:

§ 100.120 Discrimination in the making of loans and in the provision of other financial assistance.

* * * * *

(b) * * *

(1) Failing or refusing to provide to any person information regarding the availability of loans or other financial assistance, application requirements, procedures or standards for the review and approval of loans or financial assistance, or providing information that is materially inaccurate or materially different from that provided others, because of race, color, religion, sex, handicap, familial status, or national origin; provided that nothing in this paragraph (b)(1) restricts providing accurate responses to requests for information related to an individual's particular circumstances.

* * * * *

■ 6. Revise § 100.500 to read as follows:

§ 100.500 Discriminatory effect prohibited.

(a) *General.* Liability may be established under the Fair Housing Act based on a specific policy's or practice's discriminatory effect on members of a protected class under the Fair Housing Act even if the specific policy or practice was not motivated by a discriminatory intent.

(b) *Prima facie burden.* To allege a prima facie case based on an allegation that a specific, identifiable policy or practice has a discriminatory effect, a plaintiff or the charging party (collectively, ''plaintiff'') must state facts plausibly alleging each of the following elements:

(1) That the challenged policy or practice is arbitrary, artificial, and unnecessary to achieve a valid interest or legitimate objective such as a practical business, profit, policy consideration, or requirement of law;

(2) That there is a robust causal link between the challenged policy or practice and a disparate impact on members of a protected class that shows the specific practice is the direct cause of the discriminatory effect;

(3) That the alleged disparity caused by the policy or practice has an adverse effect on members of a protected class;

(4) That the alleged disparity caused by the policy or practice is significant; and

(5) That there is a direct link between the disparate impact and the complaining party's alleged injury.

(c) *Failure to allege a prima facie case.* A defendant, or responding party, may establish that a plaintiff's allegations do not support a prima facie case of discriminatory effect under paragraph (b) of this section, if:

(1) The defendant shows that its discretion is materially limited by a third party such as through:

(i) A Federal, state, or local law; or

(ii) A binding or controlling court, arbitral, regulatory, administrative order, or administrative requirement;

(2) Where a plaintiff alleges that the cause of a discriminatory effect is a model used by the defendant, such as a risk assessment algorithm, and the defendant:

(i) Provides the material factors that make up the inputs used in the challenged model and shows that these factors do not rely in any material part on factors that are substitutes or close proxies for protected classes under the Fair Housing Act and that the model is predictive of credit risk or other similar valid objective;

(ii) Shows that the challenged model is produced, maintained, or distributed by a recognized third party that determines industry standards, the inputs and methods within the model are not determined by the defendant, and the defendant is using the model as intended by the third party; or

(iii) Shows that the model has been subjected to critical review and has been validated by an objective and unbiased neutral third party that has analyzed the challenged model and found that the model was empirically derived and is a demonstrably and statistically sound algorithm that accurately predicts risk or other valid objectives, and that none of the factors used in the algorithm rely in any material part on factors that are substitutes or close proxies for protected classes under the Fair Housing Act; or

(3) The defendant demonstrates that the plaintiff has failed to allege sufficient facts under paragraph (b) of this section.

(d) *Burdens of proof for discriminatory effect.* If a case is not resolved at the pleading stage, the burden of proof to establish that a specific, identifiable policy or practice has a discriminatory effect, are as follows:

(1) *Plaintiff's burden.* (i) A plaintiff must prove by the preponderance of the evidence, through evidence that is not remote or speculative, each of the elements in paragraphs (b)(2) through (5) of this section; and

(ii) If the defendant rebuts a plaintiff's assertion that the policy or practice is arbitrary, artificial, and unnecessary under paragraph (b)(1) of this section by producing evidence showing that the challenged policy or practice advances a valid interest (or interests), the plaintiff must prove by the preponderance of the evidence that a less discriminatory policy or practice exists that would serve the defendant's identified interest in an equally effective manner without imposing materially greater costs on, or creating other material burdens for, the defendant.

(2) *Defendant's burden.* The defendant may, as a complete defense:

(i) Prove any element identified under paragraph (c)(1) or (2) of this section;

(ii) Demonstrate that the plaintiff has not proven by the preponderance of the evidence an element identified under paragraph (d)(1)(i) of this section; or

(iii) Demonstrate that the alternative policy or practice identified by the plaintiff under paragraph (d)(1)(ii) of this section would not serve the valid interest identified by the defendant in an equally effective manner without imposing materially greater costs on, or creating other material burdens for, the defendant.

(e) *Business of insurance laws.* Nothing in this section is intended to invalidate, impair, or supersede any law enacted by any state for the purpose of regulating the business of insurance.

Dated: July 29, 2019.

Anna Maria Farías,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 2019–17542 Filed 8–16–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2019–0006; Notice No. 184]

RIN 1513–AC42

Proposed Establishment of the Candy Mountain Viticultural Area and Modification of the Yakima Valley Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the 815-acre ''Candy Mountain'' viticultural area in Benton County, Washington. TTB also proposes to expand the boundary of the existing 1,093-acre Yakima Valley viticultural area by approximately 72 acres in order to avoid a partial overlap with the proposed Candy Mountain viticultural area. Both the existing Yakima Valley AVA and the proposed Candy Mountain AVA are located entirely within the existing Columbia Valley AVA. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on these proposals.

DATES: TTB must receive your comments on or before October 18, 2019.

ADDRESSES: You may electronically submit comments to TTB on this proposal, and view copies of this document, its supporting materials, and any comments TTB receives on it within Docket No. TTB–2019–0006 as posted on *Regulations.gov* (*https://www.regulations.gov*), the Federal e-rulemaking portal. Please see the ''Public Participation'' section of this document below for full details on how to comment on this proposal via *Regulations.gov,* U.S. mail, or hand delivery, and for full details on how to view or obtain copies of this document, its supporting materials, and any comments related to this proposal.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA that affect viticulture, such as climate, geology,

soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;

- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Petition To Establish the Candy Mountain AVA and To Modify the Boundary of the Yakima Valley AVA

TTB received a petition from Dr. Kevin R. Pogue, a professor of geology at Whitman College, proposing to establish the ''Candy Mountain'' AVA and to modify the boundary of the existing Yakima Valley AVA (27 CFR 9.69). Dr. Pogue submitted the petition on behalf of the following industry members with wine businesses within the proposed AVA: Ramer Holtan, who is developing a commercial wine grape vineyard on Candy Mountain; Premiere Columbia Partners LLC, owners of Candy Mountain Vineyard; and Paul and Vickie Kitzke, owners of Kitzke Cellars. The proposed Candy Mountain AVA is located in Benton County, Washington, and is entirely within the existing Columbia Valley AVA (27 CFR 9.74), and partially within the existing Yakima Valley AVA. Within the 815-acre proposed AVA, currently there are two producing commercial vineyards, Candy Mountain Vineyard and Kitzke Cellars, which cover a total of approximately fifty-four acres. Additionally, Mr. Holtan has secured long-term leases from the Washington Department of Natural Resources to plant two hundred additional acres of vineyards within the proposed AVA. A copy of the lease was included in the petition as evidence of Mr. Holtan's intent to grow wine grapes. Currently, Kitzke Cellars is the only winery within the proposed AVA, although the petition notes that other wineries in Washington produce wines from grapes grown within the proposed AVA.

Although most of the proposed Candy Mountain AVA is located within the existing Yakima Valley AVA, a small portion of the proposed AVA would, if established, extend outside the current eastern boundary of the Yakima Valley AVA. To address the potential partial overlap of the two AVAs and account for viticultural similarities between the proposed Candy Mountain AVA and the larger Yakima Valley AVA, the petition also proposes to expand the boundary of the Yakima Valley AVA so that the entire proposed Candy Mountain AVA would be included within it. The proposed expansion would increase the size of the 1,093-acre Yakima Valley AVA by 72 acres.

The distinguishing features of the proposed Candy Mountain AVA are its soils and topography. Although the petition also included information on the general climate of the proposed AVA, the petition did not include any actual climate data from within the proposed Candy Mountain AVA. Instead, the petition provided climate data from the nearby established Red Mountain AVA (27 CFR 9.167), which the petition asserts has a similar climate. Because the petition did not include evidence from within the proposed AVA to support its climate claims, TTB is unable to determine that climate is a distinguishing feature of the proposed AVA. Therefore, this proposed rule does not include a discussion of the climate of the proposed AVA. Unless otherwise noted, all information and data contained in the following sections are from the petition to establish the proposed AVA and its supporting exhibits.

Proposed Candy Mountain AVA

Name Evidence

The proposed Candy Mountain AVA is located on the southwestern slopes of a mountain known as Candy Mountain. The mountain is labeled on the Richland quadrangle USGS map used to form part of the proposed AVA boundary. According to several articles included in the petition, a planned nature preserve that would be located at the summit of the mountain is referred to as the Candy Mountain Preserve. A housing development at the base of the mountain is named Candy Mountain Estates and includes a road called Candy Mountain Avenue.

The region within the proposed AVA is also referred to as ''Candy Mountain'' by members of the wine industry. Premiere Columbia Partners LLC named its vineyard within the proposed AVA ''Candy Mountain Vineyard.'' [1] The petition included a page from the website of the L'Ecole No. 41 Winery showing a wine made from grapes from the Premiere Columbia Partners vineyard labeled as ''Candy Mountain Vineyard Red Wine.'' [2] Additionally, Kitzke Cellars refers to the location of its tasting room as ''on Candy Mountain.'' [3]

Boundary Evidence

The proposed Candy Mountain AVA is located in Benton County, Washington, just southwest of the city of West Richland, on the southwestern slopes of Candy Mountain. The proposed AVA has a roughly oval shape and is oriented along a northwest-southeast axis. The proposed northern, western, and southern boundaries follow roads and interstate highways that are located along the base of the mountain. Most of the eastern boundary follows a line drawn along the crest of the mountain to separate the proposed AVA from the northeastern-facing side of the mountain. The remainder of the eastern boundary follows roads to encompass land near the base of the mountain that has slope angles and slope aspects that are similar to those on the southwestern side of the mountain.

Distinguishing Features

According to the petition, the distinguishing features of the proposed Candy Mountain AVA are its soils and topography.

Soils

The petition states that the soils of the proposed Candy Mountain AVA are developed from wind-deposited silt (loess) and fine sand overlying sediment deposited by ice-age floods. The sediment is a mixture of gravel and sand that was derived directly from the surging ice-age flood waters and also includes silt and fine sand that settled out of suspension when the flood waters pooled behind downstream topographic restrictions. The loess and sediment, in turn, both overlay basalt bedrock.

According to the petition, the thickness of the sediment deposited by ice-age flood waters gradually decreases as elevations increase, since the lower elevations were more frequently and heavily inundated by multiple ice-age floods. The petition states that the maximum elevation reached by the ice-age flood waters in the region of the proposed AVA was approximately 1,250 feet. The thickness of the flood-water sediment within the proposed Candy Mountain AVA gradually decreases as one moves up the mountain, and the sediment is not found within the upper 70 feet of the proposed AVA. By contrast, the regions to the north, south, and west of the mountain and the proposed Candy Mountain AVA are at lower elevations and, therefore, have thicker accumulations of flood sediments.

The petition states that the thickness of the loess and fine sands that form much of the surface soil within the

[1] *http://premierewinegrapes.com/about.*

[2] *http://www.lecole.com/2013-candy-mountain-red-wine.*

[3] *http://www.kitzkecellars.com/about.*

larger Columbia Basin, including the proposed Candy Mountain AVA, also varies with respect to slope angle and slope aspect. Since the loess and fine sands were deposited by winds, they accumulated to greater depth on shallower slopes, on hillsides that face away from the prevailing winds, and in areas that are at lower elevations relative to their surroundings. The petition states the soils in the proposed AVA are shallower than the surrounding valley soils because the proposed Candy Mountain AVA has higher elevations and steeper slopes than the surrounding valley floor, and also faces into the prevailing winds.

According to the petition, the soils of the proposed AVA have an effect on viticulture. The soils are fairly loose, which allows for root expansion. The soils also do not have a large water holding capacity, meaning that vineyard owners must monitor soil moisture carefully to ensure the vines have adequate access to water. Soils with low water-holding capacities also induce stress for grape vines, which may limit vegetative growth and promote earlier ripening of the grapes. Finally, the thin soils allow roots to come into contact with the underlying basalt bedrock, which is comprised of calcium-rich feldspars and other minerals that are rich in iron and magnesium, such as pyroxene and olivine. The petition states that these minerals and nutrients are only present in the bedrock, so vines planted in the surrounding regions where the soil is thicker do not have the same access to these elements as vines planted within the proposed AVA.

Topography

The primary distinguishing topographic features of the proposed Candy Mountain AVA are its elevation, slope angle, and slope aspect.

Elevation

The proposed Candy Mountain AVA is located on the southwest slopes of Candy Mountain, one of a series of four small mountains that are aligned over a distance of 10 miles along a northwest-southeast trending axis. Locally, these mountains are known as the ''rattles,'' due to their segmented nature and their alignment with the much larger Rattlesnake Mountain, which is to the northwest. The four ''rattles'' rise above the surrounding Yakima Valley. Within the proposed Candy Mountain AVA, elevations range from 640 feet to 1,320 feet. By contrast, much of the land immediately surrounding the proposed AVA is a valley floor with elevations below 640 feet. The exception is the northeastern side of Candy Mountain, which has similar elevations to the proposed Candy Mountain AVA but was excluded from the proposed AVA due to its different slope angles and slope aspect.

According to the proposed AVA, the elevation of the proposed Candy Mountain AVA affects viticulture. The petition states that vineyards planted at higher elevations, such as those within the proposed AVA, are less susceptible to damage from frosts and freezes associated with cool air drainage than lower elevations, such as the surrounding valley floor. The cool air does not collect in the higher elevation vineyards and instead flows down the hillsides and eventually settles in the valley floor.

Slope Angle

According to the petition, Candy Mountain is a geological feature known as an anticline, which is an arch-like structure formed by compressional tectonic forces that bent and uplifted the basalt bedrock. The rock layers in an anticline are folded downward away from the central axis, similar to the roof of a house. The two sides of the anticline are called ''limbs.'' In the case of Candy Mountain, the inclination, or dip, of the limbs is asymmetric. The limb on the northeast side of the mountain has a much steeper dip than the limb on the southwest side, where the proposed Candy Mountain AVA is located. The northeast side of the mountain has slope angles of up to 60 degrees. According to the petition, slope angles over 20 degrees are difficult to farm and are more susceptible to erosion than shallower angles. By contrast, the slope angles on the southwest side of the mountain, within in the proposed Candy Mountain AVA, are gentle to moderate and range from 2 to 20 degrees. The valley floor surrounding both the entire Candy Mountain and the proposed Candy Mountain AVA is essentially flat, with slope angles of less than 2 degrees, and is susceptible to cold air pooling and the associated frosts and freezes.

Slope Aspect

The petition states that in the northern hemisphere, slopes with a southern aspect are favored for viticulture, especially at higher latitudes like the region of the proposed Candy Mountain AVA. A south-facing slope aspect increases the amount per unit area of solar radiation that reaches the surface and promotes photosynthesis in the grape vines, as well as grape development and maturation. The proposed Candy Mountain AVA is located on the southwest-facing slope of Candy Mountain. The opposite side of the mountain, outside of the proposed AVA, has a northeast slope aspect. Most of the surrounding valley floor is essentially flat, but where slopes exist, they are generally oriented towards the north.

Summary of Distinguishing Features

Soils and topography distinguish the proposed Candy Mountain AVA from the surrounding regions. The soils consist mainly of a mixture of wind-deposited loess and fine sands overlying ice-age flood sediments. The topography includes elevations of 640–1,320 feet, slope angles of between 2 and 20 degrees, and a southwestern facing slope aspect.

The proposed Candy Mountain AVA is surrounded by the low, flat valley floor of the Yakima Valley to the north, south, and west. Where slopes do exist in these surrounding regions, they generally have a northerly aspect. Because these regions have shallower slope angles and lower elevations that were more frequently and heavily covered by ice-age floods, the soils are deeper than the soils of the proposed AVA. To the immediate east of the proposed AVA, on the eastern side of Candy Mountain, the elevations are similar to those of the proposed AVA. However, the slope angles to the immediate east of the proposed AVA are steeper, resulting in shallower soil depths. Additionally, the eastern side of the mountain is oriented to the northeast.

Comparison of the Proposed Candy Mountain AVA to the Existing Yakima Valley AVA

The Yakima Valley AVA was established by T.D. ATF–128, which was published in the **Federal Register** on April 4, 1983 (48 FR 14374). The AVA is located in Yakima and Benton Counties, Washington, and covers approximately 1,093 acres. T.D. ATF–128 states that the Yakima Valley AVA is a valley drained by the Yakima River and surrounded by higher elevations on all sides. The western portion of the AVA is a vast expanse of flat land, while the eastern portion is comprised of gently sloping land. The primary soils of the Yakima Valley AVA that are used for viticulture are the Warden-Shano Association and the Scootenay-Starbuck Association. These soils are silt-loams over basalt bedrock and alluvial deposits. Rainfall within the AVA is sparse, generally averaging less than 10 inches a year.

The proposed Candy Mountain AVA shares some of the general viticultural features of the Yakima Valley AVA. For

example, the proposed AVA is located within the Yakima River drainage basin. Additionally, the soils of the proposed AVA are silts over basalt bedrock and ice-age alluvial deposits. Soils of the Warden, Shano, Scootenay, and Starbuck series are all present within the proposed AVA. The petition also states that a weather station at Benton City, 4 miles northwest of the proposed AVA, averaged 6 inches of rainfall annually between 2008 and 2015. However, TTB notes that no rainfall data was provided from within the proposed AVA.

Although the proposed Candy Mountain AVA shares some general characteristics with the overlapping Yakima Valley AVA, the proposed AVA does have some unique features. For instance, the proposed AVA is located on an isolated mountain, whereas the majority of the Yakima Valley AVA is described as a broad, flat valley. Additionally, the proposed Candy Mountain AVA has a greater diversity of soils than the primary agricultural regions of the Yakima Valley AVA. According to the petition, the proposed AVA was directly in the path of the fast-moving ice-age floodwaters that surrounded Candy Mountain, Red Mountain, and Badger Mountain. A strong back-eddy was created as the floodwaters surrounded these mountains, causing gravel and various other heavier particles to be deposited on the slopes of the mountains. By contrast, the soils in the primary agricultural areas of the Yakima Valley AVA are more homogenous because they were created from finer particles such as sand and silts that were deposited in a slack water environment.

Proposed Modification of the Yakima Valley AVA

As previously noted, the petition to establish the proposed Candy Mountain AVA also requested an expansion of the established Yakima Valley AVA. The proposed Candy Mountain AVA is located in the northeastern portion of the Yakima Valley AVA. Most of the proposed Candy Mountain AVA would, if established, be located within the current boundary of the Yakima Valley AVA. However, unless the boundary of the Yakima Valley AVA is modified, a small portion of the proposed Candy Mountain AVA would be outside the Yakima Valley AVA.

Currently, the Yakima Valley AVA boundary in the vicinity of the proposed AVA and the proposed expansion area follows a straight line drawn from the summit of Red Mountain, northwest of the proposed AVA, to the summit of Badger Mountain, southeast of the proposed AVA. The Yakima Valley AVA boundary crosses the summit of Candy Mountain and is concurrent with most of the northern boundary of the proposed Candy Mountain AVA. However, a small portion of the proposed AVA is outside the Yakima Valley AVA. This portion of the proposed Candy Mountain AVA (the ''proposed expansion area'') is shaped like a rectangle standing on end and is defined by Arena Road on the west, Dallas Road on the east, Interstate 182 on the south, and the 650-foot elevation contour on the north. The proposed modification of the Yakima Valley AVA boundary would increase the size of the established AVA by 72 acres and would result in the entire proposed Candy Mountain AVA being within the Yakima Valley AVA.

The proposed Candy Mountain AVA petition states that the vineyards within the proposed expansion area lie approximately 600 feet outside of the current boundary of the Yakima Valley AVA and did not exist at the time the Yakima Valley AVA was established. However, the petition states that the proposed expansion area is associated with both the feature known as the Yakima Valley and the Yakima Valley AVA. For example, the proposed expansion area is part of the larger Yakima River drainage basin, which is a characteristic of the Yakima Valley AVA. Additionally, the petition states that the owners of Kitzke Cellars, which manages the seven acres of vineyards within the proposed expansion area, have aligned themselves with the Yakima Valley AVA through their membership in Wine Yakima Valley, which is the Yakima Valley AVA's marketing organization.

The petition asserts that the proposed expansion area has similar soils, elevation, slope angles, and slope aspect to the remainder of the proposed Candy Mountain AVA, which is within the Yakima Valley AVA. The petition also describes the general similarities that the entire proposed Candy Mountain AVA shares with the established Yakima Valley AVA, such as similar soil series and geology. Therefore, because the petition demonstrates that the proposed expansion area has similar soil and topographic characteristics to the portion of the proposed Candy Mountain AVA that is within the Yakima Valley AVA, and that the proposed Candy Mountain AVA shares some general characteristics of the Yakima Valley AVA, TTB believes the petitioner's proposal to expand the Yakima Valley AVA to include the proposed expansion area merits consideration and public comment.

Comparison of the Proposed Candy Mountain AVA to the Existing Columbia Valley AVA

The Columbia Valley AVA was established by T.D. ATF–190, which was published in the **Federal Register** on November 13, 1984 (49 FR 44897). The Columbia Valley AVA covers over 11 million acres in Washington surrounded by the Columbia, Snake, and Yakima Rivers. According to T.D. ATF–190, the AVA is a large, treeless, broadly undulating basin with elevations that are generally below 2,000 feet. In general, the growing season within the Columbia Valley AVA is over 150 days, and growing degree day accumulations generally number over 2,000. Soils generally reach a depth of 2 feet or more and are comprised of silt loam, fine sandy loam, sandy loam, or loamy sand.

The proposed Candy Mountain AVA is located in the south-central portion of the Columbia Valley AVA and shares some broad characteristics of the Columbia Valley AVA. For example, elevations within the proposed Candy Mountain AVA are below 2,000 feet. The petition also states that the proposed AVA has a similar climate to the Columbia Valley AVA, although no data is available from within the proposed AVA to support these claims.

However, the proposed Candy Mountain AVA does have several features that distinguish it from the Columbia Valley AVA. Most notably, the proposed AVA is characterized as an isolated hill, rather than a broad plain. Although the elevations within the proposed AVA are within the range of elevations found within the Columbia Valley AVA, the proposed AVA's elevations are significantly higher than those of the immediately surrounding regions. The petition states that the proposed AVA also has steeper slope angles than much of the land within the Columbia Valley AVA. Finally, due to the combination of higher elevations and steeper slope angles within the proposed AVA, soil depths within the proposed Candy Mountain AVA are shallower than the soil depths found within the majority of the Columbia Valley AVA.

TTB Determination

TTB concludes that the petition to establish the 815-acre ''Candy Mountain'' AVA and to concurrently modify the boundary of the existing Yakima Valley AVA merits consideration and public comment, as invited in this document.

TTB is proposing the establishment of the new AVA and the modification of

the existing AVA as one action. Accordingly, if TTB establishes the proposed Candy Mountain AVA, then the proposed boundary modification of the Yakima Valley would be approved concurrently. If TTB does not establish the proposed Candy Mountain AVA, then the present Yakima Valley AVA boundary would not be modified.

Boundary Description

See the narrative boundary descriptions of the petitioned-for AVA and the boundary modification of the established AVA in the proposed regulatory text published at the end of this document.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Candy Mountain,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Candy Mountain'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule.

If approved, the establishment of the proposed Candy Mountain AVA would not affect any existing AVA, and any bottlers using ''Columbia Valley'' or ''Yakima Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the Columbia Valley or Yakima Valley AVAs would not be affected by the establishment of this new AVA. The establishment of the proposed Candy Mountain AVA and expansion of the Yakima Valley AVA would allow vintners to use ''Candy Mountain,'' ''Yakima Valley,'' and ''Columbia Valley'' as appellations of origin for wines made from grapes grown within the proposed Candy Mountain AVA if the wines meet the eligibility requirements for the appellation. Additionally, vintners would be allowed to use ''Yakima Valley,'' ''Columbia Valley,'' and ''Candy Mountain'' as appellations of origin for wines made from grapes grown within the proposed Yakima Valley AVA expansion area if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether TTB should establish the proposed Candy Mountain AVA and concurrently modify the boundary of the established Yakima Valley AVA. TTB is interested in receiving comments on the sufficiency and accuracy of the name, boundary, topography, and other required information submitted in support of the Candy Mountain AVA petition. In addition, given the proposed Candy Mountain AVA's location within the existing Columbia Valley AVA and Yakima Valley AVA, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing AVAs. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from either the Columbia Valley AVA or the Yakima Valley AVA that the proposed Candy Mountain AVA should not be part of one or either established AVA. Please provide any available specific information in support of your comments.

TTB also invites comments on the proposed expansion of the existing Yakima Valley AVA. TTB is especially interested in comments on whether the evidence provided in the petition sufficiently demonstrates that the proposed expansion area is similar enough to the Yakima Valley AVA to be included in the established AVA. Comments should address the boundaries, topography, soils, and any other pertinent information that supports or opposes the proposed Yakima Valley AVA boundary expansion.

Because of the potential impact of the establishment of the proposed Candy Mountain AVA on wine labels that include the term ''Candy Mountain'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed area name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the proposed AVA.

Submitting Comments

You may submit comments on this proposal by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this document within Docket No. TTB–2019–0006 on ''*Regulations.gov,*'' the Federal e-rulemaking portal, at *https://www.regulations.gov.* A direct link to that docket is available under Notice No. 184 on the TTB website at *https://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via *Regulations.gov.* For complete instructions on how to use *Regulations.gov,* visit the site and click on the ''Help'' tab at the top of the page.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

Please submit your comments by the closing date shown above in this document. Your comments must reference Notice No. 184 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. We do not acknowledge

receipt of comments, and we consider all comments as originals.

Your comment must clearly state if you are commenting on your own behalf or on behalf of an organization, business, or other entity. If you are commenting on behalf of an organization, business, or other entity, your comment must include the entity's name as well as your name and position title. If you comment via *Regulations.gov,* please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this document, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2019–0006 on the Federal e-rulemaking portal, *Regulations.gov*, at *https://www.regulations.gov.* A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 184. You may also reach the relevant docket through the *Regulations.gov* search page at *https://www.regulations.gov.* For instructions on how to use *Regulations.gov*, visit the site and click on the ''Help'' tab at the top of the page.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that it considers unsuitable for posting.

You also may view copies of this document, all related petitions, maps and other supporting materials, and any electronic or mailed comments we receive about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW, Suite 400, Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Contact TTB's Regulations and Rulings Division at the above address, by email at *https://www.ttb.gov/webforms/contact_RRD.shtm*, or by telephone at 202–453–1039, ext. 175, to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

This proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, it requires no regulatory assessment.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this document.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, we propose to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Amend § 9.69 by revising paragraphs (b) and (c)(4), redesignating paragraphs (c)(5) through (c)(10) as paragraphs (c)(11) through (16), and by adding new paragraphs (c)(5) through (c)(10) to read as follows:

§ 9.69 Yakima Valley.

* * * * *

(b) *Approved maps.* The four United States Geological Survey (USGS) maps used to determine the boundary of the Yakima Valley viticultural area are titled:

(1) Walla Walla, Washington (1:250,000 scale), 1953; limited revision 1963;

(2) Yakima, Washington (1:250,000 scale), 1958; revised 1971;

(3) Benton City, WA (1:24,000 scale), 2013;

(4) Badger Mountain, Washington (1:24,000 scale), 2013; and

(5) Richland, Washington (1:24,000 scale), 2014.

* * * * *

(c) * * *

(4) Then southeast, crossing onto the Benton City map, to the top of Red Mountain;

(5) Then southeast to a point on East Kennedy Road approximately 2,500 feet east of an intermittent stream flowing north into Lost Lake;

(6) Then southeast across the top of Candy Mountain, crossing onto the Badger Mountain map, and continuing to the intersection with the southernmost point of an unnamed road known locally as Arena Road; then

(7) Proceed north for 0.45 mile along Arena Road, crossing onto the Richland map, to the intersection with the 670-foot elevation contour; then

(8) Proceed generally east for 0.4 mile along the elevation contour to the intersection with Dallas Road; then

(9) Proceed south in a straight line for 0.5 mile, crossing onto the Badger Mountain map, to the intersection with Interstate 182; then

(10) Proceed southeast in a straight line, crossing onto the Walla Walla map, to the top of Badger Mountain;

* * * * *

■ 3. Add § 9.____ to read as follows:

§ 9.____ Candy Mountain.

(a) *Name.* The name of the viticultural area described in this section is ''Candy Mountain''. For purposes of part 4 of this chapter, ''Candy Mountain'' is a term of viticultural significance.

(b) *Approved maps.* The three United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Candy Mountain viticultural area are titled:

(1) Badger Mountain, Washington, 2013;

(2) Benton City, Washington, 2013; and

(3) Richland, Washington, 2014.

(c) *Boundary.* The Candy Mountain viticultural area is located in Benton County in Washington. The boundary of the Candy Mountain viticultural area is as described below:

(1) The beginning point is on the Badger Mountain map at the southernmost point of an unnamed road known locally as Arena Road. From the beginning point, proceed northwest in a straight line for approximately 1.85 miles, crossing onto the Benton City

map, to the intersection with East Kennedy Road NE; then

(2) Proceed westerly along East Kennedy Road NE for approximately 2,500 feet to the intersection with an intermittent creek approximately 0.8 mile south of Lost Lake; then

(3) Proceed southeasterly along the easternmost fork of the intermittent creek to the intersection with Interstate 82; then

(4) Proceed southeast along Interstate 82 for 2.25 miles, crossing over the Richland map and onto the Badger Mountain map, and continuing along the ramp onto Interstate 182 to a point due south of the intersection of Dallas Road and an unnamed road known locally as East 260 Private Road NE; then

(5) Proceed north in a straight line for 0.5 mile, crossing onto the Richland map, to the intersection of Dallas Road and the 670-foot elevation contour; then

(6) Proceed west along the 670-foot elevation contour for 0.4 mile to the intersection with Arena Road; then

(7) Proceed southerly along Arena Road for approximately 0.45 miles, returning to the beginning point.

Signed: June 18, 2019.

Mary G. Ryan,

Acting Administrator.

Approved: June 27, 2019.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2019–17688 Filed 8–16–19; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0023]

RIN 1625–AA00

Safety Zone, MBTA Railroad Bridge Replacement Project—Annisquam River, Gloucester, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for the navigable waters within 100 yards of the Massachusetts Bay Transportation Authority (MBTA) Railroad Bridge, at mile 0.7, across the Annisquam River, Gloucester, Massachusetts, from November 1, 2019 through June 30, 2023. The temporary safety zone is necessary to protect personnel, vessels and the marine environment from potential hazards created during the replacement project of the MBTA Railroad Bridge. When enforced, this proposed rule would prohibit vessels and persons from being in the safety zone unless authorized by the Captain of the Port Boston 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 18, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0023 using the Federal eRulemaking Portal at *http://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 Mark Cutter, Waterways Management Division, U.S. Coast Guard Sector Boston, telephone 617–223–4000, email *Mark.E.Cutter@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
NAD 83 North American Datum 1983
§ Section
U.S.C. United States Code
MBTA Massachusetts Bay Transportation Authority

II. Background, Purpose, and Legal Basis

The MBTA notified Sector Boston that there will be times in which the narrow navigable channel underneath the MBTA Railroad Bridge, Annisquam River, Gloucester, Massachusetts, will need to be closed for the replacement of submarine cables, abutment construction, and span replacement. The exact times are unknown. However, every effort is being made by the MBTA and contractor to schedule these closures during the winter months when boating traffic is minimal.

The replacement project started in the fall of 2018 and is expected to be completed in December 2022. The COTP Boston determined that the potential hazards associated with the replacement of the submarine cables, abutment construction, and span replacement will be a safety concern for anyone within the work area. The proposed temporary safety zone would be enforced during the replacement of the submarine cables, abutment construction, and span replacement or when other hazards to navigation arise. No vessel or person will be permitted to enter the proposed temporary safety zone without obtaining permission from the COTP or a designated representative.

The Coast Guard will notify the public of closures through the Massachusetts Bay Harbor Safety Committee meetings, Boston's Port Operators Group meetings, Local Notice to Mariners and through the Gloucester Harbormaster's network. The Coast Guard will issue a Safety Marine Information Broadcast (SMIB) via marine channel 16 (VHF–FM) seven days in advance of the enforcement of the proposed safety zones.

The purpose of this rulemaking is to protect personnel, vessels, and the marine environment from potential hazards created during the replacement project of the MBTA Railroad Bridge, at mile 0.7, across the Annisquam River, Gloucester, Massachusetts. 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 Coast Guard is proposing to establish a safety zone starting at 12:01 a.m. on November 1, 2019, to 11:59 p.m. on June 30, 2023. The safety zone would cover all navigable waters within 100 yards of the MBTA Railroad Bridge, at mile 0.7, across the Annisquam River, Gloucester, Massachusetts. The safety zone will only be enforced during periods when work barges and cranes will be placed in the navigable channel or when other hazards to navigation exist. Any closure is expected to last less than two weeks. The duration of the zone is intended to ensure the safety of vessels, the maritime public, construction workers, and the marine environment during periods of replacement of the MBTA Railroad Bridge over the main channel of the Annisquam River, Gloucester, Massachusetts. During the enforcement period, all vessels and persons must obtain permission from the COTP Boston or a designated representative before entering the safety zone.

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 proposed rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the proposed rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time of year of the safety zone. There may be a time during the boating summer season that the safety zone needs to be enforced. However, the MBTA and contractor are making all attempts to schedule these needed closures during the winter months. We expect the adverse economic impact of this proposed rule to be minimal. We will provide ample notice of the safety zone effective dates and vessels will be able to enter the safety zone when construction equipment is not occupying the channel. Although this regulation may have some adverse impact on the public, the potential impact will be minimal because the boating season for vessels on the Annisquam usually concludes in mid-October and consequently the amount of traffic in this waterway during the effective period for the safety zone is limited to a few commercial lobstermen. The Gloucester Harbormaster will be allowing the lobstermen to moor their boats at the town docks on the Harbor entrance side during periods of enforcement, which will allow the lobstermen to transit to their lobster gear with no impact. If a summer time closure is needed, with the exception of an emergency, we will coordinate with the MBTA, Contractor, and Harbormaster to ensure that all alternatives are explored, the duration is of the shortest possible timeframe, and a minimum of two weeks notification are given to the boating public via Local Notice to Mariners, Safety Marine Information Broadcast via marine channel 16 (VHF–FM) and through the Gloucester Harbormaster network.

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 will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit this safety zone may be small entities, for the reasons stated in section IV.A above, this proposed rule will 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 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 Commandant Instruction M16475.1D, 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 the establishment of a temporary safety zone for the navigable waters within 100 yards of the MBTA Railroad Bridge, at mile 0.7, across the Annisquam River, Gloucester, Massachusetts, from November 1, 2019 through June 30, 2023 for the replacement of the bridge. The safety zone will only be enforced during periods when work barges and cranes will be placed in the navigable channel or when other hazards to navigation arise. As discussed in our pre-construction meeting, any closure is expected to be of less than a two-week duration and all attempts are being made by the MBTA and contractor to schedule these closures during winter months when boating traffic is minimal. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration

supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

We accept anonymous comments. All comments received will be posted without change to *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 the 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a new § 165.T01–0023 to read as follows:

§ 165.T01–0023 Safety Zone; Safety Zone, MBTA Railroad Bridge Replacement Project—Annisquam River, Gloucester, Massachusetts.

(a) *Location.* The following area is a safety zone: All navigable waters within 100 yards of the Massachusetts Bay Transportation Authority (MBTA) Railroad Bridge, at mile 0.7, across the Annisquam River, Gloucester, Massachusetts.

(b) *Enforcement Periods.* This rule is enforceable from 12:01 a.m. on November 1, 2019, to 11:59 p.m. on June 30, 2023.

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

(1) Designated representative means any Coast Guard commissioned, warrant, petty officer, or any federal, state, or local law enforcement officer who has been designated by the Captain of the Port (COTP) Boston, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) Official patrol vessels means any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Boston to enforce this section.

(d) *Regulations.* When this safety zone is enforced, the following regulations, along with those contained in § 165.23 apply:

(1) No person or vessel may enter or remain in this safety zone without the permission of the COTP Boston or the COTP's designated representatives. However, any person or vessel permitted to enter the safety zone must comply with the directions and orders of the COTP Boston or the COTP's designated representatives.

(2) To obtain permission required by this regulation, individuals may reach the COTP Boston or a COTP-designated representative via Channel 16 (VHF–FM) or 617–223–5757 (Sector Boston Command Center).

(3) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232.

Dated: August 13, 2019.

Eric. J. Doucette,

Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. 2019–17742 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0850; FRL–9997–79–Region 6]

Air Plan Approval; New Mexico; Approval of Revised Statutes; Error Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to New Mexico's State Implementation Plan (SIP) that incorporate updates to the New Mexico statutes. EPA is also correcting its previous approval of some statute provisions to provide clarification of the approval action taken.

DATES: Written comments should be received on or before September 18, 2019.

ADDRESSES: Submit your comments, identified by EPA–R06–OAR–2015–0850, at *https://www.regulations.gov* or via email to *Riley.Jeffrey@epa.gov.* For additional information on how to submit comments see the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jeff Riley, (214) 665–8542, *Riley.Jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, the EPA is approving portions of the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments

received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: August 13, 2019.

Kenley McQueen,

Regional Administrator, Region 6.

[FR Doc. 2019–17744 Filed 8–16–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0032; FRL–9998–46–Region 5]

Air Plan Approval; Illinois; Emissions Reduction Market System Sunsetting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Illinois Environmental Protection Agency (Illinois EPA) on January 11, 2019, concerning the state's Emissions Reduction Market System (ERMS) program for the Chicago ozone nonattainment area (NAA) in Illinois. The revision sunsets the ERMS program and effectively removes from the SIP provisions in 35 Illinois Administrative Code (35 IAC) Part 205, as the ERMS program is no longer effective in providing any additional emissions reductions or environmental benefit. The submittal also includes a demonstration under section 110(l) of the Clean Air Act (CAA) that addresses emission impacts associated with the sunsetting of the program.

DATES: Comments must be received on or before September 18, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2019–0032 at *http://www.regulations.gov,* or via email to *blakley.pamela@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, 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. 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://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

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

I. What is the background for this action?
II. What changes have been made as part of the SIP revision?
III. What is EPA's analysis of the state's submittal?
IV. What action is EPA taking?
V. Incorporation by reference
VI. Statutory and Executive Order reviews

I. What is the background for this action?

The ERMS program was originally implemented in Illinois as a cap-and-trade program designed to reduce the emissions of volatile organic compounds (VOC [1]) in the Chicago ozone NAA below the levels required by reasonably available control technology (RACT) and other regulations. The program was intended to achieve additional emission reductions needed for the post-1999 ozone Rate of Progress (ROP) plan for the now-revoked 1979 1-hour ozone standard, while providing sources with more flexibility than is typically present in ''command and control'' regulations. As part of this program, major VOC sources, *i.e.,* industrial facilities emitting at least 25 tons per year, including at least 10 tons between May and September, were required to participate. ERMS addresses the period between May 1st through September 30th, known as the seasonal allotment period or season, as ozone typically forms in the hotter, sunnier days of the year.

The ERMS program is a cap-and-trade market system in which sources must hold allowances, known as Allotment Trading Units (ATUs), for their actual VOC emissions during the ERMS season. Every source in the ERMS program is issued ATUs each year based on its historical baseline emissions. An ATU is equivalent to 200 pounds of VOC. Sources with a surplus of ATUs can bank them for use in the following season or trade them to sources that exceeded their allotments. Under Illinois' program, ATUs have a two-season lifespan and if they are not used in the second season, they expire and are no longer allowed to be used to account for emissions at the source. Overall, VOC emissions are limited to the total number of available ATUs. To address stakeholder concerns that there may not have been enough ATUs available for purchase, the ERMS program also established an Alternative Compliance Market Account (ACMA), to which an amount equal to one percent of the annual amount of ATU allotments given to sources are deposited. These ATUs never expire while in the ACMA.

Annual allotments of ATUs to sources are made in early April before the start of the season. Trades of ATUs for the season's emissions must be made by December 31st and emissions compensation is performed by Illinois EPA in early January of every year. ATUs are removed from each source's account in an amount equivalent to the source's emissions during the prior season. Sources with an insufficient amount of ATUs in their account at that point must either buy them from the ACMA or borrow from the source's allotment for the next year.

The ERMS program was adopted by Illinois in 1997 and implemented in 2000 and approved as part of the Illinois SIP by EPA on October 15, 2001 (66 FR 52343). The program was amended in 2005 and those amendments were approved by EPA on July 7, 2008 (73 FR 38328).

II. What changes have been made as part of the SIP revision?

For areas that fail to meet the National Ambient Air Quality Standards (NAAQS) for ozone, states are required

[1] Illinois uses the term ''Volatile Organic Material'' (VOM) rather than VOC. The state's definition of VOM is equivalent to EPA's definition of VOC at 40 CFR 51.100. The two terms are interchangeable when discussing volatile organic emissions. For consistency with the CAA and EPA policy, this rulemaking uses the term VOC.

by the CAA to develop a SIP for attaining and maintaining the NAAQS. Section 182(c)(2)(B) of the CAA further requires that states must continue to reduce VOC emissions in those areas at rate of 9% over a subsequent three-year period. Illinois EPA relied on VOC emission reductions from the ERMS program as part of the post-1999 ozone ROP plan for the 2000–2002 milestone period as required under the now-revoked 1979 1-hour ozone NAAQS. The ROP plan was approved into the SIP on November 11, 2001 (66 FR 56904). At that time, Illinois EPA estimated in its ROP plan that the ERMS program would achieve a VOM reduction of 12.6 tons per summer day. Those reductions represented nearly 7% of the total Chicago NAA VOC ROP plan emissions reductions needed for that milestone period.

Illinois achieved all the reductions needed under the ROP plan for the Chicago NAA, but the state is now terminating the ERMS program, as it is no longer effective in providing environmental benefit. Since the implementation of ERMS in 2000, actual emissions from sources in ERMS have continued to decrease. These emissions reductions are due to various factors including the fact that some of the original affected sources have permanently shut down. New sources and emission units that have become subject to ERMS do not emit at the rate of these older, shut down sources. Additionally, as discussed below, several state and Federal regulations addressing VOC emissions have been promulgated since ERMS began and have led to a decline in both allowable and actual emissions and make it very unlikely that emissions will return to the previous levels from when ERMS was first implemented. With emissions being significantly lower than when the ERMS program began, there is a large surplus of ATUs. A high percentage of ATUs issued in a given year are no longer used to offset emissions and simply expire. As part of this SIP submittal, Illinois EPA is requesting EPA's approval of the state's action to sunset the ERMS program as of April 30, 2018 which would therefore allow EPA to remove 35 IAC Part 205 provisions from the SIP. Illinois EPA has also submitted an anti-backsliding analysis in accordance with section 110(l) of the CAA to demonstrate that the discontinuation of the ERMS program as of April 30, 2018 will not interfere with attainment or maintenance of any applicable NAAQS, RFP, or any other applicable requirement set forth in the CAA.

III. What is EPA's analysis of the state's submittal?

Our primary consideration for determining the approvability of the Illinois revisions to remove the ERMS program from the SIP is whether these revisions comply with section 110(l) of the CAA. Section 110(l) of the CAA provides that EPA cannot approve a SIP revision if that revision interferes with any applicable requirement regarding attainment and reasonable further progress or any other requirement established in the CAA. EPA can, however, approve a SIP revision that removes or modifies control measures in the SIP once the state makes a ''noninterference'' demonstration that such removal or modification will not interfere with attainment of the NAAQS, or any other CAA requirement.

As part of Illinois' section 110(l) analysis, Illinois EPA evaluated the impact of existing state and Federal VOC regulations that became effective after 1997 to demonstrate that shutting down the ERMS program will not cause an increase in emissions. Federally enforceable permit limits were also evaluated, as Illinois EPA has the authority to set such emission limitations in construction and operating permits, pursuant to 415 ILCS 5/9.1 of the Environmental Protection Act (the Act). The list of enforceable state regulations can be found in Table 1, and the list of Federal regulations can be found in Tables 2 and 3 below.

State Regulations

CAA Section 110 requires states to develop and implement plans to attain and maintain the NAAQS. In addition, the CAA contains provisions requiring states to update the SIP whenever there has been a revision to a state regulation within the plan, or when there is a new or revised NAAQS that may require a change to an attainment demonstration or maintenance plan. These plans and revisions are required to be submitted, reviewed, and approved by EPA. The Act provides the Illinois Pollution Control Board with the authority to develop rules and regulations necessary for meeting the NAAQS (415 ILCS 5/5). Table 1 lists all the RACT source categories that are included as regulations in Illinois' SIP under Title 35 IAC Part 218 for the Chicago NAA that have further reduced emissions for these sources since the adoption of the ERMS program.

TABLE 1—STATE VOC CONTROL PROGRAMS

RACT Categories	Rule citation (title 35 IAC part 218)	Compliance date
Industrial cleaning solvents	218 Subpart F	1/1/2012
Flat wood paneling coatings	218.204(p)	5/1/2012
Flexible packaging printing lines	218 Subpart H	8/1/2010
Lithographic printing lines	218 Subpart H	8/1/2010
Letterpress printing lines	218 Subpart H	8/1/2010
Paper, film, and foil coatings	218 Subpart H	5/1/2011
Large appliance coatings	218.204(h)(2)	5/1/2011
Metal furniture coatings	218.204(g)(2)	5/1/2011
Miscellaneous metal and plastic parts coatings	218.204(q)	5/1/2012
Automobile and light-duty truck assembly coatings	218.204(a)(2)	5/1/2012
Miscellaneous industrial adhesives	218 Subpart JJ	5/1/2012
Fiberglass boat manufacturing	218 Subpart JJ	5/1/2012

New Source Performance Standards (NSPS)

CAA Section 111 authorizes EPA to develop and update NSPS regulations that apply to specific categories of stationary sources. NSPS applies to new, modified, and reconstructed affected sources. These standards may include equipment specifications, emission limitations, work practice standards, measurement methods, recordkeeping, and reporting requirements. Illinois EPA has delegated authority to implement and enforce

these standards under the Act (415 ILCS 5/9.1).

Illinois EPA identified several NSPS regulations that apply to certain sources in ERMS, shown in Table 2, that became effective or have been updated since 1997, whose emissions reductions can be used to offset reductions from the ERMS program.

TABLE 2—FEDERAL MEASURES—NSPS

Category	North American Industry Classification System (NAICS)	Code of Federal Regulation	Last amended
Petroleum Refineries	324110	40 CFR 60 subpart J–Ja	12/01/2015
Coal Preparation and Processing Plants	324199, 331110	40 CFR 60 subpart Y	10/08/2009
Surface Coating of Metal Furniture	337127	40 CFR 60 subpart EE	10/17/2000
Metal Coil Surface Coating	332812	40 CFR 60 subpart TT	10/17/2000
Beverage Can Surface Coating	332431, 332812	40 CFR 60 subpart WW	10/17/2000
Bulk Gasoline Terminals	324110, 493190, 486910, 486110	40 CFR 60 subpart XX	12/19/2003
Petroleum Refineries Equipment Leaks	324110	40 CFR 60 subpart GGG–GGGa.	06/02/2008
Onshore Natural Gas Plants—VOC Equip. Leaks	211112, 486110, 486210	40 CFR 60 subpart KKK	08/16/2012
Nonmetallic Mineral Processing	327999	40 CFR 60 subpart OOO	04/28/2009
Plastic Parts for Business Machines (surface coating)	326112, 326113	40 CFR 60 subpart TTT	10/17/2000
Flexible Vinyl and Urethane Coating and Printing	322220	40 CFR 60 subpart FFF	10/17/2000
Oil and Gas production, Transmission, and Distribution	211112, 486110, 486210	40 CFR 60 subpart OOOO	06/03/2016

National Emission Standards for Hazardous Air Pollutants (NESHAP)

In accordance with Section 112 of the CAA, EPA established NESHAP standards to regulate specific categories of stationary sources that emit hazardous air pollutants. Some of the listed hazardous air pollutants are also VOCs. Illinois EPA has delegated authority to implement and enforce these standards under the Act (415 ILCS 5/9.1).

Illinois EPA identified several NESHAP regulations that also control VOC emissions and apply to certain sources in ERMS. Table 3 lists the NESHAP regulations that became effective or were amended after 1997 and whose emissions reductions can be used to offset reductions from the ERMS program.

TABLE 3—FEDERAL MEASURES—NESHAP

Category	NAICS	Code of Federal Regulation	Last amended
Benzene Waste Operations	324110, 325130, 324199	40 CFR 61 subpart FF	12/04/2003
Synthetic Organic Chemical Manufacturing Industry	325120, 325130, 325211, 325412, 325510, 325520, 325910, 325998	40 CFR 63 subpart F, G, H, I	12/21/2006
Gasoline Distribution Facilities	324110, 424710, 486910, 493190	40 CFR 63 subpart R	12/19/2003
Pulp and Paper Industry (MACT I & III)	322212, 322219, 322220	40 CFR 63 subpart S	09/11/2012
Halogenated Solvent Cleaning	331110, 331210, 331318, 332322, 332431, 332439, 332811, 332812, 332813, 333120, 336111, 337110, 339991	40 CFR 63 subpart T	05/03/2007
Group I Polymers and Resins	323111, 325212, 325412	40 CFR 63 subpart U	04/21/2011
Petroleum Refineries	324110	40 CFR 63 subpart CC	07/13/2016
Oil and Natural Gas Production Facilities	211112	40 CFR 63 subpart HH	08/16/2012
Wood Furniture Manufacturing Operations	337110, 337122	40 CFR 63 subpart JJ	12/21/2011
Printing and Publishing Industry	323111	40 CFR 63 subpart KK	12/21/2011
Generic MACT I & II	325211	40 CFR 63 subpart YY	10/08/2014
Pharmaceuticals Production Industry	325412	40 CFR 63 subpart GGG	04/21/2011
Natural Gas Transmission and Storage Facilities	211112, 486110, 486210	40 CFR 63 subpart HHH	08/16/2012
Group IV Polymers and Resins	325212	40 CFR 63 subpart JJJ	03/27/2014
Polyether Polyols Production	325211	40 CFR 63 subpart PPP	03/27/2014
Petroleum Refineries	324110	40 CFR 63 subpart UUU	12/01/2015
Publicly Owned Treatment Works	221320	40 CFR 63 subpart VVV	12/22/2008
Manufacturing of Nutritional Yeast	311999	40 CFR 63 subpart CCCC	05/21/2001
Plywood and Composite Wood Products	321911, 321999	40 CFR 63 subpart DDDD	02/16/2006
Organic Liquids Distribution	325211	40 CFR 63 subpart EEEE	04/23/2008
Miscellaneous Organic Chemical Manufacturing	325510, 325520, 325910, 325998	40 CFR 63 subpart FFFF	12/22/2008
Solvent Extraction for Vegetable Oil Production	311221	40 CFR 63 subpart GGGG	04/12/2001
Surface Coating of Automobiles and Light-Duty Trucks	336111, 336390, 323120	40 CFR 63 subpart IIII	04/24/2007
Paper and Other Web Coating	322212, 322219, 322220, 323111, 323120	40 CFR 63 subpart JJJJ	12/04/2002
Surface Coating of Metal Cans	332431, 332812, 332999	40 CFR 63 subpart KKKK	11/13/2003
Surface Coating of Miscellaneous Metal Parts and Products	336111, 336390	40 CFR 63 subpart MMMM	04/20/2006
Surface Coating of Large Appliances	333120, 332999, 333312	40 CFR 63 subpart NNNN	07/23/2002

TABLE 3—FEDERAL MEASURES—NESHAP—Continued

Category	NAICS	Code of Federal Regulation	Last amended
Printing, Coating, and Dyeing of Fabrics and Other Textiles	339991	40 CFR 63 subpart OOOO	08/04/2004
Surface Coating of Plastic Parts and Products	336112	40 CFR 63 subpart PPPP	04/19/2004
Surface Coating of Wood Building Products	321911	40 CFR 63 subpart QQQQ	05/28/2003
Surface Coating of Metal Furniture	337127	40 CFR 63 subpart RRRR	05/23/2003
Surface Coating of Metal Coil	332812, 332813, 332322, 332999	40 CFR 63 subpart SSSS	06/10/2002
Leather Finishing Operations	316110	40 CFR 63 subpart TTTT	02/27/2002
Cellulose Products Manufacturing	326121	40 CFR 63 subpart UUUU	08/10/2005
Reinforced Plastic Composites Production	325211, 325991, 335313	40 CFR 63 subpart WWWW	08/25/2005
Coke Ovens: Pushing, Quenching, and Battery Stacks	331110, 324199	40 CFR 63 subpart CCCCC	04/14/2003
Integrated Iron and Steel Manufacturing Facilities	331110	40 CFR 63 subpart FFFFF	05/20/2003
Miscellaneous Coating Manufacturing	325510, 325520, 325910, 325998	40 CFR 63 subpart HHHHH	12/11/2003
Asphalt Processing and Asphalt Roofing Manufacturing	324110, 324122	40 CFR 63 subpart LLLLL	04/20/2006

Emissions Demonstration for Section 110(l)

As part of Illinois EPA's section 110(l) demonstration, the state analyzed the allowable ATUs under the ERMS program and compared them with the allowable VOC emissions under current federally enforceable state and Federal measures that have been implemented since 1997. The analysis shows that total allowable VOC emissions under the current federally enforceable state and Federal measures are lower than the total allowable emissions under ERMS.

To track the emissions inventory in Illinois, the Illinois EPA uses a custom-developed enterprise database system called the Integrated Comprehensive Environmental Management System (ICEMAN). Included in ICEMAN are subsystems that deal with permit tracking, fee billing, inspections, annual emissions reporting, emissions inventory, and ERMS.

The emissions inventory contains all permitted sources along with previously permitted sources that are now subject to the Registration of Smaller Sources program. Emissions are maintained at the process level and are then summed to obtain the source level emissions. Each emission unit that is required to be reported on an ERMS seasonal report has an indicator selected in the database identifying it as such. This allows for easy review of the seasonal reports to ensure the owner or operator of the unit is reporting for the appropriate emission units.

The emissions inventory is maintained by Illinois EPA's Inventory and Data Support Unit of the Air Quality Planning Section. Immediately after a construction or operating permit is issued by the Permit Section, the issued permit and its application comes to the Inventory and Data Support Unit for updating of the emission units, emissions (especially allowable emissions), and other inventory data as necessary.

As part of their section 110(l) demonstration, Illinois EPA compared each ERMS source's allotment of ATUs to the allowable VOM emissions under the substitute measures as follows:

Each entity that received ATUs for the 2016 season was identified. This included sources receiving allotments or Emissions Reductions Generators (ERGs), in addition to the ACMA account receiving ATUs from the allotment, shutdowns, or ERGs. The list was then expanded to include sources which did not receive an allotment but whose emissions were large enough to require obtaining ATUs to cover their emissions. These sources are primarily new participating sources. This established the collection of sources included in the demonstration that the proposed termination of the ERMS program is approvable as a SIP revision consistent with CAA Section 110(l).

For calculating allowable emissions under current state and Federal measures, the sum of the annual allowable emissions from each individual emission process was obtained from ICEMAN and summed to the source level. These allowable emissions are based on permanent and federally enforceable state and Federal regulations or from federally enforceable construction permit conditions that limit VOC emissions.

Currently under ERMS, sources are allowed to emit 101,654 ATUs, which equates to 10,165.40 tons/season. Annual allowable emissions from federally enforceable state and Federal measures for the same ERMS sources are 23,967.79 tons. Since ERMS is a seasonal program, the annual allowable emissions from substitution measures must be multiplied by 5/12th, which equals 9,986.58 tons/season. Thus, it is clearly shown that emissions allowed under currently implemented and federally enforceable measures are 178.82 tons/season less than those allowed under the current ERMS rule on its own. Illinois EPA concludes, and EPA agrees, that there will be no increase in allowable VOC emissions due to the discontinuation of the ERMS program.

Therefore, Illinois' SIP revision demonstrates that the sunset of the ERMS program is approvable under Section 110(l) of the CAA, that Illinois will continue to meet its SIP obligations, and that the SIP revision will not interfere with the progress to meet and/or maintain the ozone NAAQS in Chicago NAA.

IV. What action is EPA taking?

EPA is proposing to approve the revision to the Illinois SIP submitted by the Illinois EPA on January 11, 2019, because the sunset of Illinois' ERMS program in the SIP meets all applicable requirements and would not interfere with reasonable further progress or attainment of the ozone NAAQS. As a result, EPA is proposing to remove the ERMS provisions (35 IAC Part 205) from the SIP.

V. Incorporation by Reference

In this document, EPA is proposing to amend regulatory text that includes incorporation by reference. As described in the proposed amendments to 40 CFR part 52 set forth below, EPA is proposing to remove provisions of the EPA-Approved Illinois Regulations and Statutes from the Illinois State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

IV. Statutory and Executive Order Reviews

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 expected to be an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Volatile organic compounds.

Dated: August 6, 2019.

Cathy Stepp,

Regional Administrator, Region 5.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

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 O—Illinois

■ 2. In § 52.720, the table in paragraph (c) is amended by removing the undesignated headings ''Subchapter b: Alternative Reduction Program'' ''Part 205: Emissions Reduction Market System'' and all the undesignated subheadings and entries up to and including ''205.760''.

[FR Doc. 2019–17666 Filed 8–16–19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0267; FRL–9998–45–Region 5]

Air Plan Approval; Indiana; Limited Maintenance Plan for 1997 Ozone NAAQS; Evansville, Fort Wayne, Greene County, Jackson County, Muncie, and Terre Haute

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a submission from the State of Indiana as a state implementation plan (SIP) revision in according with the Clean Air Act (CAA). On April 25, 2019, the state submitted its 1997 8-hour ozone national ambient air quality standards (NAAQS or standard) Limited Maintenance Plan (LMP) for the following Indiana areas:] Evansville, Fort Wayne, Greene County, Jackson County, Muncie, and Terre Haute. EPA is proposing to approve the LMPs for these areas because they provide for the maintenance of the 1997 8-hour ozone NAAQS through the end of the second 10-year portion of the maintenance period. The effect of this action would be to make federally enforceable certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in these areas as part of the Indiana SIP.

DATES: Comments must be received on or before September 18, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2019–0267 at *http://www.regulations.gov,* or via email to *blakley.pamela@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, 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. 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://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6680, *leslie.michael@epa.gov.*

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

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I. What action is EPA taking?

Under the CAA, EPA is proposing to approve the 1997 8-hour ozone NAAQS LMPs for the following Indiana areas: Evansville, Fort Wayne, Greene County, Jackson County, Muncie, and Terre Haute. Indiana submitted the LMPs on April 25, 2019.

These LMPs for the 1997 8-hour ozone NAAQS submitted by Indiana are designed to maintain the 1997 8-hour ozone NAAQS through the end of the second 10-year period beyond redesignation. We are proposing to approve these LMPs because they meet all applicable requirements under CAA sections 110 and 175A.

II. What is the background for these actions?

Ground-level ozone is formed when oxides of nitrogen (NO_X) and volatile organic compounds (VOC) react in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of pollution sources, including on-road and off-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints. Scientific evidence indicates that adverse public health effects occur following exposure to ozone, particularly in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases.

Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use, doctor visits, and emergency department visits and hospital admissions for individuals with lung disease. Ozone exposure also increases the risk of premature death from heart or lung disease. Children are at increased risk from exposure to ozone because their lungs are still developing, and they are more likely to be active outdoors, which increases their exposure.[1]

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. 44 FR 8202 (February 8, 1979). On July 18, 1997, EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. 62 FR 38856 (July 18, 1997).[2] EPA set the 1997 8-hour ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set. EPA determined that the 1997 8-hour standard would be more protective of human health, especially for children and adults who are active outdoors, and individuals with a preexisting respiratory disease, such as asthma.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 15, 2004, EPA designated the six Indiana areas as nonattainment for the 1997 8-hour ozone NAAQS, and the designations became effective on June 15, 2004. Under the CAA, states are also required to adopt and submit SIPs to implement, maintain, and enforce the NAAQS in designated nonattainment areas and throughout the state.

When a nonattainment area has three years of complete, certified air quality data that has been determined to attain the 1997 8-hour ozone NAAQS, and the area has met other required criteria described in section 107(d)(3)(E) of the CAA, the state can submit to EPA a request to be redesignated to attainment, referred to as a ''maintenance area''.[3] These six Indiana areas have been redesignated to attainment of the 1997 8-hour ozone NAAQS (70 FR 77026, 72 FR 1292, 70 FR 69085, 70 FR 69085, 70 FR 69443, 71 FR 541). One of the criteria for redesignation is to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the standard for the period extending ten years after redesignation and contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to assure that violations of the standard will be promptly corrected. At the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional ten years. See CAA section 175A.

EPA has published long-standing guidance for states on developing maintenance plans. EPA's guidance entitled, ''*Procedures for Processing Requests to Redesignate Areas to Attainment,*'' September 4, 1992 (Calcagni memo) provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory). *See* Calcagni memo at 9. EPA clarified in three subsequent guidance memos that certain nonattainment areas could meet the CAA section 175A requirement to provide for maintenance by demonstrating that the area's design value[4] was well below the NAAQS and that the historical stability of the area's air quality levels showed that the area was unlikely to violate the NAAQS in the future.[5] EPA refers to this streamlined demonstration of maintenance as an LMP. EPA has interpreted CAA section 175A as permitting this option because section 175A of the CAA defines few specific content requirements for maintenance plans, and in EPA's experience implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the LMP guidance memoranda, states seeking an LMP must still submit the other maintenance plan elements outlined in the Calcagni memo, including: An attainment emissions inventory,

[1] See ''Fact Sheet, Proposal to Revise the National Ambient Air Quality Standards for Ozone,'' January 6, 2010 and 75 FR 2938 (January 19, 2010).

[2] In March 2008, EPA completed another review of the primary and secondary ozone standards and tightened them further by lowering the level for both to 0.075 ppm. 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone standards and tightened them by lowering the level for both to 0.70 ppm. 80 FR 65292 (October 26, 2015).

[3] Section 107(d)(3)(E) of the CAA sets out the requirements for redesignation. They include attainment of the NAAQS, full approval under section 110(k) of the applicable SIP, determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

[4] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

[5] See ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS. Moreover, states seeking an LMP must still submit its section 175A maintenance plan as a revision to its SIP, with all attendant notice and comment procedures.

While the LMP guidance memoranda were originally written with respect to certain NAAQS,[6] EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.[7] In this case, EPA is proposing to approve the Indiana LMPs, because the state has made a showing, consistent with EPA's prior LMP guidance, that each of the six Indiana area's ozone concentrations are well below the 1997 8-hour ozone NAAQS and have been historically stable. Indiana has submitted LMPs for the Evansville, Fort Wayne, Greene County, Jackson County, Muncie, and Terre Haute, Indiana areas' 1997 8-hour ozone NAAQS maintenance area to fulfill the second maintenance plan requirement in the CAA. Our evaluation of these 1997 8-hour ozone NAAQS LMPs is presented below.

Under CAA section 175A(b), states must submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for ten additional years following the end of the first 10-year period. EPA's final implementation rule for the 2008 8-hour ozone NAAQS revoked the 1997 8-hour ozone NAAQS and stated that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 8-hour ozone standard no longer needed to submit second 10-year maintenance plans under CAA section 175A(b).[8] In *South Coast Air Quality Management District* v. *EPA,* the D.C. Circuit vacated EPA's interpretation that, because of the revocation of the 1997 8-hour ozone standard, second maintenance plans were not required for ''orphan maintenance areas,'' *i.e.,* areas that had been redesignated to attainment for the 1997 8-hour ozone NAAQS maintenance areas and were designated attainment for the 2008 8-hour ozone NAAQS. *South Coast,* 882 F.3d 1138 (D.C. Cir. 2018). Thus, states with these ''orphan maintenance areas'' under the 1997 8-hour ozone NAAQS must submit maintenance plans for the second maintenance period. Accordingly, on April 25, 2019, Indiana submitted a second maintenance plan in the form of an LMP for the following Indiana areas: Evansville, Fort Wayne, Greene County, Jackson County, Muncie, and Terre Haute. These LMPs show that each area is expected to remain in attainment of the 1997 8-hour ozone NAAQS through the end of the last year of the second 10-year maintenance period, *i.e.,* through the end of the full 20-year maintenance period.

III. What is EPA's evaluation of Indiana's SIP submittals?

EPA has reviewed the 1997 8-hour ozone NAAQS LMPs which are designed to maintain the 1997 8-hour ozone NAAQS within the Evansville, Fort Wayne, Greene County, Jackson County, Muncie, and Terre Haute, Indiana areas through the end of the 20-year period beyond redesignation, as required under CAA section 175A(b). The following is a summary of EPA's interpretation of the requirements[9] and EPA's evaluation of how each requirement is met.

1. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive, accurate inventory of actual emissions for an attainment year to identify the level of emissions which is sufficient to maintain the NAAQS. A state should develop this inventory consistent with EPA's most recent guidance on emissions inventory development. For ozone, the inventory should be based on typical ozone season workday of VOCs and NO_X, as these pollutants are precursors to ozone formation. The Indiana LMP's ozone attainment inventories reflect typical summer weekday emissions in 2014. Table 1 through 7 present a summary of the inventories for 2014 contained in the maintenance plans.

TABLE 1—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE EVANSVILLE, INDIANA AREA

[Tons/day]

Source category	VOC emissions	NO_X emissions
Nonpoint	10.57	2.99

TABLE 1—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE EVANSVILLE, INDIANA AREA—Continued

[Tons/day]

Source category	VOC emissions	NO_X emissions
Nonroad	2.83	3.03
Onroad	6.93	11.73
Point	3.66	34.68

TABLE 2—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE FORT WAYNE, INDIANA AREA

[Tons/day]

Source category	VOC emissions	NO_X emissions
Nonpoint	15.67	2.94
Nonroad	5.76	5.38
Onroad	10.57	21.48
Point	5.67	6.05

TABLE 3—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE GREENE COUNTY, INDIANA AREA

[Tons/day]

Source category	VOC emissions	NO_X emissions
Nonpoint	3.26	0.90
Nonroad	0.61	0.67
Onroad	1.23	2.20
Point	0.06	0.07

TABLE 4—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE JACKSON COUNTY, INDIANA AREA

[Tons/day]

Source category	VOC emissions	NO_X emissions
Nonpoint	2.59	0.25
Nonroad	1.05	1.13
Onroad	1.73	4.78
Point	1.38	1.01

TABLE 5—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE JACKSON COUNTY, INDIANA AREA

[Tons/day]

Source category	VOC emissions	NO_X emissions
Nonpoint	2.59	0.25
Nonroad	1.05	1.13
Onroad	1.73	4.78
Point	1.38	1.01

[6] The prior memos addressed: Unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM_{10} (particulate matter with an aerodynamic diameter less than 10 microns) NAAQS, and nonattainment areas for the carbon monoxide NAAQS.

[7] See, *e.g.,* 79 FR 41900 (July 18, 2014) (Approval of second ten-year LMP for Grant County 1971 SO_2 maintenance area).

[8] *See* 80 FR 12315 (March 6, 2015).

[9] See Calcagni memo.

TABLE 6—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE MUNCIE, INDIANA AREA

[Tons/day]

Source category	VOC emissions	NO_X emissions
Nonpoint	5.21	1.56
Nonroad	1.26	1.62
Onroad	3.48	8.32
Point	0.02	0.36

TABLE 7—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE TERRE HAUTE, INDIANA AREA

[Tons/day]

Source category	VOC emissions	NO_X emissions
Nonpoint	5.40	1.76
Nonroad	1.64	1.37
Onroad	3.23	6.06
Point	1.70	10.44

Indiana used 2014 summer day emissions from EPA 2014 version 7.0 modeling platform as the basis for the attainment inventory. These data are based on the most recently available National Emissions Inventory (2014 NEI version 2).

Based on our review of the methods, models, and assumptions used by Indiana to develop the VOC and NO_X estimates, we propose to find that the Indiana 1997 8-hour ozone NAAQS LMP areas include a comprehensive, reasonably accurate inventory of actual ozone precursor emissions in attainment year 2014, and propose to conclude that the plan's inventory is acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

2. Maintenance Demonstration

The maintenance plan demonstration requirement is considered to be satisfied in a LMP if the state can provide sufficient information indicating that air quality in the area is well below the level of the standard, that past air quality trends have been shown to be stable, and that the probability of the area experiencing a violation over the second 10-year maintenance period is low.[10] These criteria are evaluated below with regard to the Indiana areas.

a. Evaluation of ozone air quality levels.

To attain the 1997 8-hour ozone NAAQS, the three-year average of the fourth-highest daily maximum 8-hour average ozone concentrations (design value) at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, appendix I, the standard is attained if the design value is 0.084 ppm or below. Consistent with prior guidance, EPA believes that if the most recent air quality design value for the area is at a level that is well below the NAAQS (*e.g.,* below 85% of the standard, or in this case below 0.071 ppm), then EPA considers the state to have met the section 175A requirement for a demonstration that the area will maintain the NAAQS for the requisite period. Such a demonstration assumes continued applicability of prevention of significant deterioration requirements and any control measures already in the SIP, and that Federal measures will remain in place through the end of the second 10-year maintenance period.

Table 8 presents the design values for each monitor in the Indiana areas over the 2016–2018 period. These monitoring sites have recorded levels well below the level of the 1997 8-hour ozone NAAQS over the entire first 10-year maintenance period. As shown below, the most current design values continue to be below the level of 85% of the NAAQS, consistent with prior LMP guidance.

TABLE 8—1997 8-HOUR OZONE NAAQS DESIGN VALUES

[Parts per million]

Area	County	AQS site ID	Design value (DV) 2016–2018	DV <0.071 ppb eligible LMP
Evansville	Vanderburgh	181630013	0.068	Yes.
	Vanderburgh	181630021	0.068	Yes.
	Warrick	181730008	0.069	Yes.
	Warrick	181730011	0.068	Yes.
Fort Wayne	Allen	180030002	0.067	Yes.
	Allen	180030004	0.066	Yes.
Greene County	Greene	180550001	0.067	Yes.
Jackson County	Jackson	180710001	0.066	Yes.
Muncie	Delaware	180350010	0.066	Yes.
Terre Haute	Vigo	181670018	0.068	Yes.
	Vigo	181670024	0.067	Yes.

Therefore, the Evansville, Fort Wayne, Greene County, Jackson County, Muncie, and Terre Haute, Indiana areas are eligible for the LMP option, and we propose to find that the long record of monitored ozone concentrations that attain the NAAQS, together with the continuation of existing VOC and NO_X emissions control programs, adequately provide for the maintenance of the 1997 8-hour ozone NAAQS in the Indiana areas through the second 10-year maintenance period and beyond.

Additional supporting information that these areas are expected to continue to maintain the standard can be found in EPA modeling projections of future year design values. This modeling was completed to assist states with development of interstate transport SIPs for the 2015 8-hour ozone NAAQS. Those projections, made for the year 2023, show that the highest design value for these areas occurs in the Greene County area and is expected to be 0.064 ppm, which is well below the 1997 8-hour ozone NAAQS.

3. Monitoring Network and Verification of Continued Attainment

EPA periodically reviews the ozone monitoring network that Indiana operates and maintains, in accordance with 40 CFR part 58. This network is consistent with the ambient air

[10] "Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas" from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; "Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas" from Joseph Paisie, OAQPS, dated October 6, 1995; and "Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas" from Lydia Wegman, OAQPS, dated August 9, 2001.

monitoring network assessment and plan developed by Indiana that is submitted annually to EPA and that follows a public notification and review process. EPA has reviewed and approved the Indiana's 2019 Ambient Air Monitoring Network Assessment and Plan. Indiana has committed to continue to maintain a network in accordance with EPA requirements.

4. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must include a requirement that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. See section 175A(d) of the CAA.

Indiana's contingency plan defines a warning level and action level response. A warning level shall be prompted whenever an annual average fourth high monitored value of 0.089 ppm occurs in a single ozone season, or a two-year average fourth high monitored value of 0.085 ppm or greater occurs within the maintenance area. The action level response shall be prompted whenever a three-year average fourth high monitored value of 85 ppb or greater occurs within the maintenance area. In the event that the action level is triggered and is not due to an exceptional event, malfunction, or noncompliance with a permit condition or rule requirement, Indiana will determine additional control measures needed to assure future attainment of NAAQS for ozone. In this case, measures that can be implemented in a short time will be selected in order to be in place within 18 months from the close of the ozone season that prompted the action level.

Contingency measures to be considered will be selected from a comprehensive list of measures deemed appropriate and effective at the time the selection is made. Listed below are example measures that may be considered. The selection of measures will be based upon cost-effectiveness, emission reduction potential, economic and social considerations or other factors that Indiana deems appropriate. Indiana will solicit input from all interested and affected persons in the maintenance area prior to selecting appropriate contingency measures. The listed contingency measures are potentially effective or proven methods of obtaining significant reductions of ozone precursor emissions. Because it is not possible at this time to determine what control measure will be appropriate at an unspecified time in the future, the list of contingency measures outlined below is not comprehensive. Indiana anticipates that only a few of these measures will be required.

(1) A lower-Reid vapor pressure gasoline program.

(2) Broader geographic applicability of existing measures.

(3) A tightening of reasonably available control technology (RACT) on existing sources covered by EPA Control Technique Guidelines issued in response to the 1990 CAA Amendments.

(4) The application of RACT to smaller existing sources.

(5) A vehicle inspection/maintenance program.

(6) One or more transportation control measures sufficient to achieve at least 0.5% reduction in actual area wide VOC emissions. Transportation measures will be selected from the following, based upon the factors listed above after consultation with affected local governments:

(a) Trip reduction programs, including, but not limited to, employer-based transportation management plans, area wide rideshare programs, work schedule changes, and telecommuting.

(b) Transit improvements.

(c) Traffic flow improvements.

(d) Other new or innovative transportation measures not yet in widespread use that affects state and local governments deemed appropriate.

(7) Alternative fuel and diesel retrofit programs for fleet vehicle operations.

(8) Controls on consumer products consistent with those adopted elsewhere in the United States.

(9) The requirement of VOC or NO_X emission offsets for new and modified major sources.

(10) The requirement of VOC or NO_X emission offsets for new and modified minor sources.

EPA finds that Indiana's contingency measures, as well as the commitment to continue implementing any SIP requirements, satisfy the pertinent requirements of section 175A.

IV. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA 176(c)(1)(B)). EPA's conformity rule at 40 CFR part 93 requires that transportation plans, programs and projects conform to SIPs and establish the criteria and procedures for determining whether or not they conform. The conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP) are consistent with the motor vehicle emissions budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). A MVEB is defined as ''that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions (40 CFR 93.101).

Under the conformity rule, LMP areas may demonstrate conformity without a regional emission analysis (40 CFR 93.109(e)).

However, because LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs and projects. Specifically, for such determinations, RTPs, TIPs and transportation projects still will have to demonstrate that they are fiscally constrained (40 CFR 93.108), meet the criteria for consultation (40 CFR 93.105) and Transportation Control Measure implementation in the conformity rule provisions (40 CFR 93.112 and 40 CFR 93.113, respectively). Additionally, conformity determinations for RTPs and TIPs must be determined no less frequently than every four years, and conformity of plan and TIP amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104. In addition, for projects to be approved they must come from a currently conforming RTP and TIP (40 CFR 93.114 and 93.115).

V. Proposed Action

Under section 175A of the CAA and for the reasons set forth above, EPA is proposing to approve the LMPs for the Evansville, Fort Wayne, Greene County, Jackson County, Muncie, and Terre Haute, Indiana areas for the 1997 8-hour ozone NAAQS. These plans were submitted by Indiana on April 25, 2019, as a revision to the Indiana SIP. We believe the 1997 8-hour ozone NAAQS LMPs are sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in these areas over the second maintenance period.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 it is not a significant regulatory action 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 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 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 oxides, Ozone, Volatile organic compounds.

Dated: August 6, 2019.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2019–17665 Filed 8–16–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0216; FRL–9998–44–Region 5]

Air Plan Approval; Ohio; Second Limited Maintenance Plans for 1997 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Ohio. On April 12, 2019, the state submitted the 1997 8-hour ozone national ambient air quality standards (NAAQS or standard) Limited Maintenance Plan (LMP) for the Canton-Massillon (Stark County), Lima (Allen County), and Toledo (Lucas and Wood Counties) areas and the Ohio portion of the Parkersburg-Marietta [OH–WV] (Washington County), Steubenville-Weirton [OH–WV] (Jefferson County), Wheeling [OH–WV] (Belmont County), and Youngstown-Warren-Sharon [OH–PA] (Columbiana, Mahoning, and Trumbull Counties) multi-state areas. EPA is proposing to approve these Ohio LMPs because they provide for the maintenance of the 1997 8-hour ozone NAAQS through the end of the second 10-year portion of the maintenance period. The effect of this action would be to make certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in these areas federally enforceable as part of the Ohio SIP.

DATES: Written comments must be received at the address below on or before September 18, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2019–0216 at *http://www.regulations.gov,* or via email to *blakley.pamela@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, 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. 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://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *hatten.charles@epa.gov.*

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

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I. What action is EPA taking?

Under the CAA, EPA is proposing to approve the 1997 8-hour ozone NAAQS LMPs for the Canton-Massillon (Stark County), Lima (Allen County), and Toledo (Lucas and Wood Counties) areas and the Ohio portion of the Parkersburg-Marietta [OH–WV] (Washington County), Steubenville-Weirton [OH–WV] (Jefferson County), Wheeling [OH–WV] (Belmont County), and Youngstown-Warren-Sharon [OH–PA](Columbiana, Mahoning, and Trumbull Counties) multi-state areas, submitted by Ohio on April 12, 2019. On June 15, 2004 these areas were designated as nonattainment for the 1997 8-hour ozone NAAQS. The Canton-Massillon (Stark County), Lima (Allen County), Parkersburg-Marietta (Washington County), Steubenville-Weirton (Jefferson County), and Wheeling (Belmont County) areas were redesignated to attainment of that standard on May 16, 2007 (72 FR 27647). The Toledo (Lucas and Wood Counties) and Youngstown-Warren-Sharon (Columbiana, Mahoning, and Trumbull Counties) areas were redesignated to attainment of that standard, respectively, on August 9, 2007 (72 FR 44784), and June 12, 2007 (72 FR 32190).

These LMPs for the 1997 8-hour ozone NAAQS, submitted by Ohio, are designed to maintain the 1997 8-hour ozone NAAQS through the end of the second 10-year period of the maintenance period. EPA is proposing to approve the LMPs because they meet all applicable requirements under CAA sections 110 and 175A.

II. What is the background for these actions?

Ground-level ozone is formed when oxides of nitrogen (NO_X) and volatile organic compounds (VOC) react in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of pollution sources, including on-road and off-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints. Scientific evidence indicates that adverse public health effects occur following exposure to ozone, particularly in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases.

Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use, doctor visits, and emergency department visits and hospital admissions for individuals with lung disease. Ozone exposure also increases the risk of premature death from heart or lung disease. Children are at increased risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors, which increases their exposure.[1]

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. 44 FR 8202 (February 8, 1979). On July 18, 1997, EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. 62 FR 38856 (July 18, 1997).[2] EPA established the 8-hour ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set. EPA determined that the 1997 8-hour ozone standard would be more protective of human health, especially for children and adults who are active outdoors, and individuals with a pre-existing respiratory disease, such as asthma.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 15, 2004, EPA designated the Ohio areas as nonattainment for the 1997 8-hour ozone NAAQS, and the designations became effective on June 15, 2004. Under the CAA, states are also required to adopt and submit SIPs to implement, maintain, and enforce the NAAQS in designated nonattainment areas and throughout the state.

When a nonattainment area has three years of complete, certified air quality data that has been determined to attain the 1997 8-hour ozone NAAQS, and the area has met other required criteria described in section 107(d)(3)(E) of the CAA, the state can submit to EPA a request to be redesignated to attainment, referred to as a ''maintenance area''.[3] One of the criteria for redesignation is to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the standard for the period extending 10 years after redesignation and contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to assure that violations of the standard will be promptly corrected. At the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years. See CAA section 175A.

EPA has published long-standing guidance for states on developing maintenance plans.[4] The Calcagni memo provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory). *See* Calcagni memo at 9. EPA clarified in three subsequent guidance memos that certain nonattainment areas could meet the CAA section 175A requirement to provide for maintenance by demonstrating that the area's design value[5] was well below the NAAQS and that the historical stability of the area's air quality levels showed that the area was unlikely to violate the NAAQS in

[1] See ''Fact Sheet, Proposal to Revise the National Ambient Air Quality Standards for Ozone,'' January 6, 2010 and 75 FR 2938 (January 19, 2010).

[2] In March 2008, EPA completed another review of the primary and secondary ozone standards and tightened them further by lowering the level for both to 0.075 ppm. 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone standards and tightened them by lowering the level for both to 0.70 ppm. 80 FR 65292 (October 26, 2015).

[3] Section 107(d)(3)(E) of the CAA sets out the requirements for redesignation. They include attainment of the NAAQS, full approval under section 110(k) of the applicable SIP, determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

[4] Calcagni, John, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards, ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' September 4, 1992 (Calcagni memo).

[5] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

the future.[6] EPA refers to this streamlined demonstration of maintenance as an LMP. EPA has interpreted CAA section 175A as permitting this option because section 175A of the CAA defines few specific content requirements for maintenance plans, and in EPA's experience implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the LMP guidance memoranda, states seeking an LMP must still submit the other maintenance plan elements outlined in the Calcagni memo, including: An attainment emissions inventory, provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS. Moreover, states seeking an LMP must still submit their section 175A maintenance plan as a revision to their state implementation plan, with all attendant notice and comment procedures.

While the LMP guidance memoranda was originally written with respect to certain NAAQS,[7] EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.[8] In this case, EPA is proposing to approve the Ohio LMPs, because the state has made a showing, consistent with EPA's prior LMP guidance, that each of the Ohio area's ozone concentrations are well below the 1997 8-hour ozone NAAQS and have been historically stable. Ohio has submitted LMPs for the areas of Canton-Massillon (Stark County), Lima (Allen County), Toledo (Lucas and Wood Counties), and the Ohio portion of the Parkersburg-Marietta (Washington County), Steubenville-Weirton (Jefferson County), Wheeling (Belmont County), Youngstown-Warren-Sharon (Columbiana, Mahoning, and Trumbull Counties) to fulfill the second 1997 8-hour ozone NAAQS maintenance plan requirement in the CAA. Our evaluation of these 1997 8-hour ozone NAAQS LMPs is presented in section III.

Under CAA section 175A(b), states must submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for 10 additional years following the end of the first 10-year period. EPA's final implementation rule for the 2008 ozone NAAQS revoked the 1997 8-hour ozone NAAQS and stated that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 standard no longer needed to submit second 10-year maintenance plans under CAA section 175A(b).[9] In *South Coast Air Quality Management District* v. *EPA,* the D.C. Circuit vacated EPA's interpretation that, because of the revocation of the 1997 8-hour ozone standard, second maintenance plans were not required for ''orphan maintenance areas,'' *i.e.,* areas that had been redesignated to attainment for the 1997 8-hour ozone NAAQS maintenance areas and were designated attainment for the 2008 ozone NAAQS. *South Coast,* 882 F.3d 1138 (D.C. Cir. 2018). Thus, states with these ''orphan maintenance areas'' under the 1997 8-hour ozone NAAQS must submit maintenance plans for the second maintenance period. Accordingly, on April 12, 2019, Ohio submitted a second maintenance plan in the form of an LMP for the areas of Canton-Massillon (Stark County), Lima (Allen County), Toledo (Lucas and Wood Counties), Parkersburg-Marietta (Washington County), Steubenville-Weirton (Jefferson County), Wheeling (Belmont County), Youngstown-Warren-Sharon (Columbiana, Mahoning and Trumbull Counties). These LMPs show that each area is expected to remain in attainment of the 1997 8-hour ozone NAAQS through the end of the last year of the second 10-year maintenance period, *i.e.,* through the end of the full 20-year maintenance period.

III. EPA's Evaluation of Ohio's SIP Submittal

EPA has reviewed the 1997 8-hour ozone NAAQS LMPs which are designed to maintain the 1997 8-hour ozone NAAQS within the areas of Canton-Massillon (Stark County, OH), Lima (Allen County, OH), Toledo (Lucas and Wood Counties, OH), and the Ohio portion in the areas of Parkersburg-Marietta (Washington County), Steubenville-Weirton (Jefferson County), Wheeling (Belmont County), Youngstown-Warren-Sharon (Columbiana, Mahoning and Trumbull Counties) through the end of the 20-year maintenance period beyond redesignation, as required under CAA section 175A(b). The following is a summary of EPA's interpretation of the requirements[10] and EPA's evaluation of how each requirement is met.

1. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive, accurate inventory of actual emissions for an attainment year to identify the level of emissions which is sufficient to maintain the NAAQS. A state should develop this inventory consistent with EPA's most recent guidance on emissions inventory development. For ozone, the inventory should be based on typical summer day emissions of VOCs and NO_X, as these pollutants are precursors to ozone formation. The Ohio LMP's ozone attainment inventories reflect typical summer day emissions in 2014. Table 1 presents a summary of the inventories for 2014 contained in the maintenance plans.

TABLE 1—TYPICAL 2014 SUMMER DAY VOC AND NO_X EMISSIONS

[Tons/day]

Area	Source category	VOC emissions	NO_X emissions
Canton-Massillon (OH)	Nonroad	6.46	4.74
	Onroad	7.59	12.66
	Point	2.87	3.81
	Area	14.85	3.31

[6] See ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

[7] The prior memos addressed: Unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM_{10} (particulate matter with an aerodynamic diameter less than 10 microns) NAAQS, and nonattainment areas for the carbon monoxide NAAQS.

[8] See, *e.g.,* 79 FR 41900 (July 18, 2014) (Approval of second ten-year LMP for Grant County 1971 SO_2 maintenance area).

[9] *See* 80 FR 12315 (March 6, 2015).

[10] See Calcagni memo.

TABLE 1—TYPICAL 2014 SUMMER DAY VOC AND NO_X EMISSIONS—Continued

[Tons/day]

Area	Source category	VOC emissions	NO_X emissions
	Total Area	31.77	24.52
Lima (OH)	Nonroad	1.35	1.57
	Onroad	2.29	4.46
	Point	5.08	7.62
	Area	4.55	1.03
	Total Area	13.27	14.68
Parkersburg-Marietta (OH–WV)	Nonroad	2.82	1.55
	Onroad	4.00	7.71
	Point	2.84	16.81
	Area	8.29	6.21
	Total Area	17.95	32.28
Steubenville-Weirton (OH–WV)	Nonroad	2.07	1.09
	Onroad	2.31	3.84
	Point	2.13	37.54
	Area	15.76	4.53
	Total Area	22.27	47.00
Toledo (OH)	Nonroad	8.70	8.41
	Onroad	11.51	22.62
	Point	7.37	12.48
	Area	21.19	9.37
	Total Area	48.77	52.88
Wheeling (OH–WV)	Nonroad	2.69	1.26
	Onroad	4.36	8.50
	Point	1.25	24.68
	Area	27.64	5.97
	Total Area	35.94	40.41
Youngstown-Warren-Sharon (OH–PA)	Nonroad	9.71	6.68
	Onroad	13.33	27.92
	Point	5.01	7.07
	Area	40.73	10.53
	Total Area	68.78	52.20

Ohio used 2014 summer day emissions from ''the EPA 2014 version 7.0'' modeling platform as the basis for the attainment inventory. These data are based on the most recently available National Emissions Inventory (2014 NEI version 2).

Based on our review of the methods, models, and assumptions used by Ohio to develop the VOC and NO_X estimates, we propose to find that the Ohio 1997 8-hour ozone NAAQS LMP areas include a comprehensive, reasonably accurate inventory of actual ozone precursor emissions in attainment year 2014, and propose to conclude that the plan's inventory is acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

2. Maintenance Demonstration

The maintenance plan demonstration requirement is considered to be satisfied in a LMP if the state can provide sufficient weight of evidence indicating that air quality in the area is well below the level of the standard, that past air quality trends have been shown to be stable, and that the probability of the area experiencing a violation over the second 10-year maintenance period is low.[11] These criteria are evaluated below with regard to the Ohio areas.

a. Evaluation of Ozone Air Quality Levels

To attain the 1997 8-hour ozone NAAQS, the three-year average of the fourth-highest daily maximum 8-hour average ozone concentrations (design value) at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, appendix I, the standard is attained if the design value is 0.084 ppm or below. Consistent with prior guidance, EPA believes that if the most recent air quality design value for the area is at a level that is well below the NAAQS (*e.g.,* below 85% of the standard, or in this case below 0.071 ppm), then EPA considers the state to have met the section 175A requirement for a demonstration that the area will maintain the NAAQS for the requisite period. Such a demonstration assumes continued applicability of Prevention of Significant Deterioration requirements, any control measures already in the SIP, and Federal measures will remain in place through the end of the second 10-year maintenance period, absent a showing consistent with section 110(l) that such measures are not necessary to assure maintenance.

Table 2 presents the design values for each monitor site in the subject areas over the 2015–2017 period. For the multi-state areas that Ohio is addressing, Table 2 includes all applicable monitors in the area, including monitors located in other

[11] ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

states' portions of the area, to address whether the entire area is at or below 85 percent of the NAAQS. These monitoring sites have been well below the level of the 1997 8-hour ozone NAAQS over the entire first 10-year maintenance period. As shown below, the most current design value for all sites continues to be below the level of 85% of the NAAQS, consistent with prior LMP guidance.

TABLE 2—1997 8-HOUR OZONE NAAQS DESIGN VALUES

[Part per million]

Area	County	AQS site ID	Design value (DV) 2016–2018	DV <0.071 ppm eligible LMP
Canton-Massillon (OH)	Stark	39–151–0016	0.069	Yes.
Canton-Massillon (OH)	Stark	39–151–0022	0.066	Yes.
Canton-Massillon (OH)	Stark	39–151–4005	0.068	Yes.
Lima (OH)	Allen	39–003–0009	0.067	Yes.
Parkersburg-Marietta (OH–WV)	Washington	39–167–0004	0.064	Yes.
Parkersburg-Marietta (OH–WV)	Wood (WV)	54–107–10021	0.065	Yes.
Steubenville-Weirton (OH–WV)	Jefferson	39–081–0017	0.062	Yes.
Steubenville-Weirton (OH–WV)	Hancock (WV)	54–029–0009	0.066	Yes.
Toledo (OH)	Lucas	39–095–0024	0.066	Yes.
Toledo (OH)	Lucas	39–095–0027	0.064	Yes.
Toledo (OH)	Wood	39–173–0003	0.064	Yes.
Wheeling (OH–WV)	Belmont	54–069–0010	0.067	Yes.
Youngstown-Warren-Sharon (OH–PA)	Mahoning	39–099–0013	0.059	Yes.
Youngstown-Warren-Sharon (OH–PA)	Trumbull	39–155–0011	0.068	Yes.
Youngstown-Warren-Sharon (OH–PA)	Trumbull	39–155–0013	0.066	Yes.
Youngstown-Warren-Sharon (OH–PA)	Mercer (PA)	42–085–0100	0.068	Yes.
Youngstown-Warren-Sharon (OH–PA)	Mercer (PA)	42–085–9991	0.065	Yes.

Therefore, the areas of Canton-Massillon (Stark County, OH), Lima (Allen County, OH), Toledo (Lucas and Wood counties of OH), and the portions of Ohio within Parkersburg-Marietta OH–WV (Washington County), Steubenville-Weirton OH–WV (Jefferson County), Wheeling OH–WV (Belmont County), and Youngstown-Warren-Sharon OH–PA(Columbiana, Mahoning and Trumbull Counties) multi-states areas are eligible for the LMP option, and we propose to find that the long record of monitored ozone concentrations that attain the NAAQS, together with the continuation of existing VOC and NO_X emissions control programs, adequately provide for the maintenance of the 1997 8-hour ozone NAAQS in the areas through the second 10-year maintenance period and beyond.

3. Monitoring Network and Verification of Continued Attainment

EPA periodically reviews the ozone monitoring network that Ohio operates and maintains, in accordance with 40 CFR part 58. This network is consistent with the ambient air monitoring network assessment and plan developed by Ohio that is submitted annually to EPA and that follows a public notification and review process. Ohio has committed to continue to maintain a network in accordance with EPA requirements.

4. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must include a requirement that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. See section 175A(d) of the CAA.

Ohio's contingency plan defines a warning level and action level response. A warning level shall be prompted whenever an annual fourth high monitored value of 0.088 ppm occurs in a single ozone season within the maintenance area. The action level response shall be prompted whenever a two year average fourth high monitored value of 84 ppb or greater occurs within the maintenance area. A violation of the standard (three year average fourth high monitored value of 84 ppb or greater occurs within the maintenance area) shall prompt an action level response. In the event that the action level is triggered and is not due to an exceptional event, malfunction, or noncompliance with a permit condition or rule requirement, Ohio will determine additional control measures needed to assure future attainment of NAAQS for ozone. In this case, measures that can be implemented in a short time will be selected in order to be in place within eighteen 18 months from the close of the ozone season that prompted the action level.

Contingency measures to be considered will be selected from a comprehensive list of measures deemed appropriate and effective at the time the selection is made. Listed below are example measures that may be considered. The selection of measures will be based upon cost-effectiveness, emission reduction potential, economic and social considerations or other factors that Ohio deems appropriate. Ohio will solicit input from all interested and affected persons in the maintenance area prior to selecting appropriate contingency measures. The listed contingency measures are potentially effective or proven methods of obtaining significant reductions of ozone precursor emissions. Because it is not possible at this time to determine what control measure will be appropriate at an unspecified time in

the future, the list of contingency measures outlined below is not exhaustive. Ohio anticipates that only a few of these measures will be required.

(1) Tighten reasonably available control technology (RACT) on existing sources covered by EPA's Control Technique Guidelines issued in response to the 1990 CAA Amendments.

(2) Apply RACT requirements to smaller existing sources.

(3) Require one or more transportation control measures sufficient to achieve at least 0.5% reduction in actual area wide VOC emissions. Transportation measures will be selected from the following, based upon the factors listed above after consultation with affected local governments:

(a) Trip reduction programs, including, but not limited to, employer-based transportation management plans, area wide rideshare programs, work schedule changes, and telecommuting.

(b) Transit improvements.

(c) Traffic flow improvements.

(d) Other new or innovative transportation measures not yet in widespread use that affects state and local governments deemed appropriate.

(4) Apply alternative fuel and diesel retrofit programs for fleet vehicle operations.

(5) Require VOC or NO_X emission offsets for new and modified major sources.

(6) Require VOC or NO_X emission offsets for new and modified minor sources.

(7) Adopt NO_X RACT requirements for existing combustion sources.

(8) Apply high volume, low pressure coating application requirements for autobody facilities.

(9) Apply requirements for cold cleaner degreaser operations (low vapor pressure solvents).

EPA proposes to find that Ohio's contingency measures, as well as the commitment to continue implementing any SIP requirements, satisfy the pertinent requirements of CAA section 175A.

IV. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA 176(c)(1)(B)). EPA's conformity rule at 40 CFR part 93 requires that transportation plans, programs and projects conform to SIPs and establish the criteria and procedures for determining whether or not they conform. The conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP) are consistent with the motor vehicle emissions budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). A MVEB is defined as ''that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions (40 CFR 93.101).

Under the conformity rule, LMP areas may demonstrate conformity without a regional emission analysis (40 CFR 93.109(e)).

However, because LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs and projects. Specifically, for such determinations, RTPs, TIPs and transportation projects still will have to demonstrate that they are fiscally constrained (40 CFR 93.108), meet the criteria for consultation (40 CFR 93.105) and Transportation Control Measure (TCM) implementation in the conformity rule provisions (40 CFR 93.112 and 40 CFR 93.113, respectively). Additionally, conformity determinations for RTPs and TIPs must be determined no less frequently than every four years, and conformity of plan and TIP amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104. In addition, for projects to be approved they must come from a currently conforming RTP and TIP (40 CFR 93.114 and 93.115).

V. Proposed Action

Under sections 110(k) and 175A of the CAA, for the reasons set forth above, EPA is proposing to approve the LMPs for Canton-Massillon (Stark County), Lima (Allen County), Toledo (Lucas and Wood Counties) areas, and the Ohio portion of the Parkersburg-Marietta (Washington County), Steubenville-Weirton (Jefferson County), Wheeling (Belmont County), Youngstown-Warren-Sharon (Columbiana, Mahoning, and Trumbull Counties) multi-state areas for the 1997 8-hour ozone NAAQS. These LMPs were submitted by Ohio on April 12, 2019, as a revision to the Ohio SIP. We find that the 1997 8-hour ozone NAAQS LMPs are sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in these areas through the second 10-year portion of the maintenance period.

VI. Statutory and Executive Order Reviews

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 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 it is not a significant regulatory action 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 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 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 oxides, Ozone, Volatile organic compounds.

Dated: August 6, 2019.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2019–17669 Filed 8–16–19; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 84, No. 160

Monday, August 19, 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 COMMERCE

Foreign-Trade Zones Board

[Order No. 2086]

Approval of Subzone Status; Offshore Energy Services, Inc.; Broussard, Louisiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Port of South Louisiana, grantee of Foreign-Trade Zone 124, has made application to the Board for the establishment of a subzone at the facility of Offshore Energy Services, Inc., located in Broussard, Louisiana (FTZ Docket B–27–2019, docketed April 15, 2019);

Whereas, notice inviting public comment has been given in the **Federal Register** (84 FR 16244, April 18, 2019) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of Offshore Energy Services, Inc., located in Broussard, Louisiana (Subzone 124T), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: August 13, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2019–17764 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–929]

Small Diameter Graphite Electrodes From the People's Republic of China: Notice of Rescission of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on small diameter graphite electrodes from the People's Republic of China (China) for the period February 1, 2018, through January 31, 2019, based on the timely withdrawal of the requests for review.

DATES: Applicable August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Dennis McClure, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5973.

SUPPLEMENTARY INFORMATION:

Background

On February 26, 2009, Commerce published in the **Federal Register** the antidumping duty order on small diameter graphite electrodes from China.[1] On February 8, 2019, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on small diameter graphite electrodes from China for the period of review February 1, 2018, through January 31, 2019.[2]

On February 28, 2019, Tokai Carbon GE LLC (the petitioner)[3] requested an administrative review of the order for 199 producers and/or exporters of the subject merchandise, including Fushun Jinly Petrochemical Carbon Co., Ltd. (Fushun Jinly).[4] On May 2, 2019, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), we initiated an administrative review of the order on small diameter graphite electrodes from China with respect to 199 companies.[5] On July 11, 2019, the petitioner withdrew its administrative review request with respect to all companies except Fushun Jinly,[6] and on July 23, 2019, we rescinded the administrative review request for all companies, except Fushun Jinly.[7] On July 31, 2019, the petitioner withdrew its administrative review request for Fushun Jinly.[8]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. In this case, the petitioner timely withdrew its review requests by the 90-day deadline. No other parties requested an administrative review of the antidumping duty order on small

[1] *See Antidumping Duty Order: Small Diameter Graphite Electrodes from the People's Republic of China,* 74 FR 8775 (February 26, 2009).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 84 FR 2816 (February 8, 2019).

[3] Formerly, SGL Carbon LLC and Superior Graphite Co.

[4] *See* the petitioner's submission, ''Small Diameter Graphite Electrodes from the People's Republic of China—Request for Initiation of Antidumping Administrative Review,'' dated February 28, 2019. The petitioner's review request included Fushun *Jinli* Petrochemical Carbon Co., Ltd. (emphasis added).

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 18777 (May 2, 2019).

[6] See the petitioner's submission, ''Small Diameter Graphite Electrodes from the People's Republic of China—Petitioner's Withdrawal of Certain Requests for Review,'' dated July 11, 2019.

[7] *See Small Diameter Graphite Electrodes From the People's Republic of China: Notice of Partial Rescission of Antidumping Duty Administrative Review;* 2018–2019, 84 FR 35370 (July 23, 2019).

[8] *See* the petitioner's submission, ''Small Diameter Graphite Electrodes from the People's Republic of China—Petitioner's Withdrawal of Request for Review,'' dated July 31, 2019.

diameter graphite electrodes from China. Therefore, we are rescinding the administrative review of the antidumping duty order on small diameter graphite electrodes from China for the period February 1, 2018, through January 31, 2019, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: August 13, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–17771 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before September 9, 2019. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 19–002. Applicant: University of Chicago Argonne LLC, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL 60439–4873. Instrument: S1–S3 magnets. Manufacturer: Danfysik, Denmark. Intended Use: The instrument(s) are the components of a 4th generation synchrotron accelerator, *i.e.,* the Advanced Photon Source Upgrade (APSU) accelerator, one of the most technologically complex machines in the world. APSU is a non-profit research facility which provides ultra-bright, high-energy x-ray beams to more than 5000 (and growing) scientists from across the United States. These scientists come from universities, medical schools, and other research institutions. Their research covers nearly every scientific discipline, from materials science to biology, chemistry, environmental, geological and planetary science and fundamental physics. APS provide x-ray beams of a broad parameters that allow them to collect data in unprecedented detail and in amazingly short time frames. According to the applicant, the research results achieved through APS will make real and positive impact on our technologies, health, economy and fundamental understanding of the materials that make up our world. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 2, 2019.

Docket Number: 19–003. Applicant: University of Chicago Argonne LLC, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL 60439–4873. Instrument: Canted Undulator Front-End Fixed Masks and Photon Shutters. Manufacturer: Strumenti Scientific CINEL S.R.L., Italy. Intended Use: The instrument will be used to assemble the new canted undulator front ends for the Advanced Photon Source upgrade. The front end consists of a series of components that connect the storage ring to the user beamline in order to deliver a photon beam that will be used as a three-dimensional X-ray microscope for experimental purposes. The properties of the materials studied include but are not limited to grain structure, grain boundary and interstitial defects and morphology. These properties are not only studied at ambient environments but also under high pressure, temperature, stress and strain. The objective is to further the understanding of different materials and material properties. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 3, 2019.

Docket Number: 19–004. Applicant: University of Chicago Argonne LLC., Operatory of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL 60439–4873. Instrument: Unipolar polar supplies. Manufacturer: Danfysik, Denmark. Intended Use: The instrument is part of a complex machine to be used for basic research that provides a very stable and filtered direct current (DC) to power electromagnet to bend, focus and correct electrons particle (e-) in a multi bend achromat (MBA) storage ring (SR). The nominal current varies from 100 A to 300A and the required stability and ripple is better than 10 parts per million (<10 ppm). The equipment should comply with APS safety standards and mechanical dimensions to be installed in existing racks. According to the applicant, APS–U is approaching a new era in science and engineering, one that promises a revolutionary understanding of complex materials and chemical processes across the entire hierarchy of lengthscales and timescales. This understanding demands that we move beyond exploration of equilibrium phenomena and beyond models based on idealized materials and systems, to be able to create new states and achieve extraordinary new functions. The improvements in photon beam

properties, combined with rapid, ongoing advances in x-ray optics, insertion devices, detectors, computing and theory will make it possible for researchers at x-ray light sources to explore a new landscape of scientific problems that previously were completely inaccessible. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 5, 2019.

Docket Number: 19–006. Applicant: University of Chicago Argonne LLC, Operatory of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL 60439–4873. Instrument: Q4 and Q5 magnets. Manufacturer: Danfysik, Denmark. Intended Use: The instrument(s) are the components of a 4th generation synchrotron accelerator, *i.e.,* the Advanced Photon Source Upgrade (APSU) accelerator, one of the most technologically complex machines in the world. APSU is an non-profit research facility, that will provide ultra-bright, high-energy x-ray beams to more than 5000 (and growing) scientists from across the United States. The research covers nearly every scientific discipline, from materials science to biology, chemistry, environmental, geological and planetary science and fundamental physics. APS provide x-ray beams of a broad parameters that allow them to collect data in unprecedented detail and in amazingly short time frames. According to the applicant, the research results achieved will constantly make real and positive impact on our technologies, health, economy and fundamental understanding of the materials that make up our world. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 8, 2019.

Docket Number: 19–007. Applicant: University of Chicago Argonne LLC, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL 60439–4873. Instrument: Fixed Masks, Photon Shutters, Grid Masks. Manufacturer: Strumenti Scientific CINEL S.R.L., Italy. Intended Use: The instrument and components will be used to assemble the new high heat load front ends for the Advanced Photon Source upgrade. The front end consists of a series of components that connect the storage ring to the user beamline to deliver a photon beam that will be used as a three-dimensional X-ray microscope for experimental purposes. The materials/phenomena studied vary from material properties analysis, protein mapping for pharmaceutical companies, X-ray imaging and chemical composition, but are not limited to grain structure, grain boundary and interstitial defects and morphology under high pressure, temperature, stress and strain. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 19, 2019.

Docket Number: 19–009. Applicant: Fermi Research Alliance (FRA), Kirk & Pine Street, Batavia, IL 60510. Instrument: Linac Coherent Light Source II (LCLS–II) cryomodules' vacuum vessels. Manufacturer: Wuxi Creative Technologies Company, Ltd., WXCX, China. Intended Use: The instrument will be used to study scientific research including the studies of elementary particles. Each vessel is assembled with other components to form a CW cryomodule. The Vessel is a cylindrical vacuum shell that the cold mass upper assembly (''Assembly'') is inserted into. The Vessel provides the insulating vacuum and other necessary conditions to cool down and operate the cryomodules in the LCLS–II upgrade. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 25, 2019.

Dated: August 14, 2019.

Gregory W. Campbell,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2019–17765 Filed 8–16–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–853]

Citric Acid and Certain Citrate Salts From Canada: Final Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Jungbunzlauer Canada, Inc. (JBL Canada), producer/exporter of citric acid and certain citrate salts, did not sell subject merchandise at prices below normal value (NV) during the period of review (POR) May 1, 2017 through April 30, 2018.

DATES: Applicable August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Joseph Dowling or George Ayache, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1646 or (202) 482–2623, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 9, 2019, Commerce published in the **Federal Register** the *Preliminary Results* [1] of the administrative review of the antidumping duty order on citric acid and certain citrate salts from Canada. This review covers one producer/exporter of the subject merchandise, JBL Canada. We invited parties to comment on the *Preliminary Results.*[2] No interested party submitted comments.[3] Further, no party submitted a request for a hearing in the instant review. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [4]

The merchandise subject to the order is citric acid and certain citrate salts from Canada. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2918.14.0000, 2918.15.1000, 2918.15.5000, and 3824.90.9290. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description, available in the Preliminary Decision Memorandum,[5] remains dispositive.

Changes Since the Preliminary Results

As no parties submitted comments on the margin calculation methodology

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[1] *See Citric Acid and Citrate Salts from Canada: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 32710 (July 9, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.*

[3] JBL Canada submitted a case brief stating: ''Respondent JBL has no comments on the Department's *Preliminary Results.* JBL reserves the right to submit a rebuttal brief in response to any issue(s) which may be raised by Petitioners in their case brief.'' *See* JBL Canada's Letter, ''Ninth Administrative Review of the Antidumping Order on Citric Acid and Certain Citrate Sales from Canada—JBL Canada's Case Brief,'' dated July 31, 2019.

[4] *See Citric Acid and Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders,* 74 FR 25703 (May 29, 2009) (*Order*).

[5] For a complete description of the scope of the *Order, see Preliminary Results* PDM at 3.

used in the *Preliminary Results,* Commerce made no adjustments to that methodology in the final results of this review.

Final Results of the Review

As a result of this review, Commerce determines that the following weighted-average dumping margin exists for entries of subject merchandise that were produced and/or exported by the following company during the POR:

Manufacturer/exporter	Weighted-average dumping margin (percent)
Jungbunzlauer Canada, Inc	0.00

Assessment Rates

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review, pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b).[6] Because we calculated a zero margin for JBL Canada in the final results of this review, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce intends to issue the appropriate assessment instructions to CBP 41 days after the date of publication of these final results of review, in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of these final results for all shipments of citric acid and certain citrate salts from Canada entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for JBL Canada will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a completed prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 23.21 percent, the all-others rate established in the *Order.* These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We intend to issue and publish these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: August 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–17770 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See* section 751(a)(2)(C) of the Act; 19 CFR 351.212(b).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–898]

Chlorinated Isocyanurates From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain companies covered by the administrative review made sales of subject merchandise at prices below normal value. Interested parties are invited to comment on these preliminary results.

DATES: August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Carey, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3964.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on chlorinated isocyanurates (chlorinated isos) from the People's Republic of China (China). The period of review (POR) is June 1, 2017 through May 31, 2018.[1] This administrative review covers two mandatory respondents, Heze Huayi Chemical Co. Ltd. (Heze Huayi) and Juancheng Kangtai Chemical Co. Ltd. (Kangtai). Commerce preliminarily determines that sales of subject merchandise by Heze Huayi and Kangtai have been made at prices below normal value (NV).

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[2] This extended the deadline for the preliminary results to April 11, 2019. Commerce extended the time limit for the preliminary results on April 10, 2019, which fully extended the deadline until August 9, 2019.[3]

Scope of the Order

The products covered by the order are chlorinated isos, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones.[4]

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 39688 (August 10, 2018).

[2] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[3] *See* Memorandum, ''Chlorinated Isocyanurates from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 10, 2019.

[4] For a complete description of the Scope of the Order, *see* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2017–2018 Antidumping Duty Administrative Review:

Continued

Chlorinated isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). Export prices have been calculated in accordance with section 772 of the Act. Because China is a non-market economy within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum is available online at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

Commerce preliminarily determines that Heze Huayi and Kangtai have established their eligibility for a separate rate and that the following weighted-average dumping margins exist for the period June 1, 2017 through May 31, 2018:

Exporter	Weighted-average dumping margin (percentage)
Heze Huayi Chemical Co. Ltd	32.23
Juancheng Kangtai Chemical Co. Ltd	58.07

Chlorinated Isocyanurates from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Disclosure and Public Comment

Commerce intends to disclose the calculations for these preliminary results within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs within 30 days after the date of publication of these preliminary results of review.[5] Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the time limit for filing case briefs.[6] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days of the date of publication of this notice.[8] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.[9] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (ET) on the due date. Documents excepted from the electronic submission requirements must be filed manually (*e.g.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.

Commerce intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register** unless extended, pursuant to section 751(a)(3)(A) of the Act.

[5] *See* 19 CFR 351.309(c)(1)(ii).

[6] *See* 19 CFR 351.309(d)(1) and (2).

[7] *See* 19 CFR 351.309(c) and (d); *see also* 19 CFR 351.303 (for general filing requirements).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.310(d).

Assessment Rates

Upon issuing the final results of this review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[10] Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review.

In accordance with 19 CFR 351.212(b)(1), we are calculating importer- or customer-specific assessment rates for the merchandise subject to this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales.[11] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate. Additionally, if Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the China-wide rate.[12]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established

[10] *See* 19 CFR 351.212(b)(1).

[11] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[12] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

in the final results of this review (except, if the rate is zero or *de minimis,* a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the existing producer/exporter-specific combination rate published for the most recent period; (3) for all Chinese exporters of subject merchandise that have not been found to be eligible for a separate rate, the cash deposit rate will be the China-wide rate of 285.63 percent; [13] and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: August 9, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Recommendation

[FR Doc. 2019–17768 Filed 8–16–19; 8:45 am]

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[13] *See Notice of Antidumping Duty Order: Chlorinated Isocyanurates from the People's Republic of China,* 70 FR 36561 (June 24, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–837]

Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; Calendar Year 2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Hyundai Steel Company (Hyundai Steel) and Dongkuk Steel Mill Co., Ltd. (DSM), producers/exporters of certain cut-to-length carbon-quality steel plate (CTL plate) from the Republic of Korea (Korea), received countervailable subsidies that are *de minimis* during the period of review (POR), January 1, 2017 through December 31, 2017.

DATES: Applicable August 19, 2019.

FOR FURTHER INFORMATION CONTACT: John Conniff (for Hyundai Steel) or Jolanta Lawska (for DSM), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1009 or (202) 482–8362, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 15, 2019, Commerce published the preliminary results of this administrative review.[1] We invited interested parties to comment on the *Preliminary Results.* On May 15, 2019, we received a timely filed case brief from Nucor Corporation (the petitioner) and, on May 20, 2019, Hyundai Steel submitted a timely filed rebuttal brief. Commerce conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the order is certain hot-rolled carbon-quality steel plate. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.[2]

[1] *See Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review; and Rescission of Review, in Part; Calendar Year 2017,* 84 FR 15182 (April 15, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Certain Issues and Decision Memorandum for the Final Results of Countervailing Duty Administrative Review: Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea; 2017,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Analysis of Comments Received

All issues raised in interested parties' case briefs are addressed in the Issues and Decision Memorandum. The issues are identified in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on the comments received from the petitioner and Hyundai Steel, we made no changes to the net subsidy rates calculated for the mandatory respondents. For a discussion of these issues, *see* the Issues and Decision Memorandum.

Final Results of Administrative Review

We determine that the following total estimated net countervailable subsidy rates exist for the period January 1, 2017 through December 31, 2017:

Company	Subsidy rate *ad valorem*
Dongkuk Steel Mill Co., Ltd.	0.25 percent (*de minimis*).
Hyundai Steel Company.	0.44 percent (*de minimis*).

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to 19 CFR 351.212(b)(2), Commerce intends to issue appropriate instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of the final results of this review. We will instruct CBP to liquidate shipments of subject merchandise produced by DSM and Hyundai Steel entered, or withdrawn form warehouse, for consumption on or

after January 1, 2017 through December 31, 2017, without regard to countervailing duties because a *de minimis* subsidy rate was calculated for each company.

Cash Deposit Instructions

The following cash deposit requirements will be effective upon publication of the notice of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed in these final results will be zero percent; and (2) for all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: August 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Period of Review
V. Subsidies Valuation Information
VI. Analysis of Programs
VII. Analysis of Comments
Comment 1: Whether Commerce Should Adjust Hyundai Steel Company's (Hyundai Steel) Tax Benefit Calculations to Account for Special Rural Development Taxes (SRDTs)
Comment 2: Whether Hyundai Green Power is Cross-Owned with Hyundai Steel
Comment 3: Whether Hyundai Green Power Supplied Inputs to Hyundai Steel that Were Primarily Dedicated to the Production of the Downstream Product
VIII. Recommendation

[FR Doc. 2019–17769 Filed 8–16–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–849]

Refillable Stainless Steel Kegs From Mexico: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that refillable stainless steel kegs (kegs) from Mexico are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2017 through June 30, 2018. The final estimated dumping margins of sales at LTFV are shown in the ''Final Determination'' section of this notice.

DATES: Applicable August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Allison Hollander or Minoo Hatten, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2805 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 4, 2019, Commerce published the *Preliminary Determination* of this LTFV investigation in which Commerce found that kegs from Mexico were sold at LTFV.[1] On May 2, 2019, Commerce published the *Preliminary Critical Circumstances Determination* in which Commerce found that critical circumstances exist for imports of kegs from Mexico.[2] We invited interested parties to comment on both determinations in the *Preliminary Determination.* We received no comments from interested parties.

Scope of the Investigation

The products covered by this investigation are refillable stainless steel kegs from Mexico. For a complete description of the scope of this investigation, *see* the appendix to this notice.

Scope Comments

On March 29, 2019, we issued a Preliminary Scope Decision Memorandum.[3] The scope case briefs were due on May 6, 2019.[4] We did not receive scope case briefs from interested parties. Therefore, Commerce has made no changes to the scope of this investigation since the *Preliminary Determination.*

Verification

Because the mandatory respondent in this investigation did not provide the information requested, Commerce did not conduct verification.[5]

Analysis of Comments Received

As stated above, we did not receive comments in response to the *Preliminary Determination.* For the final determination, Commerce has made no changes to the *Preliminary Determination.*

Use of Adverse Facts Available

We continue to find, as stated in the *Preliminary Determination,* that THIELMANN Mexico S.A. de C.V. (THIELMANN), Portinox Mexico S.A. de C.V. (Portinox), and Geodis Wilson Mexico S.A. de C.V. (Geodis Wilson) withheld requested information, failed to provide information by the specified deadlines, and significantly impeded the proceeding, pursuant to section

[1] *See Refillable Stainless Steel Kegs From Mexico: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 84 FR 25738 (June 4, 2019) (*Preliminary Determination*).

[2] *See Antidumping Duty Investigation on Refillable Stainless Steel Kegs From Mexico: Preliminary Affirmative Determination of Critical Circumstances,* 84 FR 18796 (May 2, 2019) (*Preliminary Critical Circumstances Determination*).

[3] *See* Memorandum, ''Refillable Stainless Steel Kegs from the People's Republic of China, Germany, and Mexico: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated March 29, 2019 (Preliminary Scope Decision Memorandum).

[4] The scope case briefs were due 30 days after the publication of *Refillable Stainless Steel Kegs from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination,* 84 FR 13634 (April 5, 2019). *See* Preliminary Scope Decision Memorandum at 5. Because the deadline fell on Sunday, May 5, 2019, the actual deadline for the scope case briefs was Monday, May 6, 2019. *See* 19 CFR 351.303(b)(1) (''For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.''). The deadline for scope rebuttal briefs was Monday, May 13, 2019.

[5] *See Preliminary Determination,* 84 FR at 25740.

776(a) of the Tariff Act of 1930, as amended (the Act).[6] Further, we continue to find that THIELMANN, Portinox, and Geodis Wilson failed to cooperate to the best of their abilities to comply with our requests for information, and, accordingly, we continue to apply an adverse inference when selecting from among the facts otherwise available to determine the relevant dumping margins, in accordance with section 776(b) of the Act.[7] We further continue to select the only dumping margin alleged in the Petition [8] as the rate applicable to THIELMANN, Portinox, and Geodis Wilson.[9]

Final Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, we preliminarily determined that critical circumstances exist with respect to the mandatory respondent, THIELMANN, and all other companies.[10] As stated above, Commerce did not receive any comments in response to the preliminary determination. Thus, for this final determination, we find that, in accordance with section 735(a)(3) of the Act and 19 CFR 351.206, critical circumstances exist for imports of kegs from Mexico exported by THIELMANN and imports of kegs from Mexico produced and/or exported by all other companies.

All-Others Rate

As discussed in the *Preliminary Determination,* we continue to assign the dumping margin alleged in the Petition[11] and selected as the dumping margin for the sole mandatory respondent, THIELMANN, as the all-others rate applicable to all exporters and/or producers not individually examined.[12]

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Producer/exporter	Weighted-average dumping margin (percent)
THIELMANN Mexico S.A. de C.V	18.48
Portinox Mexico S.A. de C.V	18.48
Geodis Wilson Mexico S.A. de C.V	18.48
All Others	18.48

Continuation of Suspension of Liquidation

For entries made by THIELMANN and all other companies, in accordance with section 735(c)(4)(A) of the Act, because we continue to find that critical circumstances exist with respect to THIELMANN and all other producers and/or exporters, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of any unliquidated entries of shipments of subject merchandise which were entered, or withdrawn from warehouse, for consumption on or after March 6, 2019, which is 90 days prior to the publication of the *Preliminary Determination.*

Pursuant to section 735(c)(l) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require cash deposits equal to the weighted-average dumping margins indicated in the table above as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be 18.48 percent, the all-others estimated weighted-average dumping margin. These suspension of liquidation and cash deposit instructions will remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce applied adverse facts available (AFA) to the individually examined company THIELMANN, as well as to Portinox and Geodis Wilson, in this investigation, in accordance with section 776 of the Act, and the applied AFA rate is based solely on the Petition, there are no calculations to disclose.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of its final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of kegs from Mexico no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Administrative Protective Orders (APOs)

This notice serves as a reminder to parties subject to 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 the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 352.210(c).

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Refillable Stainless Steel Kegs from Mexico,'' dated May 28, 2019 (Preliminary Decision Memorandum) at 5–7.

[7] *Id.*

[8] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping Duties on Imports of Refillable Stainless Steel Kegs from Germany, Mexico, and the People's Republic of China and Countervailing Duties on Imports of Refillable Stainless Steel Kegs from the People's Republic of China,'' dated September 20, 2018 (Petition), at 11; *see also* Petitioner's Letter, ''Supplement to the Petition for the Imposition of Antidumping Duties on Imports of Refillable Stainless Steel Kegs from Mexico: Response to the Department's Supplemental Questions,'' dated October 2, 2018 (Third Supplement to the Petition), at 6.

[9] *See* Preliminary Decision Memorandum at 7.

[10] For a full description of the methodology and results of Commerce's critical circumstances analysis, *see Preliminary Critical Circumstances Determination.*

[11] *See* Petition at 11; *see also* Third Supplement to the Petition at 6.

[12] For a full description of the methodology underlying Commerce's analysis, *see* Preliminary Decision Memorandum.

Dated: August 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by this investigation are kegs, vessels, or containers with bodies that are approximately cylindrical in shape, made from stainless steel (*i.e.,* steel containing at least 10.5 percent chromium by weight and less than 1.2 percent carbon by weight, with or without other elements), and that are compatible with a ''D Sankey'' extractor (refillable stainless steel kegs) with a nominal liquid volume capacity of 10 liters or more, regardless of the type of finish, gauge, thickness, or grade of stainless steel, and whether or not covered by or encased in other materials. Refillable stainless steel kegs may be imported assembled or unassembled, with or without all components (including spears, couplers or taps, necks, collars, and valves), and be filled or unfilled.

''Unassembled'' or ''unfinished'' refillable stainless steel kegs include drawn stainless steel cylinders that have been welded to form the body of the keg and attached to an upper (top) chime and/or lower (bottom) chime. Unassembled refillable stainless steel kegs may or may not be welded to a neck, may or may not have a valve assembly attached, and may be otherwise complete except for testing, certification, and/or marking.

Subject merchandise also includes refillable stainless steel kegs that have been further processed in a third country, including but not limited to, attachment of necks, collars, spears or valves, heat treatment, pickling, passivation, painting, testing, certification or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope refillable stainless steel keg.

Specifically excluded are the following:

(1) Vessels or containers that are not approximately cylindrical in nature (*e.g.,* box, ''hopper'' or ''cone'' shaped vessels);

(2) stainless steel kegs, vessels, or containers that have either a ''ball lock'' valve system or a ''pin lock'' valve system (commonly known as ''Cornelius,'' ''corny'' or ''ball lock'' kegs);

(3) necks, spears, couplers or taps, collars, and valves that are not imported with the subject merchandise; and

(4) stainless steel kegs that are filled with beer, wine, or other liquid and that are designated by the Commissioner of Customs as Instruments of International Traffic within the meaning of section 332(a) of the *Tariff Act of 1930,* as amended.

The merchandise covered by this investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7310.10.0010, 7310.10.0050, 7310.29.0025, and 7310.29.0050.

These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

[FR Doc. 2019–17767 Filed 8–16–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–113]

Certain Collated Steel Staples From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Bob Palmer or Joshua Simonidis, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9068 or (202) 482–0608, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 26, 2019, the Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of certain collated steel staples (collated staples) from China.[1] Currently, the preliminary determination is due no later than August 30, 2019.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) The petitioner[2] makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 5, 2019, the petitioner submitted a timely request that Commerce postpone the preliminary CVD determination.[3] The petitioner stated that it requests postponement ''{d}ue to the number and nature of subsidy programs under investigation and the fact that the full initial questionnaire responses are not due until September 4, five days after the current preliminary determination deadline.''[4]

In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.,* November 4, 2019.[5]

Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 9, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–17537 Filed 8–16–19; 8:45 am]

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[1] *See Certain Collated Steel Staples from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 84 FR 31840 (July 3, 2019).

[2] The petitioner is Kyocera Senco Industrial Tools, Inc.

[3] *See* Petitioner's Letter, ''Petitioner's Request to Postpone the Deadline for the Preliminary Determination,'' dated August 5, 2019.

[4] *Id.*

[5] Postponing the preliminary determination to 130 days after initiation would place the deadline on Sunday, November 3, 2019. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–814]

Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China: Rescission of the Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on carbon steel butt-weld pipe fittings (BWPF) from the People's Republic of China (China), based on withdrawal of the requests for review.

DATES: Applicable August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta or Hannah Falvey, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–2593 or (202) 482–4889, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 6, 1992, Commerce published in the **Federal Register** the antidumping duty order on BWPF from China.[1] On July 31, 2018, Commerce received separate requests to conduct an administrative review of the *Order* for Chinese producer/exporter Jinan Mech Piping Technology Co., Ltd. (Jinan Mech) on behalf of Jinan Mech [2] and for Malaysian producer/exporter Pantech Steel Industries SDN BHD (Pantech) on behalf of Pantech and U.S. importers Silbo Industries, Inc. (Silbo) and Allied Group (Allied).[3] Based upon these requests, on September 10, 2018, Commerce published in the **Federal Register** a notice of initiation of an administrative review covering the period of review (POR) July 1, 2017 through June 30, 2018 for Jinan Mech and Pantech.[4]

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review, and no other party requested a review of the company for which the petitioner requested a review. Section 351.213(d)(1) also provides that Commerce may extend this time limit if Commerce decides that it is reasonable to do so. The deadline for a party to withdraw a request for review was December 10, 2018.[5]

On October 11, 2018, Jinan Mech timely withdrew its review request [6] and, on December 28, 2018, Commerce rescinded this administrative review in part, with respect to Jinan Mech.[7] No party withdrew any pending review requests for Pantech by the December 10, 2018 deadline.

On July 2, 2019, Commerce received multiple requests to extend the time limit for Pantech, Silbo, and Allied to withdraw their requests for review of Pantech.[8] In their letters, the parties explained that unique circumstances warranted an extension of the 90-day deadline under 19 CFR 351.213(d)(1). In particular, in the preliminary determination of the concurrent anti-circumvention inquiry on the *Order,* Commerce found that Pantech's BWFP exports from Malaysia were produced from finished or unfinished BWPF produced in China, and therefore subject to the *Order.*[9] As a protective measure, Pantech, Silbo, and Allied requested an administrative review of the *Order* with respect to Pantech as a result of the anti-circumvention preliminary determination because they then faced suspended entries under the *Order.*[10] However, in the final determination of the anti-circumvention inquiry published on June 21, 2019, Commerce found that Pantech was now eligible for the import certification program for BWPF from Malaysia, and that the suspended entries of BWPF from Malaysia that do not contain finished or unfinished BWPF from China will not be subject to the *Order.*[11] Any of Pantech's entries that do contain finished or unfinished BWPF from China are still subject to the *Order.*[12] Shortly after this determination was published, Silbo, Allied, and Pantech each requested that Commerce extend the deadline to withdraw a request for review. The parties explained that the sole reason for requesting a review—to preserve their ability for administrative review of Pantech's entries in light of the affirmative preliminary determination in the concurrent anti-circumvention inquiry—was no longer at issue.[13]

The parties additionally argued that, although Commerce had expended some resources in the conduct of this review, it had not yet issued the preliminary results of review. Further, the parties argued that rescission of the review at this time would still conserve substantial resources, particularly in a review which would require calculations of margins in a potentially unusual circumstance of a market economy company using an input from a non-market economy. Moreover, the parties explained that they are not withdrawing their request for a review in order to receive a more favorable rate. Indeed, by withdrawing at this stage,

[1] *See Antidumping Duty Order and Amendment to the Final Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China,* 57 FR 29702 (July 6, 1992) (*Order*).

[2] *See* Jinan Mech's Letter, ''Administrative Review of the Antidumping Duty Order on Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Request for Review,'' dated July 31, 2018.

[3] *See* Pantech's Letter, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China, A–570–814: Review Request,'' dated July 31, 2018; Silbo's Letter, ''Request for Administrative Review of the Antidumping Duty Order on Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China (A–570–814),'' dated July 31, 2018; and Allied's Letter, ''Certain Carbon Steel Butt-Weld Pipe Fittings from China: Allied Group Request for Administrative Review,'' dated July 31, 2018.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596, 45601–02 (September 10, 2018).

[5] *See* 19 CFR 351.213(d)(1). If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day.

[6] *See* Jinan Mech's Letter, ''Administrative Review of the Antidumping Duty Order on Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Withdrawal of Request for Review,'' dated October 11, 2018.

[7] *See Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China; Rescission of the Antidumping Duty Administrative Review, In Part; 2017–2018,* 83 FR 67228 (December 28, 2018).

[8] *See* Silbo's Letter, ''Silbo's Request to Extend the Time Within Which to Withdraw Its Administrative Review Request and Withdrawal of the Administrative Review Request in the Administrative Review of the Antidumping Duty Order on Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China (A–570–814) (POR: 7/1/17–6/30/18),'' dated July 2, 2019; *see also* Allied's Letter, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: (1) Request to Extend the Time Within Which to Withdraw Administrative Review Request; and (2) Withdrawal of the Administrative Review Request,'' dated July 2, 2019; and Pantech's Letter, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China, A–570–814: Withdrawal of Review Request and Request to Rescind Antidumping Duty Administrative Review,'' dated July 2, 2019 (Pantech Review Request Withdrawal Letter).

[9] *See Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty Order,* 83 FR 35205 (July 25, 2018).

[10] *See, e.g.,* Pantech Review Request Withdrawal Letter at 3.

[11] *See Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty Order,* 84 FR 29164 (June 21, 2019).

[12] *Id.,* 84 FR at 29165, ''Continuation of Suspension of Liquidation.''

[13] *See, e.g.,* Pantech Review Request Withdrawal Letter at 3–4.

Pantech's entries that do contain finished or unfinished BWPF from China, if any, will be assessed at the China-wide rate of 182.90 percent.[14]

After reviewing the reasons outlined in the requests, Commerce determined that it was reasonable to extend the deadline for parties to withdraw a request for review to July 29, 2019, pursuant to 19 CFR 351.213(d)(1).[15] On July 25, 2019, Silbo, Allied, and Pantech separately withdrew each of their requests for an administrative review of the *Order*.[16] No other parties requested an administrative review of Pantech. Additionally, the petitioners have not raised any concerns regarding these withdrawal requests, nor submitted any further comments on the information that Pantech submitted to the record.

Rescission of Review

As discussed above, pursuant to 19 CFR 351.213(d)(1), Commerce considered the interested parties' requests to extend the deadline to withdraw their requests for a review of Pantech, and, based on the reasons provided by the parties and the circumstances presented, determined that it was reasonable to extend the deadline.[17] Once the extension was granted, each interested party separately withdrew their review requests for Pantech and requested a rescission of administrative review of the *Order*.[18] There are no remaining requests for an administrative review of the *Order*. Accordingly, Commerce is rescinding this review of the *Order* for the POR in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 14, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–17772 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–DS–P

[14] *Id.* at 5–6.

[15] *See* Commerce's Letter to Silbo, ''Antidumping Duty Administrative Review of Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Extension of Time Limit,'' dated July 24, 2019 (Silbo—Extension of Time); Commerce's Letter to Allied, ''Antidumping Duty Administrative Review of Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Extension of Time Limit,'' dated July 24, 2019 (Allied—Extension of Time), *see also* Commerce's Letter to Pantech, ''Antidumping Duty Administrative Review of Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Extension of Time Limit,'' dated July 24, 2019 (Pantech—Extension of Time).

[16] *See* Silbo's Letter, ''Silbo's Withdrawal of Its Administrative Review Request in the Administrative Review of the Antidumping Order on Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China (A–570–814) (POR: 7/1/17–6/30/18),'' dated July 25, 2019 (Silbo's Withdrawal Request); *see also* Allied's Letter ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Withdrawal of Review Request,'' dated July 25, 2019 (Allied's Withdrawal Request); Pantech's Letter, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China, A–570–814: Withdrawal of Review Request,'' dated July 25, 2019 (Pantech's Withdrawal Request).

[17] *See* Silbo—Extension of Time; Allied—Extension of Time; and Pantech—Extension of Time.

[18] *See* Silbo's Withdrawal Request; Allied's Withdrawal Request; and Pantech's Withdrawal Request.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–814f]

Chlorinated Isocyanurates From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of chlorinated isocyanurates (chlorinated isos) from Spain by Ercros S.A. (Ercros) were not sold at less than normal value during the period of review (POR), June 1, 2017 through May 31, 2018. Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On August 10, 2018, Commerce published the notice of initiation of this administrative review of chlorinated isos from Spain covering one company, Ercros.[1] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[2] On April 10, 2019, Commerce extended the deadline of these preliminary results until July 10, 2019,[3] and on July 8, 2019, extended the preliminary results deadline by an additional 30 days.[4] The events that

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 39688 (August 10, 2018).

[2] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[3] *See* Memorandum, ''Chlorinated Isocyanurates from Spain: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review—2017–2018,'' dated April 10, 2019.

[4] *See* Memorandum, ''Chlorinated Isocyanurates from Spain: Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review—2017–2018,'' dated July 8, 2019.

have occurred between initiation and these preliminary results are discussed in the Preliminary Decision Memorandum.[5]

Scope of the Order

The products covered by the order are chlorinated isos, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones. Chlorinated isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[6]

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value has been calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following dumping margin exists for the period June 1, 2017 through May 31, 2018:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Ercros S.A	0.00

Disclosure and Public Comment

Commerce intends to disclose to the parties to the proceeding any calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[7] Interested parties may submit case briefs to Commerce in response to these preliminary results no later than 30 days after the publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] Case and rebuttal briefs should be filed using ACCESS.[11] In order to be properly filed, ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time on the established deadline.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon issuance of the final results in this administrative review, Commerce shall determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). If Ercros' weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer- or customer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the importer/customer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the POR produced by the respondent for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be the rate established in the final results of this review, except, if the rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), no cash deposit will be required; (2) for previously reviewed or investigated

[5] *See* Memorandum, ''Decision Memorandum for Preliminary Results of the 2017–2018 Antidumping Duty Administrative Review of Chlorinated Isocyanurates from Spain,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *Id.*at 2.

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(c)(1)(ii).

[9] *See* 19 CFR 351.309(d)(1) and (2).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See* 19 CFR 351.303.

companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters is 24.83 percent, the all-others rate established in the investigation.[12] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 8, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Allegation of a Particular Market Situation
V. Comparisons to Normal Value
VI. Product Comparisons
VII. Date of Sale
VIII. Export Price
IX. Normal Value
X. Currency Conversion
XI. Recommendation

[FR Doc. 2019–17541 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–DS–P

[12] *See Chlorinated Isocyanurates From Spain: Notice of Final Determination of Sales at Less Than Fair Value,* 70 FR 24506 (May 10, 2005).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV030

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet September 11–18, 2019. The Pacific Council meeting will begin on Friday, September 13, 2019 at 9 a.m. Pacific Daylight Time (PDT), reconvening at 8 a.m. each day through Wednesday, September 18, 2019. All meetings are open to the public, except a closed session will be held from 8 a.m. to 9 a.m., Friday, September 13 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be held at the Riverside Hotel, 2900 Chinden Blvd., Boise, ID; telephone: (208) 343–1871.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll-free; or access the Pacific Council website, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The September 11–18, 2019 meeting of the Pacific Council will be streamed live on the internet. The broadcasts begin initially at 9 a.m. PDT Friday, September 13, 2019 and continue at 8 a.m. daily through Wednesday, September 18, 2019. Broadcasts end daily at 5 p.m. PDT or when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion is listen-only; you will be unable to speak to the Pacific Council via the broadcast. To access the meeting online, please use the following link: *http://www.gotomeeting.com/online/webinar/join-webinar* and enter the September Webinar ID, 634–645–459, and your email address. You can attend the webinar online using a computer, tablet, or smart phone, using the GoToMeeting application. It is recommended that you use a computer headset to listen to the meeting, but you may use your telephone for the audio-only portion of the meeting. The audio portion may be attended using a telephone by dialing the toll number 1–562–247–8422 (not a toll-free number), audio access code 532–691–006, and entering the audio pin shown after joining the webinar.

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as ''Final Action'' refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, advisory entity meeting times, and meeting rooms are described in Agenda Item A.5, Proposed Council Meeting Agenda, and will be in the advance September 2019 briefing materials and posted on the Pacific Council website at *www.pcouncil.org* no later than Friday, August 23, 2019.

A. Call to Order
  1. Opening Remarks
  2. Council Member Appointments
  3. Roll Call
  4. Executive Director's Report
  5. Approve Agenda
B. Open Comment Period
  1. Comments on Non-Agenda Items
C. Administrative Matters
  1. National Marine Fisheries Service Strategic Plan
  2. Legislative Matters
  3. Approval of Council Meeting Record
  4. Membership Appointments and Council Operating Procedures
  5. Future Council Meeting Agenda and Workload Planning
D. Habitat
  1. Current Habitat Issues
E. Ecosystem
  1. Fishery Ecosystem Plan (FEP) Five-Year Review
  2. Climate and Communities Initiative
F. Salmon
  1. Methodology Review—Final Topic Selection

2. Rebuilding Plans—Final Action
3. Southern Resident Killer Whale Endangered Species Act Consultation
4. Review of Annual Management Cycle

G. Pacific Halibut Management
1. 2020 Catch Sharing Plan and Annual Regulations
2. Commercial Directed Fishery Regulations for 2020

H. Groundfish Management
1. National Marine Fisheries Service Report
2 Workload and New Management Measure Update
3. Electronic Monitoring Program Guidelines and Data Storage Procedural Directive: Preliminary Review
4. Endangered Species Act Mitigation Measures for Salmon
5. Adopt Final Stock Assessments
6. 2020 Harvest Specifications for Cowcod and Shortbelly Rockfish
7. Phased-In Approach for Changing Harvest Limits—Scoping
8. Initial Harvest Specification and Management Measure Actions for 2021–2022 Management
9. Final Action on Inseason Adjustments—Including Final Recommendations on Exempted Fishing Permits for 2020
10. Methodology Review—Final Topic Selection

I. Highly Migratory Species Management
1. National Marine Fisheries Service Report
2. Recommend International Management Activities
3. Exempted Fishing Permits:—Final Recommendations
4. Deep-Set Buoy Gear Authorization—Final Action

Advisory Body Agendas

Advisory body agendas will include discussions of relevant issues that are on the Pacific Council agenda for this meeting, and may also include issues that may be relevant to future Council meetings. Proposed advisory body agendas for this meeting will be available on the Pacific Council website *http://www.pcouncil.org/council-operations/council-meetings/current-briefing-book/* no later than Friday, August 23, 2019.

Schedule of Ancillary Meetings

Day 1—Wednesday, September 11, 2019

Scientific and Statistical Committee, 10 a.m.

Day 2—Thursday, September 12, 2019

Ecosystem Advisory Subpanel, 8 a.m.
Ecosystem Workgroup, 8 a.m.
Groundfish Electronic Monitoring Policy Advisory Committee And Technical Advisory Committee, 8 a.m.
Habitat Committee 8 a.m.
Scientific and Statistical Committee 8 a.m.
Legislative Committee 1 p.m.

Day 3—Friday, September 13, 2019

California State Delegation, 7 a.m.
Oregon State Delegation, 7 a.m.
Washington State Delegation, 7 a.m.
Ecosystem Advisory Subpanel, 8 a.m.
Ecosystem Workgroup, 8 a.m.
Groundfish Advisory Subpanel, 8 a.m.
Groundfish Management Team, 8 a.m.
Salmon Advisory Subpanel, 8 a.m.
Salmon Technical Team, 8 a.m.
Scientific and Statistical Committee, 8 a.m.
Enforcement Consultants, 3 p.m.

Day 4—Saturday, September 14, 2019

California State Delegation, 7 a.m.
Oregon State Delegation, 7 a.m.
Washington State Delegation, 7 a.m.
Groundfish Advisory Subpanel, 8 a.m.
Groundfish Management Team, 8 a.m.
Highly Migratory Species Advisory Subpanel, 8 a.m.
Highly Migratory Species Management Team, 8 a.m.
Enforcement Consultants, Ad Hoc
Groundfish Stock Assessment Q&A, 7 p.m.

Day 5—Sunday, September 15, 2019

California State Delegation, 7 a.m.
Oregon State Delegation, 7 a.m.
Washington State Delegation, 7 a.m.
Groundfish Advisory Subpane,l 8 a.m.
Groundfish Management Team, 8 a.m.
Highly Migratory Species Advisory Subpanel, 8 a.m.
Highly Migratory Species Management Team, 8 a.m.
Enforcement Consultants, Ad Hoc

Day 6—Monday, September 16, 2019

California State Delegation, 7 a.m.
Oregon State Delegation, 7 a.m.
Washington State Delegation, 7 a.m.
Groundfish Advisory Subpanel, 8 a.m.
Groundfish Management Team, 8 a.m.
Highly Migratory Species Advisory Subpanel, 8 a.m.
Highly Migratory Species Management Team, 8 a.m.
Enforcement Consultants, Ad Hoc

Day 7—Tuesday, September 17, 2019

California State Delegation, 7 a.m.
Oregon State Delegation, 7 a.m.
Washington State Delegation, 7 a.m.
Groundfish Advisory Subpanel, 8 a.m.
Groundfish Management Team, 8 a.m.
Enforcement Consultants, Ad Hoc

Day 8—Wednesday, September 18, 2019

California State Delegation, 7 a.m.
Oregon State Delegation, 7 a.m.
Washington State Delegation, 7 a.m.

Although non-emergency issues not contained in this agenda may come before the Pacific Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Pacific Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2411 at least 10 business days prior to the meeting date.

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

Dated: August 14, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–17751 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Antarctic Marine Living Resources Conservation and Management Measures.

OMB Control Number: 0648–0194.

Form Number(s): None.

Type of Request: Regular.

Number of Respondents: 87.

Average Hours per Response: One hour to apply for a CEMP research permit; 1 hour to report on research; 28 hours to supply information on potential new or exploratory fishing; 2 hours to apply for a harvesting permit; 5 minutes to transmit information by radio; 4 hours to install a vessel

monitoring device (VMS); 2 hours for annual VMS maintenance; 45 minutes to mark a vessel; 40 minutes to mark buoys; 10 hours to mark pot gear; 6 minutes to mark trawl nets; 15 minutes to apply for a first receiver permit; 15 minutes to complete and submit a toothfish catch document; 15 minutes to apply for pre-approval of toothfish imports; 15 minutes to complete and submit re-export catch documents; 15 minutes to submit import tickets.

Burden Hours: 364.

Needs and Uses: This request is for extension of a currently approved information collection. The 1982 Convention on the Conservation of Antarctic Marine Living Resources (Convention) established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The United States is a Contracting Party to the Convention. The Antarctic Marine Living Resources Convention Act (AMLRCA) directs and authorizes the United States to take actions necessary to meet its treaty obligations as a Contracting Party to the Convention. The regulations implementing AMLRCA are at 50 CFR part 300, subpart G. The record keeping and reporting requirements at 50 CFR part 300 form the basis for this collection of information. This collection of information concerns research in, and the harvesting and importation of, marine living resources from waters regulated by CCAMLR related to ecosystem research, U.S. harvesting permit application and/or harvesting vessel operators and to importers and re-exporters of Antarctic marine living resources. The collection is necessary in order for the United States to meet its treaty obligations as a contracting party to the Convention.

Affected Public: Business or other for profit organizations; not-for-profit institutions; individuals or households.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–17726 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV029

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a joint public meeting of its Skate Committee and Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, September 5, 2019 at 8:30 a.m.

ADDRESSES: The meeting will be held at the Hilton Providence, 21 Atwells Ave., Providence, RI 02903; telephone: (401) 831–3900.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

The Joint Committee and Advisory Panel will discuss the Plan Development Team analysis and draft Framework Adjustment 8 (FW 8) alternatives including updated status determinations for the Northeast Skate Complex, recommendations for the Skate Allowable Biological Catch (ABC), and associated possession limits. They will also select preferred alternatives for FW 8. The group plans to continue discussion of objectives for a limited access program in the skate bait and wing fisheries (Amendment 5). Update on ongoing limited access (Amendment 5) analyses. They will also discuss recommendations for the Council to consider for 2020 priorities for the Northeast Skate Complex FMP. The Council is scheduled to have an initial discussion of potential 2020 priorities at the September Council meeting. Additionally, the plan to receive an update on the Commercial Electronic Vessel Trip Reporting (eVTR) Omnibus Framework, which proposes to implement electronic VTRs for all vessels with commercial permits for species managed by the Mid-Atlantic and New England Fishery Management Councils. Other business will be discussed as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 14, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–17750 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR018

Nominations to the Marine Mammal Scientific Review Groups

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

ACTION: Notice; request for nominations.

SUMMARY: As required by of the Marine Mammal Protection Act (MMPA), the Secretary of Commerce established three independent regional scientific review groups (SRGs) to provide advice on a range of marine mammal science and management issues. NMFS conducted a membership review of the Alaska, Atlantic, and Pacific SRGs, and is soliciting nominations for new members to fill vacancies and gaps in expertise.

DATES: Nominations must be received by September 18, 2019.

ADDRESSES: Nominations can be emailed to *Zachary.Schakner@noaa.gov,* or mailed to: Protected Species Science Branch, Office of Science and Technology, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–6233, Attn: SRGs.

FOR FURTHER INFORMATION CONTACT: Dr. Zachary Schakner, Office of Science and Technology, 301–427–8106, *Zachary.Schakner@noaa.gov.* Information about the SRGs, including the SRG Terms of Reference, is available at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/scientific-review-groups.*

SUPPLEMENTARY INFORMATION: Section 117(d) of the MMPA (16 U.S.C. 1386(d)) directs the Secretary of Commerce to establish three independent regional SRGs to advise the Secretary (authority delegated to NMFS). The Alaska SRG advises on marine mammals that occur in waters off Alaska that are under the jurisdiction of the United States. The Pacific SRG advises on marine mammals that occur in waters off the U.S. West Coast, Hawaiian Islands, and the U.S. Territories in the Central and Western Pacific that are under the jurisdiction of the United States. The Atlantic SRG advises on marine mammals that occur in waters off the Atlantic coast, Gulf of Mexico, and U.S. Territories in the Caribbean that are under the jurisdiction of the United States.

SRGs members are highly qualified individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b) of the MMPA. The SRGs provide expert reviews of draft marine mammal stock assessment reports and other information related to the matters identified in section 117(d)(1) of the MMPA, including:

A. Population estimates and the population status and trends of marine mammal stocks;

B. Uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;

C. Uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;

D. Research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;

E. The actual, expected, or potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks, and for strategic stocks, appropriate conservation or management measures to alleviate any such impacts; and

F. Any other issue which the Secretary or the groups consider appropriate.

SRG members collectively serve as independent advisors to NMFS and the U.S. Fish and Wildlife Service and provide their expert review and recommendations through participation in the SRG. Members attend annual meetings and undertake activities as independent persons providing expertise in their subject areas. Members are not appointed as representatives of professional organizations or particular stakeholder groups, including government entities, and are not permitted to represent or advocate for those organizations, groups, or entities during SRG meetings, discussions, and deliberations.

SRG membership is voluntary; and, except for reimbursable travel and related expenses, service is without pay. The term of service for SRG members is three years, and members may serve up to three consecutive terms if reappointed.

NMFS annually reviews the expertise available on the SRG and identifies gaps in the expertise that is needed to provide advice pursuant to section 117(d) of the MMPA. In conducting the reviews, NMFS attempts to achieve, to the maximum extent practicable, a balanced representation of viewpoints among the individuals on each SRG.

Expertise Solicited

For the Alaska SRG, NMFS seeks individuals with expertise in one or more of the following areas (not in order of priority): Abundance estimation, especially distance sampling and mark-recapture methods and survey design; anthropogenic impacts, particularly marine mammal bycatch estimation and the effects of anthropogenic sound; Alaska Native harvest and use of marine mammals for subsistence and handicraft purposes; oceanographic changes impacting marine mammals; and genetics as a method of identifying population structure.

For the Pacific SRG (including waters off the Pacific coast, Hawaiian Islands and the U.S. Territories in the Central and Western Pacific), NMFS seeks individuals with expertise in one or more of the following areas (not in order of priority): Sea otters; genetics; marine mammal stock definition and assessment under the MMPA and ESA, and science-management interface; West Coast, Pacific Islands, and Alaska fishing gear/techniques; West Coast pinnipeds, including assessment, life history, ecology, and human-pinniped interactions; large whales, particularly with regard to assessment, life history, ecology, and anthropogenic threats; oceanography and marine ecology, particularly decadal and long-term understanding; quantitative ecology, population dynamics, modeling, and statistics, especially as related to abundance and bycatch estimation, survey design, Bayesian methods, applications of new technologies, and methods for data-limited circumstances; and fishery/marine mammal interaction issues in the Pacific Islands and West Coast states, including for State, Tribal, or regional/local fisheries.

For the Atlantic SRG (including waters off the Atlantic coast, Gulf of Mexico, and U.S. Territories in the Caribbean), NMFS seeks individuals with expertise in one or more of the following priority areas (not in order of priority): Line-transect methodology, mark-recapture methods and survey design, and quantitative ecology; Gulf of Mexico cetacean population dynamics; phocids; Northeast U.S. Large Marine Ecosystem (LME); transboundary science; marine mammal health, physiology, and toxicology; genetics; fishing practices and fishery interactions, and marine mammal bycatch reduction; ecosystem climate impacts; and manatees.

Submitting a Nomination

Nominations for new members should be sent to Dr. Zachary Schakner in the NMFS Office of Science & Technology (see **ADDRESSES**) and must be received by September 18, 2019. Nominations should be accompanied by the individual's curriculum vitae and detailed information regarding how the recommended person meets the minimum selection criteria for SRG members (see below). Nominations should also include the nominee's name, address, telephone number, and email address. Self-nominations are acceptable.

Selection Criteria

Although the MMPA does not explicitly prohibit Federal employees from serving as SRG members, NMFS interprets MMPA section 117(d)'s reference to the SRGs as ''independent'' bodies that are exempt from Federal Advisory Committee Act requirements to mean that SRGs are intended to augment existing Federal expertise and are not composed of Federal employees or contractors. NMFS will not consider any nominee who is currently a Federal

employee or a full-time contractor supporting the Departments of Commerce or Interior.

When reviewing nominations, NMFS, in consultation with the U.S. Fish and Wildlife Service, will consider the following six criteria:

(1) Ability to make time available for the purposes of the SRG;

(2) Knowledge of the species (or closely related species) of marine mammals in the SRG's region;

(3) Scientific or technical achievement in a relevant discipline, particularly the areas of expertise identified above, to be considered an expert peer reviewer for the topic;

(4) Demonstrated experience working effectively on teams;

(5) Expertise relevant to current and expected needs of the SRG, in particular, expertise required to provide adequate review and knowledgeable feedback on current or developing stock assessment issues, techniques, etc. In practice, this means that each member should have expertise in more than one topic as the species and scientific issues discussed in SRG meetings are diverse; and

(6) No conflict of interest with respect to their duties as a member of the SRG.

Next Steps

Following review, nominees who are identified by NMFS as potential new members must be vetted and cleared in accordance with Department of Commerce policy. NMFS will contact these individuals and ask them to provide written confirmation that they are not registered Federal lobbyists or registered foreign agents, and to complete a confidential financial disclosure form, which will be reviewed by the Ethics Law and Programs Division within the U.S. Department of Commerce's Office of General Counsel. All nominees will be notified of a selection decision in advance of the 2020 SRG meetings.

Dated: August 14, 2019.

Cathryn E. Tortorici,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–17756 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NMFS Implementation of International Trade Data System.

OMB Control Numbers: 0648–0732; 0648–0739; 0648–0776.

Form Number(s): None.

Type of Request: Regular; This is a revision of a currently approved collection.

Number of Respondents: 1800.

Average Hours per Response: 20 minutes.

Burden Hours: 103,717.

Needs and Uses: Pursuant to domestic statutory authorities and/or multilateral agreements, NMFS has implemented a number of trade monitoring programs to collect information from the seafood industry regarding the origin of certain fishery products. The purpose of these programs is to determine the admissibility of the products in accordance with the specific criteria of the trade measure or documentation requirements in effect for the species of fish that are being imported or exported.

The Security and Accountability for Every Port Act of 2006 (SAFE Port Act, Pub. L. 109–347) requires all Federal agencies with a role in import admissibility decisions to collect information electronically through the International Trade Data System (ITDS). U.S. Customs and Border Protection (CBP) developed the Automated Commercial Environment (ACE) as an internet-based system for the collection and dissemination of information for ITDS.

NMFS works with CBP to designate certain codes from the Harmonized Tariff Schedule of the United States as requiring additional information when an entry is electronically filed in ACE. That information (harvesting vessel, ocean area of catch, fishing gear, date and port of landing, etc.) is used by NMFS to determine that the fish products in the shipment were lawfully acquired, properly labeled and are admissible into U.S. commerce. Trade permits are issued by NMFS to importers and exporters of the designated fish species so that the import/export documentation requirements can be communicated to the trade community and to provide a point of contact when shipment documentation problems are encountered at the border.

Electronic reporting of trade data has been approved by OMB under three separate information collections: 0648–0732, 0648–0739 and 0648–0776. This information collection request proposes to merge the three collections under 0648–0732 and extend the approval for an additional three years.

Affected Public: Importers and exporters of seafood subject to catch documentation requirements.

Frequency: Annual trade permits; electronic reports upon import/export; provision of supply chain documents when selected for audit.

Respondent's Obligation: Affected importers and exporters must obtain an annual trade permit from NMFS. An electronic message set specific to NMFS must be filed electronically in ACE upon import/export of fish species subject to documentation requirements. When imports are selected for audit, the importer must furnish supply-chain records to NMFS for examination.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–17727 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: West Coast Region Seattle Federal Fisheries Permits.

OMB Control Number: 0648–0203.

Form Number(s): None.

Type of Request: Regular submission (extension of a currently approved collection).

Number of Respondents: 552.

Average Hours per Response: Permit renewals: 20 minutes; Permit transfers: 30 minutes; Sablefish Ownership

Interest form: 5 minutes; EFP Applications: 32 hours; EFP Trip Notifications: 2 minutes; EFP Harvest Plans: 16 hours; EFP Data Reports: 2 hours; EFP Summary Reports: (interim report) 4 hours; (final report) 20 hours; Letters of Acknowledgement: 6 hours; Exempted Educational Activity Authorization, 6 hours.

Burden Hours: 2,024 hours.

Needs and Uses: This request is for a revision and extension of a currently approved information collection.

The Magnuson-Stevens Act (16 U.S.C. 1801) provides that the Secretary of Commerce is responsible for the conservation and management of marine fisheries resources in Exclusive Economic Zone (3–200 miles) of the United States (U.S.). NOAA Fisheries, Northwest Region manages the Pacific Coast Groundfish Fishery in the Exclusive Economic Zone (EEZ) off Washington, Oregon, and California under the Pacific Coast Groundfish Fishery Management Plan. The regulations implementing the Pacific Groundfish Fishery require that those vessels participating in the limited entry fishery to be registered to a valid limited entry permit. Participation in the fishery and access to a limited entry permit has been restricted to control the overall harvest capacity.

NOAA Fisheries seeks comment on the extension of permit information collections required for: (1) Renewal and transfer of Pacific Coast Groundfish limited entry permits; (2) implementation of certain provisions of the sablefish permit stacking program as provided for at 50 CFR 660.231 and 660.25; and (3) issuing and fulfilling the terms and conditions of certain exempted fishing permits (EFPs). The regulations implementing the limited entry program are found at 50 CFR part 660, subpart G.

Also, NOAA Fisheries requires an information collection to implement certain aspects of the sablefish permit stacking program which prevents excessive fleet consolidation. As part of the annual renewal process, NOAA Fisheries requires a corporation or partnership that owns or holds (as vessel owner) a sablefish endorsed permit to provide a complete ownership interest form listing all individuals with ownership interest in the entity. Similarly, any sablefish endorsed permit transfer involving registration of a business entity requires an ownership interest form if either the permit owner or vessel owner is a corporation or partnership. This information is used to determine if individuals own or hold sablefish permits in excess of the limit of three permits. Also, for transfer requests made during the sablefish primary season (April 1st through October 31st), the permit owner is required to report the remaining tier pounds not yet harvested on the sablefish endorsed permit at the time of transfer.

Applicants for an exempted fishing permit (EFP) must submit written information that allows NOAA Fisheries and the Pacific Fishery Management Council to evaluate the proposed exempted fishing project activities and weigh the benefits and costs of the proposed activities. The Council makes a recommendation on each EFP application and for successful applicants, NOAA Fisheries issues the EFPs which contains terms and conditions for the project including various reporting requirements. The information included in an application is specified at 50 CFR 600.745(b)(2) and the Council Operating Procedure #19. Permit holders are required to file preseason harvest plans, interim and/or final summary reports on the results of the project, and in some cases individual vessels and other permit holders are required to provide data reports (*i.e.,* logbooks and/or catch reports). The results of EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in the fishery, provide access to constrained stocks by directly measuring the bycatch associated with such strategies, and evaluate/revise current and proposed management measures.

Letters of Acknowledgement (LOAs) and Exempted Educational Activity Authorizations (EEAAs) were historically collected under OMB control number 0648–0309. To reduce burden estimates, National Marine Fisheries Service (NMFS) Headquarters proposed to move LOAs and EEAAs to their respective region's permit family-of-forms collections. OMB control number 0648–0309 will need to remain in place until all of the regions have moved the necessary elements into the respective regional PRA collections.

NMFS may grant exemptions from fishery regulations for educational or other activities (*e.g.,* using non-regulation gear). A NMFS Regional Administrator or Director may authorize, for limited testing, public display, data collection, exploratory fishing, compensation fishing, conservation engineering, health and safety surveys, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. An EEAA is a permit issued by the Regional Office to accredited educational institutions that authorize, for educational purposes, the target or incidental harvest of species managed under a fisheries management plan or fishery regulations that would otherwise be prohibited. EEAAs are generally of limited scope and duration and authorize the take of the amount of fish necessary to demonstrate the lesson. Regulations at 50 CFR 600.745(b) supplement existing information collections required by the various fishery management plans establishing minimum standards for these activities. Researchers are requested to submit reports of their scientific research activity after its completion.

An EEAA is a permit issued by the Regional Office to accredited educational institutions that authorize, for educational purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. EEAAs are generally of limited scope and duration, and authorize the take of the amount of fish necessary to demonstrate the lesson. Researchers are requested to submit reports of their scientific research activity after its completion.

LOAs are required under Section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA) of 1972 for the incidental take of marine mammals during fisheries surveys and related research activities conducted by the Northwest Fisheries Science Center (NWFSC), NMFS. Management of certain marine mammals falls under the jurisdiction of the NMFS under the MMPA and Endangered Species Act (ESA) and mechanisms exist under both the ESA and MMPA to assess the effect of incidental takings and to authorize appropriate levels of take.

Affected Public: Primary respondents are businesses or other for-profit organizations (*e.g.,* groundfish fishermen, fishing companies, and partnerships), state fisheries agencies, non-profit institutions, or fishing associations who sponsor research carried out under exempted fishing permits.

Frequency: Reporting would generally occur annually, but could occur monthly or semi-annually depending on the information requested.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–17725 Filed 8–16–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 11, 2019, 6:00 p.m.

ADDRESSES: DOE Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37831.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM–942, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 241–6932; Email: *Melyssa.Noe@orem.doe.gov.* Or visit the website at *https://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer (DDFO)
- Comments from the DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Presentation: Update on the Mercury Treatment Facility
- Public Comment Period
- Motions/Approval of August 24, 2019 Meeting Minutes
- Status of Outstanding Recommendations
- Alternate DDFO Report
- Committee Reports
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following website: *https://energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Signed in Washington, DC, on August 14, 2019.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2019–17774 Filed 8–16–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Request for Information (RFI) on Engaging Governors To Advance State Energy Priorities

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) invites public comment on its Request for Information (RFI) number DE–FOA–0002098 regarding Engaging Governors to Advance State Energy Priorities. DOE's Office of Energy Efficiency and Renewable Energy (EERE), State Energy Program (SEP) seeks information on organizations who are able to support state officials serving in the executive branch of state government; in particular, Governors and/or their designated energy representative(s).

DATES: Responses to the RFI must be received by 5:00 p.m. (ET) on September 18, 2019.

ADDRESSES: Interested parties are to submit comments electronically to: *GovernorsRFI_DOEWIP@ee.doe.gov.* Include Engaging Governors to Advance State Energy Priorities in the subject of the title. Responses must be provided as attachments to an email. The complete RFI document is located at *https://eere-exchange.energy.gov/.*

FOR FURTHER INFORMATION CONTACT: Questions may be addressed to Greg Dierkers at *gregory.dierkers@ee.doe.gov* or 202–287–1921. Further instruction can be found in the RFI document posted on EERE Exchange.

SUPPLEMENTARY INFORMATION: The purpose of this RFI is to solicit feedback from industry, academia, nonprofit organizations, and other organizations that have extensive experience working with the senior state officials, including Governors and/or their designated energy representative(s), serving the nation's 55 states and territories. SEP is specifically interested in information on such organizations' ability and experience in providing direct support to states through training on best practices and the development and dissemination of technical assistance programs. The desired outcome is to improve how SEP delivers technical assistance that helps states improve the affordability, reliability, and resiliency of energy systems. The RFI is available at: *https://eere-exchange.energy.gov/.*

Confidential Business Information

Pursuant 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 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. 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 that 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.

Signed in Washington, DC, on August 6, 2019.

Anna Maria Garcia,

Director, Weatherization and Intergovernmental Programs Office, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

[FR Doc. 2019–17758 Filed 8–16–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P–13160–011]

Red River Hydro, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Non-capacity amendment of license.

b. *Project No.*: P–13160–011.

c. *Date Filed:* December 10, 2018.

d. *Applicant:* Red River Hydro, LLC.

e. *Name of Project:* Overton Lock and Dam Hydroelectric Project.

f. *Location:* The unconstructed project would be located at the U.S. Army Corps of Engineer's John H. Overton Lock and Dam on the Red River in Rapides Parish, Louisiana.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Paul Jacob, Red River Hydro, LLC, c/o Rye Development, 745 Atlantic Ave., 8th Floor, Boston, MA 02111, (617) 7010–3288.

i. *FERC Contact:* Marybeth Gay, (202) 502–6125, *Marybeth.Gay@ferc.gov* or Korede Olagbegi, (202) 502–6268, *Korede.Olagbegi@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/doc-sfiling/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (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–13160–011.

k. *Description of Request:* The applicant proposes to replace the project's two authorized 26-megawatt (MW) turbine-generator units with six 8.1–MW turbine-generator units. The proposed action would reduce the total authorized installed capacity of the project from 52.0 to 48.6 MW, and the hydraulic capacity from 33,200 to 29,658 cubic feet per second. To accommodate the change from two to six units, the applicant proposes to increase the size of the powerhouse from 214 feet long by 112 feet wide, to 133 feet long by 236 feet wide, and raise the foundation from an elevation of -20 feet to +3 feet, which it states will pose less of a construction risk. The applicant does not propose changes to any other aspects of the project.

l. *Locations of the Applications:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. The filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502- 8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, MOTION TO INTERVENE, or PROTEST as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the temporary variance request. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: August 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–17720 Filed 8–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–88–000]

New York Power Authority; Notice of Petition for Declaratory Order

Take notice that on August 12, 2019, pursuant to section 219 of the Federal

Power Act,[1] Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2018), Order No. 679,[2] and the Commission's November 15, 2012 policy statement on transmission incentives,[3] the New York Power Authority (NYPA or Petitioner), filed a petition for declaratory order seeking incentive rate treatments for NYPA's investment in competitively selected New York Independent System Operator, Inc. transmission projects needed to relieve severe and chronic congestion between upstate and downstate New York (AC Transmission Needs Projects or AC Projects), as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–17730 Filed 8–16–19; 8:45 am]

BILLING CODE 6717–01–P

[1] 16 U.S.C. 824s (2012).

[2] *Promoting Transmission Investment through Pricing Reform,* Order No. 679, 71 FR 43,294 (July 31, 2006) FERC Stats. & Regs. 31,222 (2006) (Order No. 679), *order on reh'g,* Order No. 679–A, 72 FR 1152 (Jan. 10, 2007), FERC Stats & Regs. 31,236 (2006) (''Order No. 679–A''), *reh'g denied,* 119 FERC ¶ 61,062 (2007).

[3] *Promoting Transmission Investment through Pricing Reform,* 141 FERC ¶ 61,129 (2012) (Incentives Policy Statement).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RC11–6–009]

North American Electric Reliability Corporation; Notice of Staff Review of Enforcement Programs

Commission staff coordinated with the staff of the North American Electric Reliability Corporation (NERC) to conduct the annual oversight of the Find, Fix, Track and Report (FFT) program, as outlined in the March 15, 2012 Order,[1] and the Compliance Exception (CE) Program, as proposed by NERC's September 18, 2015 annual Compliance Filing.[2] The Commission supported NERC's plan to coordinate with Commission staff to review the same sample of possible violations, thereby reducing the burden on the Regional Entities of providing evidence for two different samples. Furthermore, NERC and Commission staff agreed to exclude the Florida Reliability Coordinating Council Regional Entity (FRCC) from the survey, reducing the burden on FRCC as it focuses efforts on a planned and approved termination of its responsibilities as a Regional Entity. Commission staff reviewed a sample of 27 FFT possible violations out of 47 FFT possible violations posted by NERC between October 2017 and September 2018 and a sample of 37 CE instances of noncompliance out of 898 CE instances of noncompliance posted by NERC between October 2017 and September 2018.

Commission staff believes that the FFT and CE programs are meeting expectations, with limited exceptions. Sampling for the 2018 program year indicated that the Regional Entities appropriately included 63 of the 64 sampled possible violations in the FFT and CE programs, with only one exception, and that 62 of the 64 sampled FFTs and CEs have been adequately remediated, with the remaining two FFTs to be adequately remediated once the ongoing mitigation is completed in the coming months. Commission staff's sample analysis indicated a decreasing number of documentation concerns, particularly with regard to the clear identification of root cause in the FFT and/or CE postings. Specifically, the identification of root cause in FFTs and CEs has improved significantly over the past five years, moving from 38 percent missing an identification of root cause to all now being included in this year's sampling. Commission staff subsequently reviewed the supporting information for these FFTs or CEs and agreed with the final risk determinations for 62 of 64 samples. Commission staff also noted a significant improvement in the clear identification of factors affecting the risk prior to mitigation (such as potential and actual risk), and actual harm, which was identified in all samples. In addition, Commission staff noted that the FFTs and CEs sampled did not contain any material misrepresentations by the registered entities.

Dated: August 12, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–17723 Filed 8–16–19; 8:45 am]

BILLING CODE 6717–01–P

[1] *North American Electric Reliability Corp.,* 138 FERC 61,193, at P 73 (2012) (discussing Commission plans to survey a random sample of FFTs submitted each year to gather information on how the FFT program is working).

[2] *North American Electric Reliability Corp.,* Docket No. RC11–6–004, at 1 (Nov. 13, 2015) (delegated letter order) (stating NERC's intention to combine the evaluation of Compliance Exceptions with the annual sampling of FFTs to further streamline oversight of the FFT and compliance exception programs).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

Glen Ullin Energy Center, LLC	EG19–95–000
Wildhorse Wind Energy, LLC	EG19–96–000
Blossburg Power, LLC	EG19–97–000
GenOn Holdco 1, LLC	EG19–98–000
GenOn Holdco 2, LLC	EG19–99–000
GenOn Holdco 3, LLC	EG19–100–000
GenOn Holdco 4, LLC	EG19–101–000
GenOn Holdco 5, LLC	EG19–102–000
GenOn Holdco 6, LLC	EG19–103–000
GenOn Holdco 7, LLC	EG19–104–000
GenOn Holdco 8, LLC	EG19–105–000
Hamilton Power, LLC	EG19–106–000
Hunterstown Power, LLC	EG19–107–000
Niles Power, LLC	EG19–108–000
Orrtanna Power, LLC	EG19–109–000
Shawnee Power, LLC	EG19–110–000
Titus Power, LLC	EG19–111–000
Tolna Power, LLC	EG19–112–000
Sage Draw Wind, LLC	EG19–113–000
231RC 8me LLC	EG19–114–000
Canadian Breaks LLC	EG19–115–000
RE Gaskell West 2 LLC	EG19–116–000
Turquoise Nevada LLC	EG19–117–000

Take notice that during the month of July 2, 2019, the status of the above-captioned entities as Exempt Wholesale Generators Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2018).

Dated: August 12, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–17728 Filed 8–16–19; 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: RP19–1064–002.
Applicants: Stingray Pipeline Company, L.L.C.
Description: Compliance filing Stingray Second Order No. 587–Y Compliance Filing to be effective 8/1/2019.
Filed Date: 8/8/19.
Accession Number: 20190808–5028.
Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: RP19–1463–000.
Applicants: Big Sandy Pipeline, LLC, Bobcat Gas Storage, East Tennessee Natural Gas, LLC, Egan Hub Storage, LLC, Garden Banks Gas Pipeline, LLC,Maritimes & Northeast Pipeline, L.L.C., Moss Bluff Hub, LLC, Mississippi Canyon Gas Pipeline, L.L.C., Ozark Gas Transmission, L.L.C., NEXUS Gas Transmission, LLC, Sabal Trail Transmission, LLC, Saltville Gas Storage Company L.L.C.,Southeast Supply Header, LLC, Steckman Ridge, LP, Texas Eastern Transmission, LP, Nautilus Pipeline Company, L.L.C., Algonquin Gas Transmission, LLC.
Description: Compliance filing Enbridge (U.S.) Pipelines Request for Waivers—LINK System Maintenance.
Filed Date: 8/8/19.
Accession Number: 20190808–5044.
Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: RP19–1464–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (Entergy 48769) to be effective 6/1/2019.
Filed Date: 8/8/19.
Accession Number: 20190808–5076.
Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: RP19–846–002.
Applicants: Black Hills Shoshone Pipeline, LLC.
Description: Compliance filing NAESB Compliance Filing—Order No. 587–Y to be effective 4/1/2019.
Filed Date: 8/8/19.
Accession Number: 20190808–5130.
Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: RP19–1465–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—NSTAR releases to BP to be effective 8/9/2019.
Filed Date: 8/9/19.
Accession Number: 20190809–5030.
Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–884–001.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: Compliance filing RP19–884–000 Order 587–Y Compliance Filing to be effective 8/1/2019.
Filed Date: 8/9/19.
Accession Number: 20190809–5046.
Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–904–001.
Applicants: Freebird Gas Storage, L.L.C.
Description: Compliance filing Revised FERC Order No. 587–Y Compliance Filing to be effective 8/1/2019.
Filed Date: 8/9/19.
Accession Number: 20190809–5125.
Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–906–001.
Applicants: Caledonia Energy Partners, L.L.C.
Description: Compliance filing Revised FERC Order 587–Y Compliance Filing to be effective 8/1/2019.
Filed Date: 8/9/19.
Accession Number: 20190809–5123.
Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–907–001.
Applicants: East Cheyenne Gas Storage, LLC.
Description: Compliance filing Revised FERC Order No. 587–Y Compliance Filing to be effective 8/1/2019.
Filed Date: 8/9/19.
Accession Number: 20190809–5124.
Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–926–001.
Applicants: Rendezvous Pipeline Company, LLC.
Description: Compliance filing Revised NAESB Compliance Filing—Order No. 587–Y to be effective 8/1/2019.
Filed Date: 8/9/19.
Accession Number: 20190809–5108.
Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–929–001.
Applicants: TransColorado Gas Transmission Company LLC.

Description: Compliance filing NAESB 3.1 Compliance Filing to be effective 8/1/2019.

Filed Date: 8/9/19.

Accession Number: 20190809–5077.

Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–930–001.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: Compliance filing NAESB 3.1 Compliance Filing to be effective 8/1/2019.

Filed Date: 8/9/19.

Accession Number: 20190809–5083.

Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–940–001.

Applicants: Golden Triangle Storage, Inc.

Description: Compliance filing GTS Compliance Filing Pursuant to Order in Docket No. RP19–940–000 to be effective 8/1/2019.

Filed Date: 8/9/19.

Accession Number: 20190809–5120.

Comments Due: 5 p.m. ET 8/21/19.

Docket Numbers: RP19–997–001.

Applicants: MoGas Pipeline LLC.

Description: Compliance filing MoGas Revised NAESB Compliance Filing to be effective 8/1/2019.

Filed Date: 8/9/19.

Accession Number: 20190809–5038.

Comments Due: 5 p.m. ET 8/21/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 12, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–17732 Filed 8–16–19; 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: EC19–118–000.

Applicants: Public Service Company of Colorado, Manchief Power Company LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, et al. of Public Service Company of Colorado, et al.

Filed Date: 8/9/19.

Accession Number: 20190809–5164.

Comments Due: 5 p.m. ET 8/30/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–160–000.

Applicants: E.ON Climate & Renewables North America.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of West of the Pecos Solar, LLC.

Filed Date: 8/9/19.

Accession Number: 20190809–5159.

Comments Due: 5 p.m. ET 8/30/19.

Docket Numbers: EG19–161–000.

Applicants: Whitney Hill Wind Power, LLC.

Description: Self-Certification of EG or FC of Whitney Hill Wind Power, LLC.

Filed Date: 8/12/19.

Accession Number: 20190812–5055.

Comments Due: 5 p.m. ET 9/3/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–2312–000.

Applicants: ISO New England Inc.

Description: Response to Deficiency Notice and Request for Waiver of ISO New England Inc.

Filed Date: 8/9/19.

Accession Number: 20190809–5166.

Comments Due: 5 p.m. ET 8/23/19.

Docket Numbers: ER19–2567–000.

Applicants: FirstEnergy Solutions Corp.

Description: § 205(d) Rate Filing: Amendment to Reactive Service Rate Schedule FERC No. 1 to be effective 12/31/9998.

Filed Date: 8/9/19.

Accession Number: 20190809–5130.

Comments Due: 5 p.m. ET 8/30/19.

Docket Numbers: ER19–2568–000.

Applicants: Pacific Gas and Electric Company.

Description: Application requesting authorization to recover 50 percent of prudently incurred costs associated with abandonment of certain transmission projects of Pacific Gas and Electric Company.

Filed Date: 8/9/19.

Accession Number: 20190809–5178.

Comments Due: 5 p.m. ET 8/30/19.

Docket Numbers: ER19–2569–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Second Quarter 2019 Capital Budget Report.

Filed Date: 8/12/19.

Accession Number: 20190812–5053.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2570–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 3352, Queue No. W1–029 re: Scope Change to be effective 6/27/2012.

Filed Date: 8/12/19.

Accession Number: 20190812–5070.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2571–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of ISA SA No. 4508; Queue No. AA2–145 to be effective 7/19/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5074.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2572–000.

Applicants: The Potomac Edison Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Potomac and West Penn submit Interconnection Agreement, SA No. 5110 to be effective 10/11/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5084.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2573–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Exelon NITSA (OR Direct Access) SA 943 to be effective 8/1/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5099.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2574–000.

Applicants: Pacific Gas and Electric Company.

Description: Notice of Termination of a Small Generator Interconnection Service Agreement No. 347 of Pacific Gas and Electric Company.

Filed Date: 8/12/19.

Accession Number: 20190812–5125.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2575–000.

Applicants: Techren Solar I LLC.

Description: Baseline eTariff Filing: Filing of Substation and Gen-Tie

Agreements and Certificate of Concurrence to be effective 8/13/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5147.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2576–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: First Revised ISA, SA No. 4958; Queue No. AD2–166 to be effective 7/15/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5149.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2577–000.

Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.

Description: § 205(d) Rate Filing: 2019–08–12_SA 3338 MP–GRE T–T (Big Rock/Waldo Substation) to be effective 8/7/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5151.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2578–000.

Applicants: Alabama Power Company.

Description: Tariff Cancellation: Georgia SNF Development 1 LGIA Termination Filing to be effective 8/12/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5160.

Comments Due: 5 p.m. ET 9/3/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–48–000.

Applicants: Tri-State Generation and Transmission.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Tri-State Generation and Transmission Association, Inc.

Filed Date: 8/9/19.

Accession Number: 20190809–5162.

Comments Due: 5 p.m. ET 8/30/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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Dated: August 12, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–17729 Filed 8–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15000–001]

Erie Boulevard Hydropower, L.P; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Application:* Notice of Intent To File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 15000–001.

c. *Date filed:* June 27, 2019.

d. *Submitted by:* Erie Boulevard Hydropower, L.P. (Erie Boulevard).

e. *Name of Project:* Franklin Falls Hydroelectric Project (currently, one of two developments under the Saranac Hydroelectric Project).

f. *Location:* Located on the Saranac River in the towns of Franklin, Black Brook, and St. Armand, in Franklin, Clinton, and Essex Counties, New York. The project does not occupy any federal lands.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. Potential *Applicant Contact:* Mr. Thomas Uncher, Erie Boulevard Hydropower L.P., Vice President of Operations, Brookfield Renewable, 399 Big Bay Road, Queensbury, NY, 12804 (518) 743–2018.

i. *FERC Contact:* John Stokely, Phone: (202) 502–8534, Email: *john.stokely@ferc.gov.*

j. Erie Boulevard filed its request to use the Traditional Licensing Process on June 27, 2019. Erie Boulevard provided public notice of its request on June 27, 2019. In a letter dated August 13, 2019, the Director of the Division of Hydropower Licensing approved Erie Boulevard's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the New York State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Erie Boulevard as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Erie Boulevard filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*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). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 15000. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by June 30, 2022.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: August 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–17733 Filed 8–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR19–31–000]

Saddlehorn Pipeline Company, LLC; Saddlehorn Pipeline Company, LLC; Notice of Petition for Declaratory Order

Take notice that on August 7, 2019, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2018), Saddlehorn Pipeline Company, LLC (''Saddlehorn''), filed a declaratory order petition seeking approval of a proposed tariff and overall rate structure and terms of service for a proposed expansion of the existing Saddlehorn pipeline and the addition of a new origin in Ft. Laramie, Wyoming for service to Cushing, Oklahoma, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 6, 2019.

Dated: August 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–17722 Filed 8–16–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0436; FRL–9998–25]

Di-isononyl Phthalate (DINP); Manufacturer Request for Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of and soliciting public comment on a manufacturer request for a risk evaluation of di-isononyl phthalate (DINP) under the Toxic Substances Control Act (TSCA). The request was made by Evonik Corporation, ExxonMobil Chemical Company and Teknor Apex, through the American Chemistry Council's High Phthalates Council. EPA conducts risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment without consideration of costs or other non-risk factors, including an unreasonable risk to potentially exposed or susceptible subpopulations, under the conditions of use. In the docket associated with this request is the manufacturer request for an EPA conducted risk evaluation and possible additional conditions of use EPA has identified for inclusion within the scope of a risk evaluation of DINP. After considering comments received in response to this solicitation, EPA will make a decision whether to grant or deny the manufacturer request. All TSCA risk evaluations, whether EPA-initiated or manufacturer-requested, will be conducted in the same manner.

DATES: Comments must be received on or before October 3, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0436, 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:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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: Darlene Leonard, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Mail Code 7404T, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0516; email address: *leonard.darlene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this apply to me?

This notice is directed to the public in general, and may be of interest to persons who currently or may manufacture (including import), process, distribute, use, and/or dispose of DINP. Since other entities may also be interested in these risk evaluations, the EPA has not attempted to describe all the specific entities that may be affected by this action.

B. What is EPA's authority for taking this action?

TSCA section 6(b) requires that EPA conduct risk evaluations on existing chemicals and identifies the minimum components EPA must include in all chemical substance risk evaluations. 15 U.S.C. 2605(b). The risk evaluation must not consider costs or other non-risk factors. 15 U.S.C. 2605(b)(4)(F)(iii). The specific risk evaluation process is set out in 40 CFR part 702 and summarized on EPA's website at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca.*

TSCA section 6(b) also allows manufacturers of a chemical to request an EPA-conducted risk evaluation on the chemical. TSCA required EPA to develop the form and manner under which these requests must be made, and the criteria for which EPA will determine whether to grant a request. These requirements and criteria are set out in 40 CFR 702.37.

Under 40 CFR 702.37(e)(3), EPA is required to assess whether the circumstances identified in a

manufacturer request for a risk evaluation constitute conditions of use (as defined under TSCA section (3)(4) and implementing regulations (40 CFR 702.33)), and whether those conditions of use warrant inclusion within the scope of a risk evaluation for the chemical substance. EPA will also assess what, if any, additional conditions of use warrant inclusion within the scope of a risk evaluation for the chemical substance. EPA will conduct these assessments based on the same considerations applied in the same manner as it would for a risk evaluation in the EPA-initiated risk evaluation process.

No later than 60 business days after receiving a manufacturer request for risk evaluation that EPA has determined to be facially complete (meeting the criteria set forth in 40 CFR 702.37(e)(1)), EPA is required to submit for publication the receipt of the request in the **Federal Register**, open a public docket for the request (which must contain the manufacturer request and EPA's possible additional conditions of use), and provide no less than 45 calendar days for public comment. This notice identifies the docket containing the manufacturer request, EPA's possible additional conditions of use, and the basis for including those possible additional conditions of use. During the public comment period, the public may submit comments and information relevant to the requested risk evaluation, as well as the additional possible conditions of use EPA is including in the docket.

After the comment period closes, the Agency has up to 60 days to either grant or deny the request to conduct a risk evaluation under 40 CFR 702.37(e)(6). EPA will review the request along with any additional information received during the comment period, and grant the request if it determines the request meets all of the following requirements listed under 40 CFR 702.37(e)(6)(ii):

- The circumstances identified in the request constitute conditions of use that warrant inclusion in a risk evaluation for the chemical substance;
- EPA has all the information needed to conduct such risk evaluation on the conditions of use that were the subject of the request; and
- All other criteria and requirements of 40 CFR 702.37 have been met.

C. What action is EPA taking?

EPA is announcing the availability of and soliciting public comment on a manufacturer request for a risk evaluation of DINP under TSCA that is described in detail in Unit II. Also available in the docket associated with this request are the manufacturer request and possible additional conditions of use EPA identified for inclusion in a risk evaluation of DINP. This notice satisfies 40 CFR 702.37(e)(4).

C. 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 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.*

II. Summary of This Manufacturer Request

On May 24, 2019, EPA received a manufacturer request for a TSCA risk evaluation of DINP that was made by Evonik Corporation, ExxonMobil Chemical Company and Teknor Apex, through the American Chemistry Council's High Phthalates Council. After determining the request was facially complete (*i.e.,* EPA determined that the request appeared to be consistent with the requirements in 40 CFR 702.37(b) through (d), such as including all the necessary information in those paragraphs), EPA notified the public of the receipt of the request on June 13, 2019 via a listserv announcement to stakeholders.

A. What is di-isononyl phthalate (DINP)?

DINP is a phthalate used as a plasticizer and paint additive in consumer and commercial products, as well as numerous manufacturing applications. There are two commercial products the manufacturer submitted for risk evaluation under the name DINP. The first commercial product, which the manufacturer refers to as DINP–1, can be represented by the substance with Chemical Abstracts Service Registry Number (CASRN) 68515–48–0. The second commercial product, which the manufacturer refers to as DINP–2 or DINP–3, can be represented by the substance with CASRN 28553–12–0.

B. What are the conditions of use?

The manufacturer request for a risk evaluation of DINP identifying conditions of use of interest to the manufacturer is included in docket EPA–HQ–OPPT–2018–0436. Subject to further analysis and public comment, EPA anticipates including activities identified in the request as conditions of use in the risk evaluation of DINP.

EPA has identified additional conditions of use pursuant to 40 CFR 702.37(e)(3), which are also included in docket EPA–HQ–OPPT–2018–0436.

III. Request for Comment

The docket associated with this request contains the manufacturer request (excluding information claimed as CBI) and EPA's possible additional conditions of use as described 40 CFR 702.37(e)(3), and the basis for these possible additions. During the comment period, the public may submit comments and information relevant to the requested risk evaluation; in particular, commenters are encouraged to identify any information not included in the request that the commenters believe would be needed to conduct a risk evaluation, and to provide any other information relevant to EPA's possible additional conditions of use, such as information on other conditions of use of the chemical than those included in the request or in EPA's additional conditions of use. 40 CFR 702.37(e)(4). In addition, at any time prior to the end of the comment period, the requesting manufacturer(s) may supplement the original request with any new information it receives. 40 CFR 702.37(e)(5).

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 13, 2019.

Andrew R. Wheeler,

Administrator.

[FR Doc. 2019–17788 Filed 8–16–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0435; FRL–9998–26]

Di-isodecyl Phthalate (DIDP); Manufacturer Request for Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of and soliciting public comment on a manufacturer request for a risk evaluation of di-isodecyl phthalate (DIDP) under the Toxic Substances Control Act (TSCA). The request was made by ExxonMobil Chemical Company through the American Chemistry Council's High Phthalates Council. EPA conducts risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment without consideration of costs or other non-risk factors, including an unreasonable risk to potentially exposed or susceptible subpopulations, under the conditions of use. In the docket associated with this request is the manufacturer request for an EPA conducted risk evaluation and possible additional conditions of use EPA has identified for inclusion within the scope of a risk evaluation of DIDP. After considering comments received in response to this solicitation, EPA will make a decision whether to grant or deny the manufacturer request. All TSCA risk evaluations, whether EPA-initiated or manufacturer-requested, will be conducted in the same manner.

DATES: Comments must be received on or before October 3, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0435, 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:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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: Eva Cappuccilli, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Mail Code 7404T, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4688; email address: *cappuccilli.eva@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this apply to me?

This notice is directed to the public in general, and may be of interest to persons who currently or may manufacture (including import), process, distribute, use, and/or dispose of DIDP. Since other entities may also be interested in these risk evaluations, the EPA has not attempted to describe all the specific entities that may be affected by this action.

B. What is EPA's authority for taking this action?

TSCA section 6(b) requires that EPA conduct risk evaluations on existing chemicals and identifies the minimum components EPA must include in all chemical substance risk evaluations. 15 U.S.C. 2605(b). The risk evaluation must not consider costs or other non-risk factors. 15 U.S.C. 2605(b)(4)(F)(iii). The specific risk evaluation process is set out in 40 CFR part 702 and summarized on EPA's website at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca.*

TSCA section 6(b) also allows manufacturers of a chemical to request an EPA-conducted risk evaluation on the chemical. TSCA required EPA to develop the form and manner under which these requests must be made, and the criteria for which EPA will determine whether to grant a request. These requirements and criteria are set out in 40 CFR 702.37.

Under 40 CFR 702.37(e)(3), EPA is required to assess whether the circumstances identified in a manufacturer request for a risk evaluation constitute conditions of use (as defined under TSCA section (3)(4) and implementing regulations (40 CFR 702.33)), and whether those conditions of use warrant inclusion within the scope of a risk evaluation for the chemical substance. EPA will also assess what, if any, additional conditions of use warrant inclusion within the scope of a risk evaluation for the chemical substance. EPA will conduct these assessments based on the same considerations applied in the same manner as it would for a risk evaluation in the EPA-initiated risk evaluation process.

No later than 60 business days after receiving a manufacturer request for risk evaluation that EPA has determined to be facially complete (meeting the criteria set forth in 40 CFR 702.37(e)(1)), EPA is required to submit for publication the receipt of the request in the **Federal Register**, open a public docket for the request (which must contain the manufacturer request and EPA's possible additional conditions of use), and provide no less than 45 calendar days for public comment. This notice identifies the docket containing the manufacturer request, EPA's possible additional conditions of use, and the basis for including those possible additional conditions of use. During the public comment period, the public may submit comments and information relevant to the requested risk evaluation, as well as the additional possible conditions of use EPA is including in the docket.

After the comment period closes, the Agency has up to 60 days to either grant or deny the request to conduct a risk evaluation under 40 CFR 702.37(e)(6). EPA will review the request along with any additional information received during the comment period, and grant the request if it determines the request meets all of the following requirements listed under 40 CFR 702.37(e)(6)(ii):

- The circumstances identified in the request constitute conditions of use that warrant inclusion in a risk evaluation for the chemical substance;
- EPA has all the information needed to conduct such risk evaluation on the conditions of use that were the subject of the request; and
- All other criteria and requirements of 40 CFR 702.37 have been met.

C. What action is EPA taking?

EPA is announcing the availability of and soliciting public comment on a manufacturer request for a risk evaluation of DIDP under TSCA that is described in detail in Unit II. Also available in the docket associated with this request are the manufacturer request and possible additional conditions of use EPA identified for inclusion in a risk evaluation of DIDP. This notice satisfies 40 CFR 702.37(e)(4).

C. 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 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.*

II. Summary of This Manufacturer Request

On May 24, 2019, EPA received a manufacturer request for a TSCA risk evaluation of DIDP that was made by ExxonMobil Chemical Company through the American Chemistry Council's High Phthalates Council. After determining the request was facially complete (*i.e.,* EPA determined that the request appeared to be consistent with the requirements in 40 CFR 702.37(b) through (d), such as including all the necessary information in those paragraphs), EPA notified the public of the receipt of the request on June 13, 2019 via a listserv announcement to stakeholders.

A. What is di-isononyl phthalate (DIDP)?

DIDP is a phthalate used as a plasticizer to impart flexibility to polyvinyl chloride (PVC) in consumer, commercial and industrial adhesives, sealants, lubricants, greases, and paints and coatings. There are two commercial products that the manufacturer submitted for risk evaluation under the name DIDP. The commercial products for DIDP can be represented by the Chemical Abstracts Service Registry Numbers (CASRNs) 68515–49–1 and 26761–40–0.

B. What are the conditions of use?

The manufacturer request for a risk evaluation of DIDP identifying conditions of use of interest to the manufacturer is included in docket EPA–HQ–OPPT–2018–0435. Subject to further analysis and public comment, EPA anticipates including activities identified in the request as conditions of use in the risk evaluation of DIDP.

EPA has identified additional conditions of use pursuant to 40 CFR 702.37(e)(3), which are also included in docket EPA–HQ–OPPT–2018–0435.

III. Request for Comment

The docket associated with this request contains the manufacturer request (excluding information claimed as CBI) and EPA's possible additional conditions of use as described 40 CFR 702.37(e)(3), and the basis for these possible additions. During the comment period, the public may submit comments and information relevant to the requested risk evaluation; in particular, commenters are encouraged to identify any information not included in the request that the commenters believe would be needed to conduct a risk evaluation, and to provide any other information relevant to EPA's possible additional conditions of use, such as information on other conditions of use of the chemical than those included in the request or in EPA's additional conditions of use. 40 CFR 702.37(e)(4). In addition, at any time prior to the end of the comment period, the requesting manufacturer(s) may supplement the original request with any new information it receives. 40 CFR 702.37(e)(5).

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 13, 2019.

Andrew R. Wheeler,

Administrator.

[FR Doc. 2019–17790 Filed 8–16–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Wednesday, September 18, 2019 in the Commission Meeting Room, from 10:00 a.m. to 3 p.m. at the Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

DATES: Wednesday, September 18, 2019.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Ha, Deputy Chief, Policy and Rules Division, 202–418–2099; *michael.ha@fcc.gov.*

SUPPLEMENTARY INFORMATION: At the September 18th meeting, the FCC Technological Advisory Council will discuss progress on work initiatives from the previous meeting. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. Meetings are also broadcast live with open captioning over the internet from the FCC Live web page at *http://www.fcc.gov/live/.* The public may submit written comments before the meeting to: Michael Ha, the FCC's Designated Federal Officer for Technological Advisory Council by email: *michael.ha@fcc.gov* or U.S. Postal Service Mail (Michael Ha, Federal Communications Commission, Room 2–A665, 445 12th Street SW, Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted, but may not be possible to fill.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2019–17784 Filed 8–16–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, August 20, 2019, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single

vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of Minutes of a Board of Directors' Meeting Previously Distributed.

Memorandum and resolution re: Final Rule to Increase the Appraisal Threshold for Residential Real Estate Transactions, Implement the Rural Residential Appraisal Exemption, and Require Appropriate Appraisal Review.

Memorandum and resolution re: Final Rule to Increase the Major Assets Threshold Under the Depository Institutions Management Interlocks Act.

Memorandum and resolution re: Notice of Proposed Rulemaking: Removal of Transferred OTS Regulation at Part 390, Subpart M—Deposits.

Memorandum and resolution re: Notice of Proposed Rulemaking Regarding the Use of Certain Assessment Credits.

Memorandum and resolution re: Proposed Interagency Policy Statement on Allowances for Credit Losses.

Report of actions taken pursuant to authority delegated by the Board of Directors.

Discussion Agenda

Memorandum and resolution re: Final Rule: Revisions to Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships with, Hedge Funds and Private Equity Funds.

Memorandum and resolution re: Notice of Proposed Rulemaking on Interest Rate Restrictions Applicable to Less than Well Capitalized Banks.

The meeting will be held in the Board Room located on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

This Board meeting will be Webcast live via the internet and subsequently made available on-demand approximately one week after the event. Visit *http://fdic.windrosemedia.com* to view the event. If you need any technical assistance, please visit our Video Help page at: *https://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated at Washington, DC, on August 13, 2019.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2019–17955 Filed 8–15–19; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, August 22, 2019 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC (12th Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Internet Ad Disclaimers Rulemaking Proposal for REG 2011–02 (Internet Communication Disclaimers and Definition of ''Public Communication'')

Draft Advisory Opinion 2019–14: Arizona Libertarian Party

Draft Advisory Opinion 2019–10: Price for Congress

REG 2019–02 (Amend 11 CFR 104.5(c))—Notification of Availability

Notice of Availability for REG 2019–03 (Mailing List Exchange)

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Acting Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b.

Laura E. Sinram,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2019–17952 Filed 8–15–19; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS19–07]

Appraisal Subcommittee Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: Partnership for Public Service, 1100 New York Avenue NW, Suite 200 East, Washington, DC 20005.

Date: August 28, 2019.

Time: 10:00 a.m.

Status: Open.

Reports

Chairman
Executive Director
Delegated State Compliance Reviews
ASC Grants Program
Financial Manager
Notation Vote

Action and Discussion Items

Approval of Minutes
May 8, 2019 Open Session
July 9, 2019 Special Meeting
FY20 ASC Budget Proposal

How To Attend and Observe an ASC Meeting

If you plan to attend the ASC Meeting in person, we ask that you send an email to *meetings@asc.gov.* You may register until close of business August 26, 2019. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC Meetings.

Dated: August 14, 2019.

James R. Park,

Executive Director.

[FR Doc. 2019–17719 Filed 8–16–19; 8:45 am]

BILLING CODE 6700–01–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 September 3, 2019.

A. Federal Reserve Bank of Minneapolis (Chris Wangen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Jacob Reiter, Cold Spring, Minnesota;* to join the Reiter Family shareholder group acting in concert to acquire voting shares of First Bancshares Inc. of Cold Spring, Cold Spring, Minnesota and thereby indirectly acquire voting shares of Granite Community Bank, Cold Spring, Minnesota.

2. *Joseph Naiberg, Andover, Minnesota, and Kenneth Osowski, Lino Lakes, Minnesota;* as trustees of the Dennis Frandsen 2014 Children's Trust Agreement and the Dennis Frandsen 2015 Grandchildren's Trust Agreement; to acquire voting shares of Frandsen Financial Corporation, Arden Hills, Minnesota, and thereby indirectly acquire voting shares of Frandsen Bank and Trust, Lonsdale, Minnesota.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President), 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *John D. Gross, Pine Bluffs, Wyoming;* to acquire voting shares of Commercial Bancorp, and thereby indirectly acquire shares of Farmers State Bank, both in Pine Bluffs, Wyoming.

In addition, Gregory A. Gross, Patrick W. Gross, Scott Gross, and Clayton, Gross, all of Pine Bluffs, Wyoming; and Paula L. Gross, Cheyenne, Wyoming, to be approved as members of the Gross Family Group, and to acquire shares of Commercial Bancorp.

Board of Governors of the Federal Reserve System, August 13, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–17678 Filed 8–16–19; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2019–0001; Sequence No. 14]

Submission for OMB Review; General Services Administration Acquisition Regulation; Construction Manager as Constructor (CMc)

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding a new OMB information clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement regarding OMB Control No. 3090–XXXX, Adoption of Construction Project Delivery Method Involving Early Industry Engagement—Construction Manager as Constructor (CMc).

DATES: Submit comments on or before: September 18, 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:

- *Regulations.gov:* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–XXXX, Construction Manager as Constructor.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–XXXX, Construction Manager as Constructor'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0303, Administrative Changes.

Instructions: Please submit comments only and cite Information Collection 3090–XXXX, Construction Manager as Constructor, 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: Ms. Christina Mullins, Procurement Analyst, General Services Acquisition Policy Division, GSA, at *christina.mullins@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Paperwork Reduction Act (44 U.S.C. chapter 35) applies because the final rule contains two (2) clauses with information collection requirements. Accordingly, the Regulatory Secretariat has submitted a request for approval of a new information collection requirement concerning this rule to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

The information collected is used by PBS to evaluate contractor's proposals and negotiate contract modifications during contract administration.

B. Annual Reporting Burden

Total public reporting burden for this collection of information is estimated to average 400 total hours ($31,020) annually, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The estimated burden hours to the public for the below clauses are as follows:

The new clause at GSAR 552.236–79, Construction-Contractor-as-Constructor, requires the contractor to submit proposals to establish the final estimated cost of the work, to convert the contract to a firm-fixed-price, and to determine the final settlement.

Respondents: 5.
Responses per Respondent: 1.
Total Annual Responses: 10.
Hours per Response: 40.
Total Response Burden Hours: 400.
Cost per Hour: $77.55.
Estimated Cost Burden to the Public: $31,020.

The new clause at GSAR 552.236–80, Accounting Records, contains a recordkeeping requirement that is subject to the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). The clause requires the contractor to keep all relevant documents for a period of three years after the final payment. However, the clause does not add burden to what is already estimated for the existing FAR clause at 52.215–2, Audit and Records by a previous information collection (see OMB Control Number 9000–0034).

C. Public Comments

A request for public comments published in the **Federal Register** at 83 FR 55838 on November 8, 2018 as part of a proposed rule under GSAR case 2015–G506. There were no comments received on the information collection, therefore there were no changes to the calculated burden estimates.

Public comments are particularly invited on: Whether this collection of

information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection supporting statement from the General Services Administration, Regulatory Secretariat Division, 1800 F Street NW, Washington, DC 20405.

Please cite OMB Control No. 3090–XXXX, Construction Manager as Constructor, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2019–17699 Filed 8–16–19; 8:45 am]

BILLING CODE 6820–61–P

GOVERNMENT ACCOUNTABILITY OFFICE

Request for Health Information Technology Advisory Committee (HITAC) Nominations

AGENCY: Government Accountability Office (GAO).

ACTION: Request for letters of nomination and resumes.

SUMMARY: The 21st Century Cures Act established HITAC to provide recommendations to the National Coordinator for Health Information Technology on policies, standards, implementation specifications, and certification criteria relating to the implementation of a health information technology infrastructure that advances the electronic access, exchange, and use of health information. The Act gave the Comptroller General of the United States responsibility for appointing a portion of HITAC's members. The Act requires that members at least reflect providers, ancillary health care workers, consumers, purchasers, health plans, health information technology developers, researchers, patients, relevant Federal agencies, and individuals with technical expertise on health care quality, system functions, privacy, security, and on the electronic exchange and use of health information, including the use standards for such activity. GAO is now accepting nominations for HITAC appointments that will be effective January 1, 2020. From these nominations, GAO expects to appoint at least two new HITAC members, including one advocate for patients or consumers of health information technology. Nominations should be sent to the email or mailing address listed below. Acknowledgement of submissions will be provided within a week of submission.

DATES: Letters of nomination and resumes should be submitted no later than September 27, 2019, to ensure adequate opportunity for review and consideration of nominees prior to appointment.

ADDRESSES: Submit letters of nomination and resumes by email: *HITCommittee@gao.gov.* The address for materials sent by mail is U.S. GAO, Attn: HIT Committee, 441 G Street NW, Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Will Simerl at (404) 679–1888 or *simerlw@gao.gov* if you do not receive an acknowledgment or need additional information. For general information, contact GAO's Office of Public Affairs, (202) 512–4800.

Authority: Public Law 114–255, sec. 3002(d) (2016), 42 U.S.C. 300jj–12.

Gene L. Dodaro,

Comptroller General of the United States.

[FR Doc. 2019–17736 Filed 8–16–19; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institute for Occupational Safety and Health (NIOSH); World Trade Center Health Program Scientific/Technical Advisory Committee (WTCHP STAC)

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 National Institute for Occupational Safety and Health (NIOSH), announces the following meeting for the World Trade Center Health Program Scientific/Technical Advisory Committee (WTCHP STAC). This meeting is open to the public, limited only by the number of telephone lines. The room will accommodate approximately 100 persons. The public is also welcome to listen to the meeting by dial-in 1 (800) 988–0212, the passcode 1440561, and will accommodate up to 50 callers. To view the web conference, enter the following web address in your web browser: *https://odniosh.adobeconnect.com/wtchpstac19-1/.*

DATES: The meeting will be held on September 18, 2019, 10:30 a.m. to 4:00 p.m., EDT.

Public Comment Time and Date: September 18, 2019, 10:45 a.m. to 11:00 a.m., EDT.

Please note that the public comment period ends at the time indicated above or following the last call for comments, whichever is earlier. Members of the public who want to comment must sign up by providing their name to Mia Wallace, Committee Management Specialist, by phone: (404) 498–2553, email: *MWallace@cdc.gov,* or the addresses provided below by September 4, 2019. 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.

ADDRESSES: Jacob J. Javits Federal Building, 26 Federal Plaza, Rooms A/B, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Tania Carreón-Valencia, Ph.D., Designated Federal Officer, World Trade Center Health Program Associate Director for Science, 1600 Clifton Rd. NE, MS: R–12, Atlanta, GA 30329–4027; telephone (513) 841–4515; email: *wtc-stac@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The WTCHP STAC was established by Title I of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (January 2, 2011), amended by Public Law 114–113 (Dec. 18, 2015), adding Title XXXIII to the Public Health Service Act (codified at 42 U.S.C. 300mm to 300mm–61).

Purpose: The purpose of the WTCHP STAC is to review scientific and medical evidence and to make recommendations to the World Trade Center (WTC) Program Administrator regarding additional WTC Health Program eligibility criteria, potential additions to the list of covered WTC-related health conditions, and research regarding certain health conditions related to the September 11, 2001 terrorist attacks.

Title XXXIII of the PHS Act established the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup

workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders), and to eligible persons who were present in the dust or dust cloud on September 11, 2001 or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors). Certain specific activities of the WTC Program Administrator are reserved to the Secretary, HHS, to delegate at his discretion; other WTC Program Administrator duties not explicitly reserved to the Secretary, HHS, are assigned to the Director, NIOSH. The administration of the WTCHP STAC is left to the Director of NIOSH in his role as WTC Program Administrator. CDC and NIOSH provide funding, staffing, and administrative support services for the WTCHP STAC. The charter was reissued on May 12, 2019, and will expire on May 12, 2021.

Policy on Redaction of Committee Meeting Transcripts (Public Comment): Transcripts will be prepared and posted to *http://www.regulations.gov* within 60 days after the meeting. If a person making a comment gives his or her name, no attempt will be made to redact that name. NIOSH will take reasonable steps to ensure that individuals making public comments are aware of the fact that their comments (including their name, if provided) will appear in a transcript of the meeting posted on a public website. Such reasonable steps include a statement read at the start of the meeting stating that transcripts will be posted and names of speakers will not be redacted. If, in making a statement, individuals reveal personal information (*e.g.,* medical information) about themselves, that information will not usually be redacted. The CDC Freedom of Information Act coordinator will, however, review such revelations in accordance with the Freedom of Information Act and, if deemed appropriate, will redact such information. Disclosures of information concerning third party medical information will be redacted.

Matters To Be Considered: The agenda will include discussions on research integration activities that the WTC Health Program is undertaking, including research evaluation and strategic planning; an update on the policies and procedures in effect within the WTC Health Program that are used to determine whether sufficient evidence is available to support adding a non-cancer condition to the List of WTC-Related Health Conditions; and an update on the development of the Inventory of 9/11 Agents that the Program will use for administrative purposes. Agenda items are subject to change as priorities dictate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–17690 Filed 8–16–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Advisory Council for the Elimination of Tuberculosis (ACET)

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the ACET. The ACET consists of 10 experts in fields associated with public health, epidemiology, immunology, infectious disease, pulmonary disease, pediatrics, tuberculosis, microbiology, or preventive health care delivery. They are selected by the Secretary of the U.S. Department of Health and Human Services (HHS). ACET provides advice and recommendations regarding eliminating tuberculosis (TB) to the Secretary, HHS; the Assistant Secretary for Health, HHS; and the CDC Director. ACET (a) makes recommendations regarding TB prevention and control policies, strategies, objectives, and priorities; (b) addresses development and application of new technologies; (c) provides guidance and review of CDC's TB prevention research portfolio and program priorities; and (d) reviews the extent to which progress has been made toward eliminating TB. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of ACET's objectives. Nominees will be selected on the basis of their expertise in public health, epidemiology, immunology, infectious diseases, pulmonary disease, pediatrics, tuberculosis, microbiology, or preventive health care delivery. Federal employees are ineligible for membership. Members may be invited to serve for up to four year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of ACET's objectives.

DATES: Nominations for ACET membership must be received no later than August 31, 2019. Packages received after that date will not be considered for the current membership cycle.

ADDRESSES: All nominations should be mailed to 1600 Clifton Road NE, Mailstop E07, Atlanta, GA 30329–4027; or emailed (recommended) to *zkr7@cdc.gov;* or faxed to 404–639–8600.

FOR FURTHER INFORMATION CONTACT: Margie Scott-Cseh, Committee Management Specialist, NCHHSTP, CDC, 1600 Clifton Road NE, Mailstop E07, Atlanta, GA 30329–4027; telephone: 404–639–8317; email: *zkr7@cdc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented, and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees (SGEs), requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for ACET membership each year, and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in July 2020, or as soon as the HHS selection process is complete. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. SGE Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Candidates should submit the following items:

▪ Current curriculum vitae, including complete contact information (telephone numbers, mailing address, and email address).

▪ Cover letter, including a description of the candidate qualifications and why the candidate would be a good fit for ACET.

▪ At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, NIH, FDA, etc.) [see *https://www.hhs.gov/about/agencies/hhs-agencies-and-offices/index.html* for a full list]).

Nominations may be submitted by the candidate him- or herself, or by a person/organization recommending the candidate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–17691 Filed 8–16–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2019–0068; NIOSH–324]

State-Based Occupational Health Surveillance; Request for Information and Meeting Notice

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Notice of public teleconference meeting and request for information.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH), within the Centers for Disease Control and Prevention (CDC), announces a public teleconference meeting and an opportunity to comment on funding mechanisms and other considerations for state-based occupational health surveillance.

DATES: Comments must be received October 18, 2019. The public teleconference meeting will be held on Monday, September 16, 2019, 2 p.m. to 4 p.m. EST, or after the last public commenter in attendance has spoken, whichever occurs first. The public meeting will be held as a web-based teleconference available by remote access.

ADDRESSES: You may submit written comments, identified by docket numbers CDC–2019–0068 and NIOSH–324, by either of the following two methods:

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

• *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All information received in response to this notice must include the agency name and docket number [CDC–2019–0068; NIOSH–324]. All relevant comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kerry Souza, 395 E St SW, Washington, DC 20004; phone: 202–245–0639 (not a toll free number); email: *ksouza@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Request for Information

State health agencies have a critical role in the identification and prevention of occupational illnesses and injuries. NIOSH has supported state agencies (primarily departments of public health and, in some cases, departments of labor) since the 1970s, through a combination of funding and technical assistance.[1] Since that time, NIOSH has supported states to build capacity in occupational safety and health, ranging from the development of case-based surveillance to creating focused public health interventions addressing the occupational health needs of higher risk populations. The work of these state programs exemplifies the concept of ''information for action'' by ensuring that collection, analysis, interpretation, and dissemination of occupational health data are linked to prevention and control activities. Numerous examples of these successes can be found in the published literature, in state reports and on state websites, and NIOSH website topic pages.

In 2019, NIOSH funded 26 state occupational health surveillance programs of varying sizes and capacities. The portfolio of state based activities includes 49 projects addressing work related morbidity and mortality, exposure reduction, or special populations of interest.[2] These states are funded through a research cooperative agreement mechanism. The most recent (2014) announcement can be found at the following web address: *https://grants.nih.gov/grants/guide/pa-files/PAR-14-275.html.*

For its state-based surveillance and intervention cooperative agreements, NIOSH is considering switching from a research cooperative agreement approach to a non-research cooperative agreement approach. CDC generally defines public health research as an activity that develops or contributes to generalizable knowledge to improve public health practice; a non-research activity is one that is designed to identify and control a health problem or improve a public health program or service.[3] A non-research mechanism could be a public health practice cooperative agreement or another cooperative agreement type, and may or may not be a better fit for the scope of activities ordinarily conducted by occupational health programs in a public health context.

Under the research mechanism currently used, submissions for funding are evaluated on the following criteria: Significance, investigators, innovation, approach, and environment. Under a non-research approach, proposals would likely be evaluated based upon how well the proposal identifies important occupational health burdens in the state; approach for tracking these concerns; relevance and potential impact of the public health actions proposed; and organizational capacity of the applicant to achieve the proposal.

This exploration of funding mechanism type presents an opportunity for NIOSH to receive stakeholder input and identify the best type from a programmatic, logistic, and administrative point of view. Exploring this and other approaches is recommended by the National Academies of Science, Engineering and Medicine in its report ''A Smarter National Surveillance System for

[1] Eligible applicants include state and other government entities such as local, county, or tribal health departments, henceforth referred to as 'states.'

[2] *See https://www.cdc.gov/niosh/oep/statesurv.html.*

[3] CDC [2010], *Distinguishing Public Health Research and Public Health Nonresearch Policy, https://www.cdc.gov/od/science/integrity/docs/cdc-policy-distinguishing-public-health-research-nonresearch.pdf.*

Occupational Safety and Health in the 21st Century.''[4]

To identify and assess different options, NIOSH plans to conduct the following activities: (1) Hold the public teleconference announced in this notice to receive comments regarding funding approaches for its state based occupational health surveillance programs and (2) seek additional public comments through this docket.

NIOSH is interested in comments related to the funding mechanism as it relates to impact on the conduct of state agency activities, including comments on the following questions:

1. What are the advantages and disadvantages to the states if NIOSH continues using research cooperative agreements for funding of state occupational health surveillance programs?

2. What are the advantages and disadvantages to the states if NIOSH changed to using a non-research mechanism for funding state occupational health surveillance programs?

3. If the non-research mechanism would specifically prohibit the use of any funds for research, would this have a negative effects on state occupational health surveillance program development or direction? If so, please describe.

4. Only research cooperative agreements are covered by Certificates of Confidentiality that protect the confidentiality of sensitive information collected from research subjects by our grantees. Do states need or use these certificates?

5. Would a non-research cooperative agreement mechanism impact the ability of universities acting as *bonafide* agents of the states to apply and receive funding under this mechanism? If so, how?

6. Non-research proposals undergo ''objective review,'' which employs CDC reviewers in place of external peer reviewers. Scoring of applications would likely use the criteria described above (occupational health burdens in the state; approach for tracking these concerns; relevance and potential impact of the public health actions proposed; and organizational capacity of the state). Are there concerns related to these criteria or the use of objective review?

7. It is possible that NIOSH will continue to employ an external peer review process for scoring of applications. Are there concerns related to the use of external peer review?

8. Using the principles of Burden, Need and Impact,[5] the new Notice of Funding Opportunity will focus on surveillance activities that address the occupational safety and health burden of the applicant state. How will this directive impact the applying states?

9. The 2014 cooperative agreement (PAR–14–275) funded three programmatic levels (fundamental, fundamental plus, and expanded programs) to address the varying levels of surveillance capacity of applicant states. Should this 3-tier funding strategy be continued? If not, what other strategy might be considered?

10. How does the 3-tier funding strategy affect states' ability to explore emerging occupational safety and health issues?

11. Occupational Health Indicators[6] have been a central component of the NIOSH state based surveillance program. What are the advantages and disadvantages to your state program of continuing to calculate and use the Occupational Health Indicators?

Public Meeting

NIOSH will hold a public teleconference meeting to solicit comments on the future funding mechanism of its state-based occupational health surveillance program. The meeting is open to the public, limited only by the capacity of 250 connections to the web-based conference.

Confirm your attendance to this meeting by sending an email to *ksouza@cdc.gov* by September 9, 2019. An email confirming registration will be sent from NIOSH and will include details needed to participate.

Requests to make a statement at the public meeting should be emailed to *ksouza@cdc.gov* by September 2, 2019. All requests to make statements should contain the name, address, telephone number, and relevant business affiliations of the presenter. Presenters will be assigned a 5-minute slot on the agenda. Oral statements only will be permitted—presentations of slides will not be permitted. NIOSH will confirm presentation requests by email, and will provide additional instructions regarding the presentation, including the approximate start time for the presentation.

If a presenter is not in attendance when his/her presentation is scheduled to begin, the remaining presenters will be heard in order. After the last scheduled presenter is heard, those who missed their opportunity may be allowed to present, limited by time available.

Attendees who wish to speak, but did not submit a request for the opportunity to make a presentation, may be given this opportunity after the scheduled presenters are heard, at the discretion of the presiding official and limited by time available. Those who do not have an opportunity to comment during the teleconference are encouraged to submit written comments to the NIOSH docket.

The public meeting will be recorded, transcribed, and posted without change to *http://www.regulations.gov,* including any personal information provided.

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2019–17782 Filed 8–16–19; 8:45 am]

BILLING CODE 4163–18–P

[4] *See https://www.nap.edu/catalog/24835/a-smarter-national-surveillance-system-for-occupational-safety-and-health-in-the-21st-century.*

[5] *See https://www.cdc.gov/niosh/programs/pps/bni.html* for more information about Burden, Need and Impact.

[6] *See https://www.cste.org/page/OHIndicators* for more information about Occupational Health Indicators.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–2567]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of

information technology to minimize the information collection burden.

DATES: Comments must be received by October 18, 2019.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–2567 Statement of Deficiencies and Plan of Correction Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Reinstatement without change of a currently approved collection; *Title of Information Collection:* Statement of Deficiencies and Plan of Correction Supporting Regulations; *Use:* Section 1864(a) of the Social Security Act requires that the Secretary use state survey agencies to conduct surveys to determine whether health care facilities meet Medicare and Clinical Laboratory Improvement Amendments participation requirements. The Form CMS–2567 is the means by which the survey findings are documented. This section of the law further requires that compliance findings resulting from these surveys be made available to the public within 90 days of such surveys. The Form CMS–2567 is the vehicle for this disclosure. The form is also used by health care facilities to document their plan of correction and by CMS, the states, facilities, purchasers, consumers, advocacy groups, and the public as a source of information about quality of care and facility compliance. The regulations at 42 CFR 488.18 require that state survey agencies document all deficiency findings on a statement of deficiencies and plan of correction, which is the CMS–2567. Sections 488.26 and 488.28 further delineate how compliance findings must be recorded and that CMS prescribed forms must be used. *Form Number:* CMS–2567 (OMB Control Number: 0938–0391); *Frequency:* Yearly and occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 64,500; *Total Annual Responses:* 64,500; *Total Annual Hours:* 129,000. (For policy questions regarding this collection contact Caecilia Blondiaux at 410–786–2190.)

Dated: August 13, 2019.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019–17679 Filed 8–16–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Meeting

AGENCY: Administration for Children and Families (ACF), Department of Health and Human Services.

ACTION: Announcement of meeting and call for public comments on recommendations to improve the Nation's response to the sex trafficking of children and youth.

SUMMARY: Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act (FACA) and the Preventing Sex Trafficking and Strengthening Families Act, that a meeting of the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (Committee) will be held on October 4, 2019. The purpose of the meeting is for the Committee to discuss its work on its interim report on recommended best practices for states to follow to combat the sex trafficking of children and youth based on multidisciplinary research and promising, evidence-based models, and programs.

The members of the Committee request any examples and comments from the public to inform their work and have also requested input on the following specific topics pertaining to combating the sex trafficking of children and youth in the United States:

- *Screening and Identification:* Intersections with interpersonal violence; screening or universal approaches.
- *Service Provision:* Models for multi-agency response protocols; evaluated training curricula for service providers; case management and specialized service models.
- *Housing:* Prevention efforts of public housing authorities.
- *Prevention:* Initiatives of city, county, and state public health departments.
- *Data:* Strategies for state Medicaid offices to collect quality measures regarding violence or exploitation; collection and protection of exploitation data in health records.
- *Child Welfare:* Evidence-informed or -based curricula for child welfare providers, child and youth service providers, and foster parents; child welfare policies and procedures for identifying and responding to trafficking; interagency data sharing agreements that pertain to child sex

trafficking cases; specialized foster care models including residential treatment; screening tools used in child welfare agencies and whether or not they've been validated.

• State funding sources for prevention, training, and/or services in addition to federal non-IV–E funding.

Please submit your examples and/or comments to *adonald@nhttac.org* with the subject ''NAC Comments'' as soon as possible and before August 30.

DATES: The meeting will be held on October 4, 2019. The members will convene on October 3 to conduct subcommittee meetings and a fact finding site visit.

ADDRESSES: The meeting will be held in Alexandria, Virginia, at the invitation of the National Center for Missing and Exploited Children. Space is limited. Identification will be required at the entrance of the facility (*e.g.,* passport, state ID, or federal ID).

To attend the meeting virtually, please register for this event online: *https://www.acf.hhs.gov/otip/resource/nacagenda1019.*

FOR FURTHER INFORMATION CONTACT: Katherine Chon (Designated Federal Officer) at *EndTrafficking@acf.hhs.gov* or (202) 205–4554 or 330 C Street SW, Washington, DC 20201. Additional information is available at *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.*

SUPPLEMENTARY INFORMATION: The formation and operation of the Committee are governed by the provisions of Public Law 92–463, as amended (5 U.S.C. App. 2), which sets forth standards for the formation and use of federal advisory committees.

Purpose of the Committee: The purpose of the Committee is to advise the Secretary and the Attorney General on practical and general policies concerning improvements to the nation's response to the sex trafficking of children and youth in the United States. HHS established the Committee pursuant to Section 121 of the Preventing Sex Trafficking and Strengthening Families Act of 2014 (Pub. L. 113–183).

Tentative Agenda: The agenda can be found at *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.* To submit written statements or RSVP to attend in-person or make verbal statements, email *adonald@nhttac.org* by September 16, 2019. Please include your name, organization, and phone number. More details on these options are below.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Security screening and a photo ID are required. Space and parking is limited. The building is fully accessible to individuals with disabilities.

Written 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 may submit written statements in response to the stated agenda of the meeting or to the committee's mission in general. Organizations with recommendations on best practices are encouraged to submit their comments or resources (hyperlinks preferred). Written comments or statements received after September 16, 2019, may not be provided to the Committee until its next meeting.

Verbal Statements: Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public are invited to provide verbal statements during the Committee meeting only at the time and manner described in the agenda. The request to speak should include a brief statement of the subject matter to be addressed and should be relevant to the stated agenda of the meeting or the Committee's mission in general.

Minutes: The minutes of this meeting will be available for public review and copying within 90 days at: *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.*

Dated: August 12, 2019.

Lynn A. Johnson,

Assistant Secretary for Children and Families.

[FR Doc. 2019–17753 Filed 8–16–19; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[(OMB #0970–0484)]

Submission for OMB Review; Evaluation of the Child Welfare Capacity Building Collaborative

AGENCY: Children's Bureau; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting a three-year extension of 20 previously approved forms that include satisfaction surveys; a leadership interview protocol; a web-based collaboration survey; assessment tools; and service-specific feedback forms (OMB #0970–0484, expiration 8/31/2019). There are no changes to these forms. An extension is not being sought for four instruments originally included (Tribal Organizational Assessment Interviews: Caseworker Interview; Community Provider Interview; Community Member/Elder Interview; Family Interview).

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget; Paperwork Reduction Project; Email: *OIRA_SUBMISSION@OMB.EOP.GOV*; Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing *infocollection@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: The Evaluation of the Child Welfare Capacity Building Collaborative is sponsored by the Children's Bureau, Administration for Children and Families of the U.S. Department of Health and Human Services. The Capacity Building Collaborative includes three centers (Center for States, Center for Tribes, Center for Courts) funded by the Children's Bureau to provide national child welfare expertise and evidence-informed training and technical assistance services to state, tribal and territorial public child welfare agencies and Court Improvement Programs (CIPs). The Centers offer a wide array of services including, but not limited to: Web-based content and resources, product development and dissemination, self-directed and group-based training, virtual learning and peer networking events, and tailored consultation and coaching. During the project period, Center services are

evaluated by both Center-specific evaluations and a Cross-Center Evaluation. The Center-specific evaluations are designed to collect data on Center-specific processes and outcomes, which are used to support service delivery and continuous quality improvement. The Cross-Center Evaluation is designed to respond to a set of cross-cutting evaluation questions posed by the Children's Bureau. The Cross-Center Evaluation examines: How and to what extent key partners across and within Centers collaborate; whether Center capacity building service interventions are evaluable; the degree to which Centers follow common protocols; what service interventions are delivered and in what services do jurisdictions participate; how satisfied recipients are with services; what outcomes are achieved in jurisdictions receiving Center services and under what conditions are services effective; and what are the costs of services.

The Cross-Center Evaluation uses a longitudinal, mixed methods approach to evaluate Center services as they develop and mature over the course of the study. Multiple data collection strategies are used to efficiently capture quantitative and qualitative data to enable analyses that address each evaluation question. Cross-Center Evaluation data sources for this effort include (1) satisfaction surveys to assess recipient satisfaction with services, such as the Learning Experiences Satisfaction Survey; (2) a leadership interview used to assess perceptions of state child welfare directors, tribal child welfare directors, and CIP directors; and (3) a web-based collaboration survey used to assess perceptions of collaboration within and between the capacity building centers. Center-specific data sources for this effort include (1) assessment tools such as the Center for Tribes Needs and Fit Exploration Tools; and (2) service-specific feedback forms, such as the Center for States Intensive Projects instrument and the Center for Courts CQI Workshops instrument.

Respondents: Respondents of data collection instruments include (1) child welfare and judicial professionals who use the Collaborative's products and online courses, that participate in webinars, virtual or in-person trainings, or peer events, and that receive brief or intensive tailored services from the Centers; (2) all State child welfare directors, and Tribal child welfare directors, and CIP coordinators that receive services from the Centers; and (3) directors and staff of the three Capacity Building Centers.

ANNUAL BURDEN ESTIMATES

Instrument	Total number respondents	Annual number of respondents	Number annual responses per respondent	Average burden hours per response	Total annual burden hours
Webpages and Products Satisfaction Survey	4,680	1,560	1	.08	125
Learning Experiences Satisfaction Survey (single) [1]	1,500	500	1	.33	165
Learning Experiences Satisfaction Survey (intensive) [2]	2,700	900	1	.08	72
Webinars, Events, and In-Person Meetings Satisfaction Survey	16,506	5,502	1	.08	440
Assessment & Capacity Building Plan Satisfaction Survey	1,350	450	1	.066	30
Center for Tribes Contact Form	150	50	1	.05	3
Center for Tribes Demographic Survey	60	20	1	1.75	35
Center for Tribes Needs and Fit Exploration Tool Phase 1	180	30	1	1.5	45
Center for Tribes Needs and Fit Exploration Tool Phase 2	75	25	1	3.0	75
Center for States Information and Referral Survey	36	12	1	.05	1
Center for States Intensive Projects Survey	990	330	1	.33	109
Center for States Constituency Groups Surveys	1,200	400	1	.33	132
Center for States Brief Tailored Services Survey	375	125	1	.33	41
CIP Annual Meeting Survey	600	200	1	.13	26
Center for Courts CQI Workshops Survey	144	48	1	.17	8
Leadership Interview—States, Territories	56	19	*2	1	38
Leadership Interview—CIPs	52	17	*2	1	34
Leadership Interview—Tribes	39	13	*2	1.25	33
Leadership Interview Part II—Tribes	39	13	*2	.67	17
Annual Collaboration Survey	690	230	1	.36	83
Total					1,512

[1] *For Learning Experiences that consist of a single event (e.g., on-line session or in-person training).*
[2] *For more intensive Learning Experiences that require administration of multiple surveys over a series of events, modules, or units.*
* Reflects the total number of responses per the extension period (three years) rather than the number of annual responses per respondent.

Estimated Total Annual Burden Hours: 1,512.

Authority: 42 U.S.C. 5106.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–17775 Filed 8–16–19; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3475]

Nonprescription Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Nonprescription Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing

a docket for public comment on this document.

DATES: The meeting will be held on September 18, 2019, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2019–N–3475. The docket will close on September 17, 2019. Submit either electronic or written comments on this public meeting by September 17, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 17, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 17, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before September 4, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments 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–N–3475 for ''Nonprescription Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA 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 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 the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Cindy Chee, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *NDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss data submitted by GlaxoSmithKline Consumer Healthcare Holdings (US) LLC, to support new drug application (NDA) 208425, for over-the-counter (OTC) marketing of nicotine oral spray (1 milligram (mg) per spray). The proposed OTC use is to reduce withdrawal symptoms, including nicotine craving, associated with quitting smoking. The applicant proposes to label the product for adults 18 years and older. The committee will be asked to consider whether data support an acceptable risk/benefit profile for the nonprescription use of nicotine oral spray (1 mg per spray) by OTC consumers.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will

be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before September 4, 2019, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 26, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 27, 2019.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Cindy Chee (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 12, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–17724 Filed 8–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0093]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Review Transparency and Communication in Reviews of 351(k) Biologics License Applications in Biosimilars User Fee Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by September 18, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0746. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Evaluation of the Program for Enhanced Review Transparency and Communication for New Molecular Entity New Drug Applications and Original Biologics License Applications in Prescription Drug User Fee Acts and 351(k) Biologics License Applications in Biosimilars User Fee Act

OMB Control Number 0910–0746—Extension

This information collection supports the above captioned review program (''the Program''). The Program is part of our performance commitment under the fifth and sixth authorizations of the Prescription Drug User Fee Act (PDUFA), which allows us to collect user fees for the review of human drug and biologics applications for FYs 2013 through 2021, and the second authorization of the Biosimilars User Fee Act (BsUFA II), which applies to 351(k) BLAs for FYs 2018 through 2021. The Program is described in detail in FDA's Commitment Letters for PDUFA VI and BsUFA II, available at *https://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM511438.pdf* and *https://www.fda.gov/downloads/ForIndustry/UserFees/BiosimilarUserFeeActBsUFA/UCM521121.pdf.*

The Program goals are to increase the efficiency and effectiveness of the first review cycle and decrease the number of review cycles necessary for approval so that patients have timely access to safe, effective, and high quality new drugs and biologics. A key aspect of the extension of the Program to BsUFA II is to conduct an interim and final assessment that will evaluate how well the parameters of the Program have achieved the intended goals. The BsUFA II Commitment Letter specifies that an independent contractor can conduct the assessments and specifies that they include interviews of sponsors who submit 351(k) BLAs to the Program in BsUFA II. In accordance with the PDUFA V and BsUFA II Commitment Letters, we contracted Eastern Research Group, Inc. (ERG) to conduct independent interviews of applicants after FDA issues a first-cycle action for applications reviewed under the Program. The purpose of these interviews is to collect feedback from applicants on the success of the Program in increasing transparency and communication of reviews during the review process. ERG will anonymize and aggregate sponsor responses before inclusion in the assessments and presentation materials at public meetings. We will publish in the **Federal Register** for public comment

ERG's assessments with interview results and findings.

In the **Federal Register** of March 12, 2019 (84 FR 8877), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Portion of study	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pre-test	5	1	5	1.5	7.5
Interviews	75	1	75	1.5	112.5
Total					120

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Since the last OMB approval of the information collection, we have adjusted our estimate downward by 60 survey respondents. We base our estimate on the most recent number of annual surveys. ERG interviews between one and three sponsor representatives for each 351(k) BLA first-cycle action issued for applications reviewed under the Program. ERG also conducts a pretest of the interview protocol with five respondents. Assuming it will take 1 to 1.5 hours to complete the pretest, we calculate a total of 7.5 annual burden hours. We estimate that up to 75 respondents will take part in the post-action interviews each year. Assuming each interview will last 1 to 1.5 hours, we calculate a total of 112.5 annual burden hours.

Dated: August 12, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–17713 Filed 8–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–2354]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products; Studies To Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Species: Marker Residue Depletion Studies To Establish Product Withdrawal Periods in Aquatic Species; 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 (GFI) #257 entitled ''Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Species: Marker Residue Depletion Studies to Establish Product Withdrawal Periods in Aquatic Species'' (VICH GL57). This guidance has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This VICH guidance document is intended to provide study design recommendations that will facilitate the universal acceptance of the generated residue depletion data to fulfill the national/regional requirements. This guidance document provides recommendations on what should be included in a marker residue depletion study design for aquatic food-producing species.

DATES: The announcement of the guidance is published in the **Federal Register** on August 19, 2019.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–2354 for ''Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Species: Marker Residue Depletion Studies to Establish Product Withdrawal Periods in Aquatic Species'' (VICH GL57). 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 guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Julia Oriani, Center for Veterinary Medicine (HFV–151), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0788, *julia.oriani@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of final GFI #257 entitled ''Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Species: Marker Residue Depletion Studies to Establish Product Withdrawal Periods in Aquatic Species'' (VICH GL57). In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify, and then reduce, differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use for several years to develop, with input from both regulatory and industry representatives, harmonized technical requirements for the registration or approval of pharmaceutical products for human use among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH Steering Committee is composed of member representatives from the European Commission and European Medicines Agency; International Federation for Animal Health—Europe; FDA; the U.S. Department of Agriculture; the U.S. Animal Health Institute; the Japanese Ministry of Agriculture, Forestry, and Fisheries; and the Japanese Veterinary Products Association. Six observers are eligible to participate in the VICH Steering Committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/New Zealand, one representative from the government of Canada, one representative from the industry in Canada, one representative from the government of South Africa, and one representative from the industry in South Africa. The World Organisation for Animal Health, the Associate Member, has one delegate. The VICH Secretariat, which coordinates the preparation of documentation, is provided by HealthforAnimals.

In the **Federal Register** of July 24, 2018 (83 FR 35009), FDA published the notice of availability for a draft guidance entitled ''Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Species: Marker Residue Depletion Studies to Establish Product Withdrawal Periods in Aquatic Species'' (VICH GL57), giving interested persons until September 24, 2018, to comment on the draft guidance. FDA did not receive comments on the draft guidance. Comments received by other VICH member regulatory agencies were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated July 2018. The final guidance is a product of the Metabolism and Residue Kinetics Expert Working Group of the VICH.

This VICH guidance document is intended to provide study design recommendations that will facilitate the universal acceptance of the generated residue depletion data to fulfill the national/regional requirements. This guidance document provides recommendations on what should be included in a marker residue depletion study design for aquatic food-producing species.

II. Significance of Guidance

This guidance, developed under the VICH process, is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). For example, the document has been designated ''guidance'' rather than ''guideline.'' In addition, guidance documents must not include mandatory language such as ''shall,'' ''must,'' ''require,'' or ''requirement,'' unless FDA is using these words to describe a statutory or regulatory requirement.

The guidance represents the current thinking of FDA on ''Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Species: Marker Residue Depletion Studies to Establish Product Withdrawal Periods in Aquatic Species'' (VICH GL57). 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. 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 collections of information in 21 CFR part 514 have been approved under OMB control number 0910–0032.

IV. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm* or *https://www.regulations.gov.*

Dated: August 13, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–17721 Filed 8–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0319]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Dear Health Care Provider Letters: Improving Communication of Important Safety Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection associated with Agency guidance entitled ''Dear Health Care Provider Letters: Improving Communication of Important Safety Information.'' The guidance offers specific recommendations to industry on the content and format of Dear Health Care Provider (DHCP) letters. These letters are sent by manufacturers or distributors to health care providers to communicate an important drug warning, a change in prescribing information, or a correction of misinformation in prescription drug promotional labeling or advertising. This guidance provides recommendations on when to use a DHCP letter, the types of information to include in the DHCP letter, how to organize the information so that it is communicated effectively to health care providers, and formatting techniques to make the information more accessible.

DATES: Submit either electronic or written comments on the collection of information by October 18, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 18, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 18, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2010–D–0319 for ''Guidance for Industry on Dear Health Care Provider Letters: Improving Communication of Important Safety Information.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD

20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Dear Health Care Provider Letters: Improving Communication of Important Safety Information

OMB Control Number 0910–0754—Extension

This information collection supports recommendations found in the Agency guidance document entitled, ''Dear Health Care Provider Letters: Improving Communication of Important Safety Information.'' The guidance provides instruction to industry and FDA staff on the content and format of DHCP letters. These letters are sent by manufacturers or distributors to health care providers to communicate an important drug warning, a change in prescribing information, or a correction of misinformation in prescription drug promotional labeling or advertising.

This guidance gives specific instruction on what should and should not be included in DHCP letters. Some DHCP letters have been too long, have contained promotional material, or otherwise have not met the goals set forth in the applicable regulation (21 CFR 200.5). In some cases, health care providers have not been aware of important new information, and have been unable to communicate it to patients, because the letters' content and length have made it difficult to find the relevant information. In addition, letters have sometimes been sent for the wrong reasons.

In addition to content and format recommendations for each type of DHCP letter, the guidance also includes recommendations on consulting with FDA on how to develop a DHCP letter, when to send a letter, what type of letter to send, and how to assess the letter's impact. Based on a review of FDA's Document Archiving, Reporting, and Regulatory Tracking System for 2016–2018, we identified 38 DHCP letters that were sent out by 24 distinct sponsors during the 3-year timeframe. We estimate that we will receive approximately 13 DHCP letters annually from approximately 8 application holders. FDA professionals familiar with DHCP letters and with the recommendations in the guidance estimate that it should take an application holder approximately 100 hours to prepare and send DHCP letters in accordance with the guidance.

We estimate the annual reporting burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Dear Health Care Provider Letters	8	1.625	13	100	1,300

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection, we have reduced our burden estimate by 17 respondents with a corresponding decrease in annual hours by 1,200. We attribute the decrease to the effectiveness of the guidance.

Dated: August 12, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–17708 Filed 8–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0001]

Food and Drug Administration Science Forum 2019; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the following public workshop entitled ''FDA Science Forum 2019.'' The purpose of the public workshop is to share with the public the unique scientific research and collaborative efforts of FDA's 11,000 scientists and researchers, who use novel science and technologies to inform FDA's regulatory decision-making—and drive innovation.

DATES: The public workshop will be held on September 11, 2019, from 8:30 a.m. to 4:40 p.m., and September 12, 2019, from 9 a.m. to 4 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine

security check procedures will be performed. For parking and security information, please refer to *www.fda.gov/publicmeetinginfo.*

FOR FURTHER INFORMATION CONTACT: Rokhsareh Shahidzadeh, Office of Scientific Professional Development, Office of the Chief Scientist, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 2383, Silver Spring, MD 20993, 301–796–8740, *FDASciProDev@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The FDA Science Forum is held biennially to share with the public the unique scientific research and collaborative efforts of our 11,000 scientists and researchers. These scientists and researchers use novel science and technologies to inform FDA's regulatory decision-making—and drive innovation. FDA scientific experts and nationally renowned scientists will speak on the eight topics of the upcoming FDA Science Forum, *Transforming Health: Innovation in FDA Science.* FDA's Science Forum welcomes the public, industry, academia, patient advocates, sister Agencies, and current and potential collaborators, to learn about the Agency's regulatory science—the type of science that is rarely undertaken by industry or academia, but that makes critical contributions to product quality and safety.

II. Topics for Discussion at the Public Workshop

Sessions in the two-day forum will highlight such areas as FDA research into new predictive tools for developing and evaluating therapeutics, advancing artificial intelligence, evaluating digital health devices, and novel methods of tackling critical public health challenges such as addiction.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following website: *https://www.fda.gov/scienceforum.*

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public workshop must register by September 6, 2019, at 5 p.m. Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact Rokhsareh Shahidzadeh (see **FOR FURTHER INFORMATION CONTACT**) no later than September 4, 2019, by 5 p.m. Eastern Time.

Streaming Webcast of the public workshop: This public workshop will also be webcast. To register, please visit the following website: *https://www.fda.gov/scienceforum.* Participants interested in viewing via webcast must register by September 6, 2019, at 5 p.m. Eastern Time.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Dated: August 13, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–17703 Filed 8–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0134]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Mammography Quality Standards Act Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by September 18, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0309. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Mammography Quality Standards Act Requirements—21 CFR Part 900

OMB Control Number 0910–0309—Extension

The Mammography Quality Standards Act (Pub. L. 102–539) requires the establishment of a Federal certification and inspection program for mammography facilities; regulations and standards for accreditation and certification bodies for mammography facilities; and standards for mammography equipment, personnel, and practices, including quality assurance. The intent of these regulations is to assure safe, reliable, and accurate mammography on a nationwide level. Under the regulations, as a first step in becoming certified, mammography facilities must become accredited by an FDA-approved accreditation body (AB). This requires undergoing a review of their clinical images and providing the AB with information showing that they meet the equipment, personnel, quality assurance, and quality control standards, and have a medical reporting and recordkeeping program, a medical outcomes audit program, and a consumer complaint mechanism. On the basis of this accreditation, facilities are then certified by FDA or an FDA-approved State certification agency and must prominently display their certificate. These actions are taken to ensure safe, accurate, and reliable mammography on a nationwide basis.

The following sections of Title 21 of the Code of Federal Regulations (CFR) are not included in the burden tables because they are considered usual and customary practice and were part of the standard of care prior to the implementation of the regulations; therefore, they resulted in no additional burden: 21 CFR 900.12(c)(1) and (3) and 900.3(f)(1). 21 CFR 900.24(c) was also not included in the burden tables because if a certifying State had its approval withdrawn, FDA would take

over certifying authority for the affected facilities. Because FDA already has all the certifying State's electronic records, there wouldn't be an additional reporting burden.

We have rounded numbers in the ''Total Hours'' column in all three burden tables. (Where the number was a portion of 1 hour, it has been rounded to 1 hour. All other ''Total Hours'' have been rounded to the nearest whole number.)

In the **Federal Register** of May 1, 2019 (84 FR 18548), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received one comment that expressed general concern regarding the cost and quality of mammography equipment. However, the comment did not refer to any particular provision of the regulations or the information collection burden estimate. We note that in the **Federal Register** of March 28, 2019 (84 FR 11669), FDA published a proposed rule to update the mammography regulations. As part of the proposed rule, FDA prepared a Preliminary Economic Analysis of Impacts. Comments received on the proposed rule are currently being considered.

FDA meets with its National Mammography Quality Assurance Advisory Committee (NMQAAC) annually. NMQAAC is made up of representatives of the mammography community, consumer and industry groups, and government. It is charged with advising FDA's mammography program on advances in mammography technology and procedures and on appropriate quality standards for mammography facilities. NMQAAC also discusses and comments on all guidances before they are made final. The meetings are open to the public and time is allotted for public statements on issues of concern in the mammography field. The chairperson may also call upon attendees to contribute to the committee discussions.

FDA also meets or holds teleconferences several times a year with its approved accreditation bodies and State certification agencies to discuss issues of mutual concern. The Agency has also long enjoyed a good relationship with the Conference of State Radiation Program Directors (CRCPD), which is the professional organization of the State agencies concerned with radiation protection. The CRCPD has established a standing Mammography Committee, which meets with FDA mammography staff at least once a year.

Finally, in recent years, FDA mammography staff have met several times with representatives of manufacturers working on the new applications of digital technology in mammography to resolve problems preventing the making of that technology generally available. FDA mammography staff have also worked with representatives of the manufacturers to develop quality assurance manuals for full field digital mammography units.

FDA estimates the burden of this collection of information as follows:

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity/21 CFR section/FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours [1]	Total capital costs	Total operating and maintenance costs
Notification of intent to become an AB—900.3(b)(1).	0.33	1	0.33	1	1		
Application for approval as an AB; full [2]—900.3(b)(3).	0.33	1	0.33	320	106	$10,776	
Application for approval as an AB; limited [3]—900.3(b)(3).	5	1	5	30	150		
AB renewal of approval—900.3(c)	1	1	1	15	15		
AB application deficiencies—900.3(d)(2).	0.1	1	0.1	30	3		
AB resubmission of denied applications—900.3(d)(5).	0.1	1	0.1	30	3		
Letter of intent to relinquish accreditation authority—900.3(e).	0.1	1	0.1	1	1		
Summary report describing all facility assessments—900.4(f).	330	1	330	7	2,310		$83,618
AB reporting to FDA; facility [4]—900.4(h).	8,654	1	8,654	1	8,654		4,663
AB reporting to FDA; AB [5]—900.4(h).	5	1	5	10	50		
AB financial records—900.4(i)(2)	1	1	1	16	16		
Former AB new application—900.6(c)(1).	0.1	1	0.1	60	6		
Reconsideration of accreditation following appeal—900.15(d)(3)(ii).	1	1	1	2	2		
Application for alternative standard—900.18(c).	2	1	2	2	4		
Alternative standard amendment—900.18(e).	10	1	10	1	10		
Certification agency application—900.21(b).	0.33	1	0.33	320	106	32,327	224
Certification agency application deficiencies—900.21(c)(2).	0.1	1	0.1	30	3		
Certification electronic data transmission—900.22(h).	5	200	1,000	0.083 (5 minutes)	83		
Changes to standards—900.22(i)	2	1	2	30	60		22
Certification agency minor deficiencies—900.24(b).	1	1	1	30	30		
Appeal of adverse action taken by FDA—900.25(a).	0.2	1	0.2	16	3		
Inspection fee exemption—Form FDA 3422.	700	1	700	0.25 (15 minutes)	175		

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]—Continued

Activity/21 CFR section/FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours [1]	Total capital costs	Total operating and maintenance costs
Total					11,791	43,103	88,527

[1] Total hours have been rounded.
[2] One-time burden.
[3] Refers to accreditation bodies applying to accredit specific full-field digital mammography units.
[4] Refers to the facility component of the burden for this requirement.
[5] Refers to the AB component of the burden for this requirement.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours [1]	Total capital costs	Total operating and maintenance costs
AB transfer of facility records—900.3(f)(1).	0.1	1	0.1	0	1		
Consumer complaints system; AB—900.4(g).	5	1	5	1	5		
Documentation of interpreting physician initial requirements—900.12(a)(1)(i)(B)(*2*).	87	1	87	8	696		
Documentation of interpreting physician personnel requirements—900.12(a)(4).	8,654	4	34,616	1	34,616		
Permanent medical record—900.12(c)(4).	8,654	1	8,654	1	8,654	$30,171	
Procedures for cleaning equipment—900.12(e)(13).	8,654	52	450,008	0.083 (5 minutes)	37,351		
Audit program—900.12(f)	8,654	1	8,654	16	138,464		
Consumer complaints system; facility—900.12(h)(2).	8,654	2	17,308	1	17,308		
Certification agency conflict of interest—900.22(a).	5	1	5	1	5		
Processes for suspension and revocation of certificates—900.22(d).	5	1	5	1	5		
Processes for appeals—900.22(e)	5	1	5	1	5		
Processes for additional mammography review—900.22(f).	5	1	5	1	5		
Processes for patient notifications—900.22(g).	3	1	3	1	3		$32
Evaluation of certification agency—900.23.	5	1	5	20	100		
Appeals—900.25(b)	5	1	5	1	5		
Total					237,223	30,171	32

[1] Total hours have been rounded.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours [2]	Total operating and maintenance costs
Notification of facilities that AB relinquishes its accreditation—900.3(f)(2).	0.1	1	0.1	200	20	$54
Clinical images; facility [3]—900.4(c), 900.11(b)(1), and 900.11(b)(2).	2,885	1	2,885	1.44	4,154	248,670
Clinical images; AB [4]—900.4(c)	5	1	5	416	2,080	
Phantom images; facility [3]—900.4(d), 900.11(b)(1), and 900.11(b)(2).	2,885	1	2,885	0.72 (43 minutes)	2,077	
Phantom images; AB [4]—900.4(d)	5	1	5	208	1,040	
Annual equipment evaluation and survey; facility [3]—900.4(e), 900.11(b)(1), and 900.11(b)(2).	8,654	1	8,654	1	8,654	9,325
Annual equipment evaluation and survey; AB [4]—900.4(e).	5	1	5	1,730	8,650	
Provisional mammography facility certificate extension application—900.11(b)(3).	0	1	0	0.5 (30 minutes)	1	
Mammography facility certificate reinstatement application—900.11(c).	312	1	312	5	1,560	
Lay summary of examination—900.12(c)(2)	8,654	5,085	44,055,590	0.083 (5 minutes)	3,652,464	25,861,265
Lay summary of examination; patient refusal [5]—900.12(c)(2).	87	1	87	0.5 (30 minutes)	44	
Report of unresolved serious complaints—900.12(h)(4).	20	1	20	1	20	
Information regarding compromised quality; facility [3]—900.12(j)(1).	20	1	20	200	4,000	324

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]—Continued

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours [2]	Total operating and maintenance costs
Information regarding compromised quality; AB [4]—900.12(j)(1).	20	1	20	320	6,400	646
Patient notification of serious risk—900.12(j)(2)	5	1	5	100	500	20,878
Reconsideration of accreditation—900.15(c)	5	1	5	2	10	
Notification of requirement to correct major deficiencies—900.24(a).	0.4	1	0.4	200	80	73
Notification of loss of approval; major deficiencies—900.24(a)(2).	0.15	1	0.15	100	15	27
Notification of probationary status—900.24(b)(1)	0.3	1	0.3	200	60	55
Notification of loss of approval; minor deficiencies—900.24(b)(3).	0.15	1	0.15	100	15	27
Total					3,691,842	26,141,344

[1] There are no capital costs associated with the collection of information.
[2] Total hours have been rounded.
[3] Refers to the facility component of the burden for this requirement.
[4] Refers to the AB component of the burden for this requirement.
[5] Refers to the situation where a patient specifically does not want to receive the lay summary of her exam.

FDA has adjusted the number of respondents for § 900.3(c) ''AB renewal of approval'' to one. This adjustment resulted in a 14-hour increase to the hour-burden estimate. Additionally, we updated the capital costs and operating and maintenance costs by adjusting them for inflation since the last update to those estimates. This adjustment resulted in a $1,893,071 increase to the estimated capital and operating and maintenance costs ($24,410,106 previously; $26,303,177 current extension request).

Dated: August 12, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–17734 Filed 8–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Tick-Borne Disease Working Group

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the Tick-Borne Disease Working Group (TBDWG) will hold a meeting. The meeting will be open to the public. For this meeting, the Working Group will receive updates from the eight subcommittees formed at the June 4, 2019, meeting and continue to focus on plans to develop the next report to the HHS Secretary and Congress on federal tick-borne activities and research, taking into consideration the 2018 report. The 2020 report will address a wide range of federal activities and research related to tick-borne diseases, such as, surveillance, prevention, diagnosis, diagnostics, and treatment; identify gaps in tick-borne disease research; and provide recommendations to the HHS Secretary regarding changes or improvements to such activities and research. In developing the report, the TBDWG will solicit stakeholder input.

DATES: The meeting will be online via webcast and will be held on September 12, 2019, from 8:30 a.m. to 5 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the website for the TBDWG at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2019-9-12/index.html* when this information becomes available.

ADDRESSES: Members of the public may also attend the meeting via webcast. Instructions for attending the virtual meeting will be posted one week prior to the meeting at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2019-9-12/index.html.*

FOR FURTHER INFORMATION CONTACT: James Berger, Designated Federal Officer for the TBDWG; Office of Infectious Disease and HIV/AIDS Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services, Mary E Switzer Building, 330 C Street SW, Suite L100, Washington, DC 20024. Email: *tickbornedisease@hhs.gov;* Phone: 202–795–7697.

SUPPLEMENTARY INFORMATION: The public will have an opportunity to present their views to the TBDWG during the meeting's public comment session or by submitting their views in writing. Comments should be pertinent to the meeting discussion. Persons who wish to provide verbal or written public comment should review instructions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2019-9-12/index.html* and respond by midnight Wednesday, September 4, 2019, ET. Verbal comments will be limited to three minutes each to accommodate as many speakers as possible during the 30 minute session. Written public comments will be accessible to the TBDWG members and public on the TBDWG web page prior to the meeting.

Background and Authority: The Tick-Borne Disease Working Group was established on August 10, 2017, in accordance with Section 2062 of the *21st Century Cures Act,* and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to provide expertise and review federal efforts related to tick-borne diseases to help ensure interagency coordination and minimize overlap, examine research priorities, and identify and address unmet needs. The TBDWG is required to submit a report to the HHS Secretary and Congress on their findings and any recommendations for the federal response to tick-borne disease every two years.

Dated: August 6, 2019.

James Berger,

Designated Federal Officer, Tick-Borne Disease Working Group, Senior Advisor for Blood and Tissue Policy, Office of Infectious Disease and HIV/AIDS Policy.

[FR Doc. 2019–17689 Filed 8–16–19; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 30-Day Information Collection: Indian Health Service Forms To Implement the Privacy Rule

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments. Request for extension of approval.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Indian Health Service (IHS) invites the general public to comment on the information collection titled, ''IHS Forms to Implement the Privacy Rule'' Office of Management and Budget (OMB) Control Number 0917–0030.

This previously approved information collection project was last published in the **Federal Register** (84 FR 19088) on May 3, 2019, and allowed 60 days for public comment. One public comment was received in response to the notice. The comment was not pertinent to the collection itself. The purpose of this notice is to allow 30 days for public comment to be submitted directly to OMB. A copy of the supporting statement is available at *www.regulations.gov* (see Docket ID IHS_FRDOC_0001).

DATES: September 18, 2019. Your comments regarding this information collection are best assured of having full effect if received within 30 days of the date of this publication.

ADDRESSES: Direct your comments to OMB: Send your comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for IHS.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Evonne Bennett by one of the following methods:

- *Mail:* Evonne Bennett, Information Collection Clearance Officer, Indian Health Service, 5600 Fisher Lane, Mail stop: 09E47, Rockville, MD 20857.
- *Phone:* 301–443–4750.
- *Email: Evonne.Bennett@ihs.gov.*

SUPPLEMENTARY INFORMATION: *Title of Collection:* 0917–0030, IHS Forms to Implement the Privacy Rule (45 CFR parts 160 & 164). *Type of Information Collection Request:* Extension of the currently approved information collection, 0917–0030, IHS Forms to Implement the Privacy Rule (45 CFR parts 160 & 164). *Form(s):* IHS–810, IHS–912–1, IHS–912–2, IHS–913, and IHS–917. *Need and Use of Information Collection:* This collection of information is made necessary by the Department of Health and Human Services Rule entitled ''Standards for Privacy of Individually Identifiable Health Information'' (Privacy Rule) (45 CFR parts 160 and 164). The Privacy Rule implements the privacy requirements of the Administrative Simplification subtitle of the Health Insurance Portability and Accountability Act of 1996, creates national standards to protect individual's personal health information, and gives patients increased access to their medical records. 45 CFR 164.508, 164.522, 164.526 and 164.528 of the Rule require the collection of information to implement these protection standards and access requirements. The IHS will continue to use the following data collection instruments to meet the information collection requirements contained in the Rule.

45 CFR 164.508: This provision generally requires covered entities to obtain or receive a valid authorization for its use or disclosure of protected health information, unless otherwise permitted or required by the Privacy Rule. (See, *e.g.,* 45 CFR 164.506 for a common exception to this general rule, which involves uses and disclosure for treatment, payment, or healthcare operations.) Individuals may initiate a written authorization permitting covered entities to release their protected health information to entities of their choosing. The form IHS–810 ''Authorization for Use or Disclosure of Protected Health Information'' is used to document an individual's authorization to use or disclose their protected health information.

45 CFR 164.522: Section 164.522(a)(1) requires a covered entity to permit individuals to request that the covered entity restrict the use and disclosure of their protected health information. The covered entity may or may not agree to the restriction, and with a limited exception, a covered entity is not required to agree to a requested restriction. 45 CFR 164.522(a)(1)(vi). The form IHS–912–1 ''Request for Restrictions(s)'' is used to document an individual's request for restriction of their protected health information, and whether the IHS agreed or disagreed with the restriction. Section 164.522(a)(2) permits a covered entity to terminate its agreement to a restriction under certain conditions. For example, termination may occur if the individual agrees to or requests the termination in writing. 45 CFR 164.522(a)(2)(i). The form IHS–912–2 ''Request for Revocation of Restriction(s)'' is used to document the individual's request, the individual's agreement, and/or the agency's decision to terminate a formerly agreed to restriction regarding the use and disclosure of protected health information.

45 CFR 164.528: This provision requires covered entities to provide an accounting of certain disclosures of protected health information made by the covered entity. See also, 45 CFR 5b.9(c). The form IHS–913 ''Request for an Accounting of Disclosures'' is used to document an individual's request for an accounting of disclosures of their protected health information and the agency's handling of the request.

45 CFR 164.526: Under this provision, individuals have a right to amend protected health information or a record about the individual in a designated record set, under certain conditions. 45 CFR 164.526(a). This provision further requires covered entities to permit an individual to request that the covered entity amend protected health information. 45 CFR 164.526(b). The covered entity must inform the individual if the covered entity accepts the requested amendment, in whole or in part. The covered entity must provide the individual with a written denial containing certain information if the covered entity denies the requested amendment, in whole or in part. 45 CFR 164.526(d)(1). The form IHS–917 ''Request for Correction/Amendment of Protected Health Information'' will be used to document an individual's request to amend his/her protected health information and the agency's decision to accept or deny the request.

Completed forms used in this collection of information are filed in the IHS medical, health and billing record, a Privacy Act System of Records Notice. *Affected Public:* Individuals and households. *Type of Respondents:* Individuals. *Burden Hours:* The table below provides for this information collection: Types of data collection instruments, estimated number of respondents, number of responses per respondent, average burden hour per response, and total annual burden hour(s).

Data collection instrument	Number of respondents	Number of responses per respondent	Average burden hour per response *	Total annual burden hours
Authorization for Use or Disclosure of Protected Health Information (OMB Form No. 0917–0030, IHS–810)	210,954	1	10/60	35,159
Request for Restriction(s) (OMB Form No. 0917–0030, IHS–912–1)	214	1	10/60	36
Request for Revocation of Restriction(s) (OMB Form No. 0917–0030, IHS–912–2)	3	1	10/60	.5
Request for Accounting of Disclosures (OMB Form No. 0917–0030, IHS–913)	39	1	10/60	6.5
Request for Correction/Amendment of Protected Health Information (OMB Form No. 0917–0030, IHS–917)	54	1	10/60	9
Total Annual Burden	211,264			35,211

* For ease of understanding, burden hours are provided in actual minutes.

The total estimated burden for this collection of information is 35,211 hours.

There are no capital costs, operating costs and/or maintenance costs to respondents.

Chris Buchanan,

RADM, Assistant Surgeon General, U.S. Public Health Service, Deputy Director, Indian Health Service.

[FR Doc. 2019–17761 Filed 8–16–19; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the meeting of the Center for Inherited Disease Research Access Committee.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: September 6, 2019.

Time: 8:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Barbara J. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Ste. 4076, MSC 9306, Bethesda, MD 20892–9306, 301–402–0838, *barbara.thomas@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: August 13, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–17676 Filed 8–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Minority Health and Health Disparities.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: September 9–10, 2019.

Closed: September 9, 2019, 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Conference Rooms A,B,C, Bethesda, MD 20892.

Open: September 10, 2019.

Time: 8:00 a.m. to 1:30 p.m.

Agenda: Report from the institute Director, other institute staff, and group presentations.

Place: National Institutes of Health, 6700B Rockledge Drive, Conference Rooms A,B,C, Bethesda, MD 20892.

Contact Person: Joyce A. Hunter, Ph.D., Deputy Director, DEA, National Institute on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Boulevard, Suite 800, Bethesda, Maryland 20892–5465, 301–402–1366, *hunterj@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Dated: August 13, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–17718 Filed 8–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Developmental Biology Subcommittee Reproduction, Andrology and Gynecology Subcommittee.

Date: October 3, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites—Chevy Chase Pavillion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Cathy J. Wedeen, Ph.D., Scientific Review Officer, Division of Scientific Review, OD, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS 6710B Rockledge Drive, Bethesda, MD 20892, 301–435–6878, *wedeenc@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Function, Integration, and Rehabilitation Sciences Subcommittee Function, Integration, and Rehabilitation Sciences Subcommittee.

Date: October 16, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites—Chevy Chase Pavillion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Rockledge Drive, Bethesda, MD 20892, 301–435–6916, *kielbj@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Medical Rehabilitation Research Resource (P2C).

Date: November 20–21, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites—Chevy Chase Pavillion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Joanna Kubler-Kielb, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Rockledge Drive, 2221A, Bethesda, MD 20892, 301–435–6916, *kielbj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 13, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–17716 Filed 8–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: September 18–19, 2019.

Open: September 18, 2019, 9:30 a.m. to 4:45 p.m.

Agenda: The agenda will include opening remarks, administrative matters, Director's Report, Division of Intramural Research Report and, other business of the Council.

Place: NICHD Offices, 1425/1427, 6710B Rockledge Drive, Bethesda, MD 20892.

Open: September 19, 2019, 9:00 a.m. to 11:30 a.m.

Agenda: The agenda will include opening remarks, administrative matters, Division of Extramural Research Report and, other business of the Council.

Place: NICHD Offices, 1425/1427, 6710B Rockledge Drive, Bethesda, MD 20892.

Closed: September 19, 2019, 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NICHD Offices, 1425/1427, 6710B Rockledge Drive, Bethesda, MD 20892.

Contact Person: Robert Borie, Committee Management Specialist, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, 2221A, Bethesda, MD 20892, 301.827.6244, *robert.borie@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the contact person listed on this notice. The statement should include the name, address, telephone number, and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the NIH building. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

To facilitate public attendance at the open session of Council in the main meeting room, Conference Room 1425, please contact Ms. Lisa Kaeser, Office of Legislation and Public Policy, NICHD, at 301–496–0536 to make your reservation, additional seating will be available in the meeting overflow rooms, Conference Rooms 1417 and 1411. Individuals will also be able to view the meeting via NIH Videocast. Select the following link for Videocast access instructions: *http://www.nichd.nih.gov/about/advisory/nachhd/Pages/virtual-meeting.aspx.*

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/advisory/council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 13, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–17717 Filed 8–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0481]

Great Lakes Pilotage Advisory Committee; Meeting

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Great Lakes Pilotage Advisory Committee will meet in Port

Huron, Michigan, to discuss Committee matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies. The meeting will be open to the public.

DATES: *Meeting:* The Great Lakes Pilotage Advisory Committee will meet on Thursday, September 12, 2019, from 8 a.m. to 5:30 p.m. EDT. Please note that this meeting may adjourn early if the Committee has completed its business.

Comments and supporting documents: To ensure your comments are received by Committee members before the meeting, submit your written comments no later than August 30, 2019.

ADDRESSES: The meeting will be held at the Great Lakes Maritime Center, 51 Court Street, Port Huron, MI 48060.

Pre-registration Information: Pre-registration is not required for access. All attendees will be required to provide a government-issued picture identification card in order to gain admittance to the building.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than August 30, 2019. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include the words ''Department of Homeland Security'' and the docket number USCG–0481. Written comments may also be submitted using the Federal e-Rulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review the Privacy and Security Notice for the Federal Docket Management System at *https://www.regulations.gov/privacyNotice.*

Docket Search: For access to the docket or to read documents or comments related to this notice, go to *http://www.regulations.gov,* and use ''USCG–2019–0481'' in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Engleman Conners, Alternate Designated Federal Officer of the Great Lakes Pilotage Advisory Committee, email *Ellen.EnglemanConners@uscg.mil* or telephone (202) 578–2815.

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the Federal Advisory Committee Act, Title 5, U.S.C. Appendix. The Great Lakes Pilotage Advisory Committee is established under the authority of 46 U.S.C. 9307, and makes recommendations to the Secretary of Homeland Security and the Coast Guard on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.

Agenda

The Great Lakes Pilotage Advisory Committee will meet on Thursday, September 12, 2019 to review, discuss, deliberate and formulate recommendations, as appropriate, on the following topics:

1. Status of GLPAC Member Terms & Appointments
2. Rulemaking Update
3. SeaPro Demonstration
4. Rulemaking Methodology
   a. Traffic Projections & Methodology
   b. Separate Rates for voluntary pilotage
   c. Use of Financial Information in Rate-setting
   d. Current Pilot Workforce Levels
   e. Transparency Improvements
   f. Training expenditures/investments
5. Dispatch Procedures
   a. Current
   b. Cruise Ship Impact and Tanker Proposal
6. Pilot Association Projects and Updates
7. Stakeholder Engagement
8. GAO Report Update
9. Cost Control and Efficiency Study
10. Coast Guard Maritime Safety Risk Study
11. Amending Designated Waters
12. Canadian Pilotage Reform Legislation
13. Legal Fees
14. Public Comments

A copy of all meeting documentation will be available at *https://dco.uscg.afpims.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Marine-Transportation-Systems-CG-5PW/Office-of-Waterways-and-Ocean-Policy/Office-of-Waterways-and-Ocean-Policy-Great-Laskes-Pilotage-Div/* by August 30, 2019. Alternatively, you may contact Ms. Ellen Engleman Conners as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Public comments or questions will be taken throughout the meeting as the Committee discusses the issues and prior to deliberations and voting. There will also be a public comment period at the end of the meeting. Speakers are requested to limit their comments to 5 minutes. Please note that the public comment period will end following the last call for comments. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above, to register as a speaker.

Dated: August 12, 2019.

Michael D. Emerson,

Director, Marine Transportation Systems.

[FR Doc. 2019–17739 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0262]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0056

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the collection of information classified under OMB Control Number 1625–0056; without change. This collection of information is used for issuing vessel serial numbers and lables for the following: Hull Identification Numbers; U.S. Cast Guard Maximum Capacities; Gasoline Fuel Tank; USCG Type Fuel Hose and Certified Navigation Light Labels. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before October 18, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0262] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

In response to your comments, we may revise the this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0262], and must be received by October 18, 2019.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Labeling required in 33 CFR parts 181 and 183 and 46 CFR 25.10–3.

OMB Control Number: 1625–0056.

Summary: Parts 181 and 183 of Title 33, Code of Federal Regulations and 46 CFR 25.10–3 contain the regulations and safety standards authorized by the statutes which apply to manufacturers of recreational boats, un-inspected commercial vessels and associated equipment. The requlations and safety standards contain information colletions, which require boat and associated equipment manufacturers, importers and the boating public to apply for serial numbers and to display various labels evidencing compliance: Hull Identification Numbers; U.S. Coast Guard Maximum Capacities Label; Gasoline Fuel Tank Label; USCG Type Fuel Hose Label; and Certified Navigation Light Label.

Need: Title 46 U.S.C. 4302(a)(3) gives the Coast Guard the authority to require the display of seals, labels, plates, insignia, or other devices for certifying or evidencing compliance with safety regulations and standards of the United States Government for recreational vessels and associated equipment.

Forms: CG–9070, Application for Manufacturer Identification Code (MIC).

Respondents: Manufacturers of boats, fuel tanks, fuel hoses and navigation lights.

Frequency: Once.

Hour Burden Estimate: The estimated burden has increased from 204,996 hours to 216,144 hours a year, due to the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: August 13, 2019.

James D. Roppel,

U.S. Coast Guard, Chief, Office of Information Management.

[FR Doc. 2019–17738 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0348]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0037

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0037, Certificates of Compliance, Boiler/Pressure Vessel Repairs, Cargo Gear Records, Shipping Papers, and NFPA 10 Certificates; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before September 18, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0348] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: OIRA-submission@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2019–0348], and must be received by September 18, 2019.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0037.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (84 FR 24532, May 28, 2019) required by 44 U.S.C. 3506(c)(2). That notice elicited one comment. The comment was supportive of the ICR. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Certificates of Compliance, Boiler/Pressure Vessel Repairs, Cargo Gear Records, Shipping Papers, and NFPA 10 Certificates.

OMB Control Number: 1625–0037.

Summary: This information is needed to enable the Coast Guard to fulfill its responsibilities for maritime safety under Title 46, U.S. Code.

Need: Title 46 U.S. Code 3301, 3305, 3306, 3702, 3703, 3711, and 3714 authorizes the Coast Guard to establish marine safety regulations to protect life, property, and the environment. These regulations are prescribed in Title 46 Code of Federal Regulations.

Forms: CG–3585, Certificate of Compliance; CG–5437A, Port State Control Report of Inspection—Form A; CG–5437B, Port State Control Report of Inspection—Form B.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 14,793 hours to 18,703 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: August 13, 2019.

James D. Roppel,

U.S. Coast Guard, Chief, Office of Information Management.

[FR Doc. 2019–17712 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0703]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–NEW

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for the following collection of information: 1625–NEW, Intermodal Container Inspection Program. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before October 18, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0703] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *https://*

www.regulations.gov. Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

In response to your comments, we may revise the this ICR or decide not to seek approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0703], and must be received by October 18, 2019.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Intermodal Container Inspection Program.

OMB Control Number: 1625–NEW.

Summary: The Coast Guard inspects containers and cargo within containers to ensure compliance with domestic and international standards. Coast Guard-issued forms provide stakeholders with the results of container examinations.

Need: Under the National Container Inspection Program, Coast Guard personnel inspect intermodal containers and cargo within containers to ensure compliance with applicable regulations and to promote maritime safety, security, and stewardship for U.S. ports and waterways. Specifically, the Coast Guard inspects containers for compliance with the—

- Federal Hazardous Materials Transportation Law,
- International Safe Container Act, and
- International Maritime Dangerous Goods Code.

Forms: CG–5577, Intermodal Container Inspection Report; CG–5577A, Intermodal Container Non-Deficiency Inspection Report; CG–5577B, Intermodal Container Targeted Inspection Report.

Respondents: Operators of container facilities.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden is 625 hours annually.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: August 13, 2019.

James D. Roppel,

U.S. Coast Guard, Chief, Office of Information Management.

[FR Doc. 2019–17737 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0261]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0067.

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting: An extension of its approval for the following collection of information: 1625–0067, Claims under the Oil Pollution Act of 1990; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before September 18, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0261] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: OIRA-submission@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN:

PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE. SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2019–0261], and must be received by September 18, 2019.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0067.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (84 FR 24531, May 28, 2019) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Claims under the Oil Pollution Act of 1990.

OMB Control Number: 1625–0067.

Summary: This information collection provides the means to develop and submit a claim to the National Pollution Funds Center to seek compensation for removal costs and damages incurred resulting from an oil discharge or substantial threat of discharge. This collection also provides the requirements for a responsible party to advertise where claims may be sent after an incident occurs.

Need: This information collection is required by 33 CFR part 136, for implementing 33 U.S.C. 2713(e) and 33 U.S.C. 2714(b).

Forms: None.

Respondents: Claimants.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 9,370 hours to 2,620 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: August 13, 2019.

James D. Roppel,

U.S. Coast Guard, Chief, Office of Information Management.

[FR Doc. 2019–17707 Filed 8–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

New Date for the October 2019 Customs Broker's License Examination

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 has changed the date on which the semi-annual examination for an individual broker's license will be held in October 2019.

DATES: The customs broker's license examination scheduled for October 2019 will be held on Thursday, October 17, 2019.

FOR FURTHER INFORMATION CONTACT: Randy Mitchell, Director, Commercial Operations, Revenue and Entry, Office of Trade, (202) 325–6532, or *brokermanagement@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), provides that a person (an individual, corporation, association, or partnership) must hold a valid customs broker's license and permit in order to transact customs business on behalf of others, sets forth standards for the issuance of brokers' licenses and permits, and provides for the taking of disciplinary action against brokers that have engaged in specified types of infractions. This section also provides that an examination may be conducted to assess an applicant's qualifications for a license.

The regulations issued under the authority of section 641 are set forth in Title 19 of the Code of Federal Regulations, part 111 (19 CFR 111). Part 111 sets forth the regulations regarding the licensing of, and granting of permits to, persons desiring to transact customs business as customs brokers. These

regulations also include the qualifications required of applicants and the procedures for applying for licenses and permits. Section 111.11 of the CBP regulations (19 CFR 111.11) sets forth the basic requirements for a broker's license, and in paragraph (a)(4) of that section provides that an applicant for an individual broker's license must attain a passing grade (75 percent or higher) on a written examination.

Section 111.13 of the CBP regulations (19 CFR 111.13) sets forth the requirements and procedures for the written examination for an individual broker's license and states that written customs broker's license examinations will be given on the fourth Wednesday in April and October unless the regularly scheduled examination date conflicts with a national holiday, religious observance, or other foreseeable event.

Due to an unforeseen impediment to optimal conditions for administering the test, CBP has decided to change the regularly scheduled date of the examination. This document announces that CBP has scheduled the October 2019 customs broker's license examination for Thursday, October 17, 2019.

Dated: August 12, 2019.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2019–17780 Filed 8–16–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–36]

60-Day Notice of Proposed Information Collection: Single Family Premium Collection Subsystem-Upfront (SFPCS–U)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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 an additional 30 days of public comment.

DATES: *Comments Due Date:* September 18, 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: Natalia Yee, Director, Single Family Insurance Operations Division, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email or telephone 202–402–3506. 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.

The **Federal Register** notice that solicited public comments on the information for a period of 60 days was published on May 22, 2019.

A. Overview of Information Collection

Title of Information Collection: Single Family Insurance Premium Collection Subsystem—Upfront (Lender Assistance).

OMB Approval Number: 2502–0423.

Type of Request: Revision.

Form Number: None.

Description of the need for the information and proposed use: To continue to collect MIP information and improve customer service and FHA lender portfolio management capabilities.

Respondents: Business or other for profit.

Estimated Number of Respondents: 3153.

Estimated Number of Responses: 27,718.

Frequency of Response: 12 per year/monthly.

Average Hours per Response: .15.

Total Estimated Burdens: 4,157 hours.

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.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: August 7, 2019.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–17823 Filed 8–16–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7015–N–08]

60-Day Notice of Proposed Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, 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 18, 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: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Room 3178, Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

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: Family Report, MTW Family Report, MTW Expansion Family Report.

OMB Approval Number: 2577–0083.

Type of Request: Revision of a currently approved collection.

Form Number: Form HUD–50058 Family Report, HUD–50058 MTW Family Report, Form HUD–50058 MTW Expansion Family Report.

Description of the need for the information and proposed use: The Office of Public and Indian Housing of the Department of Housing and Urban Development (HUD) provides funding to public housing agencies (PHAs) to administer assisted housing programs. Form HUD–50058, Form HUD–50058 MTW, and Form HUD–50058 MTW Expansion Family Reports solicit demographic, family profile, income and housing information on the entire nationwide population of tenants residing in assisted housing. The information collected through the Form HUD–50058 will be used to monitor and evaluate the Public Housing, Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers, and Section 8 Moderate Rehabilitation programs. The information collected through the Form HUD–50058 MTW will be used to monitor and evaluate current MTW PHAs participating in the Moving to Work (MTW) Demonstration program which includes Public Housing, Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers, and Moving to Work (MTW) Demonstration programs. The information collected through the Form HUD–50058 MTW Expansion will be used to monitor and evaluate the expansion MTW PHAs (PHAs designated as MTW pursuant to the 2016 Expansion Statute) that are participating in the MTW Demonstration program, which includes Public Housing, Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers, Local Non-Traditional Property-Based, and Local, Non-Traditional Tenant-Based programs.

Tenant data is collected to understand demographic, family profile, income, and housing information for participants in the Public Housing, Section 8 Housing Choice Voucher, Section 8 Project Based Certificate, Section 8 Moderate Rehabilitation, and MTW Demonstration programs. This data also allows HUD to monitor the performance of programs and the performance of public housing agencies that administer the programs.

Reason for PRA

No changes have been made to the Forms HUD–50058 Family Report and HUD–50058 MTW Family Report. HUD is seeking comments for the new Form HUD–50058 MTW Expansion, which is a derivative of the HUD–50058 and HUD–50058 MTW, to collect data from the MTW expansion PHAs. As with the HUD–50058 and HUD–50058 MTW, this data will be used to understand demographic, family profile, income, and housing information. It will also be used to evaluate the MTW expansion agencies, as required by statute, according to the specific evaluation criteria set forth for each cohort that PHAs are being admitted to the MTW program.

Most of the data elements on the Form HUD–50058 MTW Expansion are from the HUD–50058 and HUD–50058 MTW and are being utilized with no changes. There are some data elements, however, that have been changed, removed, or added from their original content to meet the needs of the MTW expansion data collection and evaluation. Those items are outlined below. The items noted below are only applicable to MTW expansion PHAs submitting the Form HUD–50058 MTW Expansion.

Line Additions

- *Line 1h, Unit Real Estate ID Number:* This is for the unique identifier that each unit will be assigned in the PIC system so that units can be identified and tracked even if they change programs (*i.e.,* through a RAD conversion a public housing unit becomes a project-based voucher unit).
- *Line 2w, End of participation reasons:* This data will assist PHAs and HUD determine and track the reasons why families are ending participation in the PHA's program if the PHA is submitting an End of Participation action type.
- *Line 8u, Total allowances determined by PHA:* PHAs utilizing waivers outlined in the MTW Operations Notice should use this line to report the total amount of allowances that will later be used in the calculation of the family's adjusted annual income. This line will also be used when a family is a participant in the for Local, Non-Traditional Property-Based or Local, Non-Traditional Tenant-Based programs. This line was added since line 8x, Total allowances, cannot be used in these instances.
- *Line 10v, Date over-income family exceeded the two-year grace period:* Added to capture the date an over-income family exceeded the two-year grace period outlined in Housing Opportunity Through Modernization Act of 2016 (HOTMA) and related guidance and must begin paying over-income rent. This is added to assist PHAs in tracking this information for each family.
- *Line 10w, Alternate tenant rent:* PHAs will use this line to record the amount of rent paid by a family if one of the alternate types of rent is selected in line 10u, Type of rent selected.
- *Lines 11u and 11ap, MTW specific alternate rent type:* Will be used to indicate the MTW specific alternate rent type the family's rent is determined by if the family's rent is not calculated using the standard rent calculation detailed on the form. Can be used for the Local, Non-Traditional Property-Based program if one of these alternate rent types is applicable. Line 11ap is only for used for prorated assistance for mixed families is used in conjunction with line 11aq.
- *Lines 11v and 11aq, Alternate tenant rent:* PHAs will use this line to record the amount of rent paid by a family member if one of the alternate rent types is selected in line 11u, MTW specific alternate rent type, or if the family is participating in the for the Local, Non-Traditional Property-Based program. Line 11aq is only for used for prorated assistance for mixed families is used in conjunction with line 11ap.
- *Lines 12x and 12ak, MTW specific alternate rent type:* Will be used to indicate the MTW specific alternate rent type the family's rent is determined by if the family's rent is not calculated using the standard rent calculation

detailed on the form. Can be used for the Local, Non-Traditional Tenant-Based program if one of these alternate rent types is applicable. Line 12ak is only for used for prorated assistance for mixed families and is used in conjunction with line 12am.

• *Lines 12y and 12am, Alternate tenant rent:* PHAs will use this line to record the amount of rent paid by a family member if one of the alternate rent types is selected in line 12x, MTW specific alternate rent type, or if the family is participating in the for the Local, Non-Traditional Tenant-Based program. Line 12am is only for used for prorated assistance for mixed families is used in conjunction with line 12ak.

• *Lines 17p through 17r, MTW Self-Sufficiency Program section:* These lines allow PHAs to report MTW self-sufficiency participation data and remain unchanged from the HUD–50058 MTW.

Line Changes and Removals

• *Line 1c, Program:* Utilized the program type codes from the HUD–50058 MTW with the exceptions listed below. These program codes are more specific than the HUD–50058 program codes and allow for differentiation of tenant-based and project-based assistance, which are both under the VO (Voucher) code on the HUD–50058.

○ Local, Non-Traditional Homeownership is not applicable in the MTW expansion.

○ Clarified that Local, Non-Traditional Assistance is tenant-based.

○ Added Local, Non-Traditional Property-Based so that tenant-based and property or project-based assistance can be easily determined.

• *Line 2a, Type of action:* Removed the selection for Historical Adjustment. Due to improvements in PIC, PHAs should no longer need to utilize this action type. This action type was originally meant to assist in capturing data that would serve as a baseline for a household when there was no data in PIC after the initial migration to PIC.

• *Line 2m, Special program:* Removed the selection for Welfare to Work Voucher since this program no longer exists.

• *Line 2v, MTW self-sufficiency program participation now or in last year:* This line was on the HUD–50058 MTW as line 2m. Line 2m is already in use on the HUD–50058 so assigned the next available line number.

• *Line 3g, Gender:* The title of this line was changed from ''Sex'' to ''Gender'' and an additional response code was added. Many PHAs have requested a response of ''X'' be allowed due to many localities issuing gender neutral identification cards.

• *Line 4f, Is there a HUD approved income targeting disregard:* This line was removed since it was only applicable to the Welfare to Work (WtW) program.

• *Line 8x, Total allowances:* This line reflects that it is to be used if the new line 8u, Total allowances determined by PHA, is not be used and that it is not used for the two Local, Non-Traditional programs.

• *Line 8y, adjusted annual income:* This line reflects the addition of line 8u, Total allowances determined by PHA, in the calculation of the adjusted annual income.

• *Line 10c, Income based ceiling rent:* This line was removed since ceiling rents are no longer used.

• *Line 10u, Type of rent selected:* A section for alternate rent types has been added and includes six selections. All of the selections except ''Over-income rent'' are specific to the MTW program. Over-income rent was added to allow PHAs to indicate if a family has exceeded the over-income limit for two consecutive years and is subject to higher rent.

• *Line 11d, Did family move into your PHA jurisdiction under portability, line 11e, Cost billed per month, and line 11f, PHA code billed:* These lines were removed. Per 24 CFR 983.261 the family may request to move under portability, but must first receive a tenant-based voucher. PHAs must change the voucher type on the 50058 submission to reflect this prior to submitting a Portability Move-out action type.

• *Line 17a, Participate in special programs:* The reference to Welfare to Work Voucher was removed and replaced by MTW self-sufficiency. This will allow PHAs to indicate if the household is a participant in one or both programs.

• *Line 17e, MTW self-sufficiency report category, line 17f, MTW self-sufficiency effective date, and 17g, PHA code of PHA administering MTW self-sufficiency contract:* These items are unchanged from the HUD–50058 MTW and replaced the Welfare to Work (WtW) content on these lines.

• *Line 17i, FSS family services table:* Clarified that this table is to only be used for FSS participants.

• *Line 17n, MTW self-sufficiency Contract Information:* This replaces the Welfare to Work (WtW) program information line.

Many of the PIC system validations (errors) for Sections 8 through 15 of the form, which deal with allowances and rent calculation, will either be relaxed from fatal errors to warnings or may be relaxed completely. A full list of system validations and Technical Reference Guide will be published at a later date. Additional information on the MTW expansion can be found on the MTW website at *https://www.hud.gov/mtw.*

Respondents (i.e., affected public): Public Housing Agencies, State and local governments, individuals and households.

Information collection	Number of respondents (PHA) (with responses)	* Average number of reponses per respondent (with responses)	Total annual responses	Minutes per response	Total hours	Regulatory reference (24 CFR) * see attached
Form HUD–50058, New Admission	4,014	87	349,218	40	232,812	908.101
Form HUD–50058, Recertification	4,014	583	2,340,162	20	780,054	908.101
Form HUD–50058, MTW, New Admission	39	529	20,631	40	13,754	908.101
Form HUD–50058, Recertification, MTW	39	4,018	156,702	20	52,234	908.101
Form HUD–50058, MTW Expansion, New Admission	100	87	8,700	40	5,800	908.101
Form HUD–50058, Recertification, MTW Expansion	100	583	58,300	20	19,433	908.101
Totals	4,153		2,933,713		1,104,087	

** Average Number of Responses per Respondents = Total Annual Responses/Number of Respondents.*

Estimated annualized hourly cost to respondents (PHA); Form HUD–50058: To report using Form HUD–50058 Family Report, it will cost the average PHA $1,015.00 annually to enter and submit all data for New Admission and $3,400.83 annually for Recertification.

Estimated annualized hourly cost to respondents (PHA); Form HUD–50058 MTW: To report using Form HUD–50058 Family Report, it will cost the average PHA $6,171.67 annually to enter and submit all data for New Admissions and $23,438.33 annually for Recertification.

Estimated annualized hourly cost to respondents (PHA); Form HUD–50058 MTW Expansion: To report using Form HUD–50058 Family Report, it will cost the average PHA $1,015.00 annually to enter and submit all data for New Admissions and $3,400.78 annually for Recertification.

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.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: August 8, 2019.

Merrie Nichols-Dixon,

Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2019–17835 Filed 8–16–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[RR01010000, XXXR0680U4, RP.52225010.5395004]

Columbia River Treaty Negotiations With Canada

AGENCY: Bureau of Indian Affairs, Bureau of Reclamation; Interior.

ACTION: Notice of Tribal consultation.

SUMMARY: The Department of the Interior (Interior) will be hosting a government-to-government consultation with interested Tribes of the Columbia River basin addressing the ongoing Columbia River Treaty regime modernization negotiations between the United States and Canada.

DATES: A group Tribal consultation session will be held from 9 a.m. to 1 p.m. on August 28, 2019, and individual consultation sessions with Tribes will be held from 1 p.m. to 5 p.m. on August 28, 2019 and from 9 a.m. to 5 p.m. on August 29, 2019. To schedule an individual session, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Written input must be postmarked by September 13, 2019.

ADDRESSES: The Tribal consultation session will be held at the Bonneville Power Administration (BPA) Rates Hearing Room, 1201 Lloyd Blvd., Suite 200, Portland, OR. Please submit any written input to Columbia River Treaty Negotiations with Canada c/o Elizabeth Appel, Office of the Assistant Secretary—Indian Affairs, 1849 C Street NW, MS 4660, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. David Denton, Pacific Northwest Regional Liaison, U.S. Bureau of Reclamation, telephone (202) 513–0671, email: *pnliaison@usbr.gov.*

SUPPLEMENTARY INFORMATION: The Department of the Interior strives for meaningful engagement with the Tribes in the Columbia River basin on the topic of Columbia River Treaty negotiations with Canada. The U.S. Department of State leads negotiations for the United States Government in the negotiations between the United States and Canada to modernize the Columbia River Treaty regime. The Department of State holds periodic consultations with Tribes in the Columbia River basin regarding the negotiations, and also invites representatives from Interior, Bonneville Power Administration, National Oceanic and Atmospheric Administration (NOAA) Fisheries, and the U.S. Army Corps of Engineers. Interior has participated in all of these Tribal consultations. In conjunction with the State Department's periodic consultations with Tribes, the Interior Department will also host a government-to-government consultation with all interested Tribes in the Columbia River Basin addressing the Treaty regime modernization negotiations. Because the State Department leads the U.S. Government's participation in the negotiations, Interior will hold this consultation in concert with the State Department and will invite representatives of the other participating Federal agencies.

As the Secretary of the Interior's delegated representative and lead for many Columbia River basin matters, the office of the Assistant Secretary for Water and Science is hosting this consultation, with assistance from the office of the Assistant Secretary for Indian Affairs. Interior invites interested Tribes in the Columbia River Basin to participate in person or provide written comments, as detailed in the **DATES** and **ADDRESSES** sections of this document.

Dated: July 26, 2019.

Timothy R. Petty,

Assistant Secretary for Water and Science.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–17786 Filed 8–16–19; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDB00100.19XL1109AF.L17110000.PH0000.LXSS024D0000.4500134782]

Notice of Public Meeting, Boise District Resource Advisory Council, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, the Federal Advisory Committee Act of 1972, and the Federal Lands Recreation Enhancement Act of 2004, the U.S. Department of the Interior, Bureau of Land Management (BLM) Boise District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Boise District RAC will meet Thursday, September 5, 2019.

ADDRESSES: The Boise District RAC will meet September 5, 2019, at the BLM Boise District Office, 3948 Development Avenue, Boise, ID 83705. The meeting will begin at 9:00 a.m. and end no later than 5:00 p.m. The public comment period will take place at 12:00 noon.

FOR FURTHER INFORMATION CONTACT: Mike Williamson, RAC Coordinator, Boise District, 3948 Development Avenue, Boise, ID 83705. Telephone: (208) 384–3393. Email: *mwilliamson@blm.gov.* Persons who use a

telecommunications device for the deaf (TDD) may contact Mr. Williamson by calling the Federal Relay Service (FRS) at (800) 877–8339. The FRS is available 24 hours a day, seven days a week, to leave a message or question with Mr. Williamson. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior through the BLM on a variety of planning and management issues associated with public land management in Idaho. The meeting agenda will include discussions of the Four Rivers, Bruneau and Owyhee Field Offices regarding livestock grazing, recreation, fuels projects, and the wild horse program. More information is available at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/Idaho/boise-district-RAC.*

The meeting is open to the public. Persons wishing to make comments during the public comment period should register in person with the BLM by 11:00 a.m. on the meeting day, at the meeting location. Depending on the number of persons wishing to comment, the length of comments may be limited. The public may send written comments to the RAC at the BLM Boise District Office, 3948 Development Avenue, Boise, ID 83705.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the BLM as provided above.

Authority: 43 CFR 1784.4–1.

Lara Douglas,

BLM Boise District Manager.

[FR Doc. 2019–17787 Filed 8–16–19; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLESMO300. L51100000.GA0000.LVEMM12M1670. 12X]

Notice of Federal Competitive Coal Lease Sale, Ohio (Coal Lease Application OHES 057390)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of coal lease sale.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) Eastern States Office is offering coal resources, in lands described below, in Perry and Morgan Counties, Ohio, for competitive sale, by sealed bid, in accordance with the provisions of the Mineral Leasing Act of 1920, as amended.

DATES: The BLM will hold the lease sale at 1:00 p.m., Eastern Time (ET) on September 25, 2019. The BLM Eastern States Office must receive sealed bids on or before 10:00 a.m. ET on September 25, 2019.

ADDRESSES: The BLM will hold the lease sale at the BLM Eastern States State Office, Suite 950, 20 M Street SE, Suite 950, Washington, DC 20003. Bidders must submit sealed bids to the Cashier, BLM Eastern States State Office, at this same address.

FOR FURTHER INFORMATION CONTACT: Sabry Hanna, 202–912–7720 or *shanna@blm.gov.* Persons who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM is holding this sale in response to a Lease By Application (LBA) filed by CCU Coal and Construction, LLC (formerly the Westmoreland Coal Company). The Federal coal reserves to be offered are located in the following-described lands:

Parcel #1 Tract X32,
Section 12, T. 12 N, R. 14 W, Ohio River Survey Meridian, Ohio.
Containing 6.00 acres.
Parcel #2 Tract X76,
Section 24, T. 12 N, R. 14 W, Ohio River Survey Meridian, Ohio.
Containing 10.00 acres.
Parcel #3 Tract X41,
Section 14, T. 12 N, R. 14 W, Ohio River Survey Meridian, Ohio.
Containing 80.00 acres.
Parcel #4 Tract X37,
Section 13, T. 12 N, R. 14 W, Ohio River Survey Meridian, Ohio.
Containing 109.25 acres.
Parcel #5 Tract X38,
Section 13 and Tract X53, Section 24, T.12 N, R. 14 W, Ohio River Survey Meridian, Ohio.
Containing 80.00 acres.
Parcel #6 Tract X35,
Section 18 and Tract X38, Section 19, T.8 N, R. 13 W, Ohio River Survey Meridian, Ohio.
Containing 60.94 acres
Parcel #7 Tract X81,
Section 24, T. 12 N, R. 14 W, Ohio River Survey Meridian, Ohio.
Containing 86.25 acres.

The area is comprised of 7 tracts totaling 432.44 acres located in Morgan and Perry Counties, Ohio, containing an estimated 1.4 million tons of sub-surface mineable Federal coal reserve. The tracts contain one mineable coal bed, the Middle Kittanning No. 6. The Middle Kittanning No. 6 averages approximately 4.33 feet in thickness. The coal quality for the Middle Kittanning No. 6 averages 12,077.5 Btu/lb, 2.67 percent moisture, 14.08 percent ash, 34.49 percent volatile matter, 47.4 percent fixed carbon, and 2.65 percent Sulphur (Figures do not equal 100 percent due to rounding).

The BLM will lease the tract to the qualified bidder of the highest cash amount, provided, that the high bid meets or exceeds the BLM's estimate of the Fair Market Value (FMV) of the tract. The minimum bid established by regulation is $100 per acre or fraction thereof. The minimum bid is not intended to represent FMV. The authorized officer will determine if the bid meets FMV after the sale.

Send sealed bids by certified mail, return receipt requested, or hand deliver them to the Cashier, BLM Eastern States State Office, at the address provided in the **ADDRESSES** section and in an envelope clearly marked, ''Sealed Bid for OHES–57390 Coal Sale—Not to be opened before 1:00 p.m., September 25, 2019.'' The cashier will issue a receipt for each hand-delivered bid. The BLM will not consider bids received after 10:00 a.m. on the day of the sale. If the BLM receives identical high bids, the BLM will request the tying high bidders to submit follow-up sealed bids until the BLM receives a high bid. The tying high bidders must submit all tie-breaking sealed bids within 15 minutes following the sale official's announcement, at the sale, that the BLM has received identical high bids. Prior to lease issuance, the high bidder, if other than the applicant, must pay to the BLM the cost recovery fees in the amount of $26,700, in addition to all processing

costs that the BLM incurs after the date of this sale notice (43 CFR 3473.2).

A lease issued as a result of this offering will provide for payment of an annual rental of $3 per acre, or fraction thereof, and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods and 8 percent of the value of the coal mined by underground methods. We have included bidding instructions for the tract offered and the terms and conditions of the proposed coal lease in the Detailed Statement of Lease Sale. Copies of the statement and the proposed coal lease are available at the Eastern States State Office. Casefile OHES–57390 is also available for public inspection at the Eastern States State Office.

(Authority: 43 CFR 3422.3–2)

Karen E. Mouritsen,

State Director, Eastern States.

[FR Doc. 2019–17794 Filed 8–16–19; 8:45 am]

BILLING CODE 4310–GJ–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1058]

Certain Magnetic Tape Cartridges and Components Thereof; Commission Decision Rescinding the Limited Exclusion Order and the Cease and Desist Orders

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to rescind the limited exclusion order and the cease and desist orders issued in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 1, 2017. 82 FR 25333 (Jun. 1, 2017). The complaint, as amended, was filed by Sony Corporation of Tokyo, Japan; Sony Storage Media Solutions Corporation of Tokyo, Japan; Sony Storage Media Manufacturing Corporation of Miyagi, Japan; Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida (collectively ''Sony''). *Id.* The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain magnetic tape cartridges and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,029,774 (''the '774 patent''); 6,674,596 (''the '596 patent''); and 6,979,501 (''the '501 patent''). *Id.* The notice of investigation named Fujifilm Holdings Corporation of Tokyo, Japan; Fujifilm Corporation of Tokyo, Japan; Fujifilm Media Manufacturing Co., Ltd. of Kanagawa, Japan; Fujifilm Holdings America Corporation of Valhalla, NY; and Fujifilm Recording Media U.S.A., Inc. of Bedford, MA (collectively ''Fujifilm'') as respondents. *Id.* at 25334. The Office of Unfair Import Investigations (''OUII'') was also a party in this investigation. *Id.*

The ALJ found a violation of section 337. Following Commission review, on March 25, 2019, the Commission issued its final determination in the investigation, finding a violation of section 337 as to claims 1, 5–8, 10, 16, and 17 of the '774 patent and claims 1–13 of the '596 patent, and no violation of section 337 as to claims 1, 2, 4–6, and 8 of the '501 patent. 84 FR 11998–12000 (Mar. 29, 2019). An opinion accompanied the notice, and the Commission issued a limited exclusion order and cease and desist orders.

On July 23, 2019, Sony and Fujifilm entered into a Worldwide Resolution Agreement and Patent Cross-License (the ''Agreement''). On July 25, 2019, Sony and Fujifilm jointly petitioned, pursuant to Commission Rule 210.76, 19 CFR 210.76, to rescind the limited exclusion order and the cease and desist orders. The joint petition attached an unredacted confidential version and a redacted public version of the Agreement. On August 5, 2019, OUII filed a response in support of the joint petition.

Having reviewed the joint petition and OUII's response, the Commission finds that the Agreement fully resolves the dispute between Sony and Fujifilm concerning the subject matter of the investigation. The Commission also finds that the joint petition complies with the requirements of Commission Rule 210.76, 19 CFR 210.76. Accordingly, the Commission has determined to rescind the limited exclusion order and the cease and desist orders issued in the investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR 210).

By order of the Commission.

Issued: August 14, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–17766 Filed 8–16–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–405–406 and 408 and 731–TA–899–901 and 906–908 (Third Review)]

Hot-Rolled Steel Products From China, India, Indonesia, Taiwan, Thailand, and Ukraine

Determination

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing duty orders on hot-rolled steel products from India, Indonesia, and Thailand and the antidumping duty orders on hot-rolled steel products from China, India, Indonesia, Taiwan, Thailand, and Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on January 2, 2019 (84 FR 11) and determined on May

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Meredith M. Broadbent not participating.

7, 2019 that it would conduct expedited reviews (84 FR 31099, June 28, 2019).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on August 13, 2019. The views of the Commission are contained in USITC Publication 4942 (August 2019), entitled *Hot-Rolled Steel Products from China, India, Indonesia, Taiwan, Thailand, and Ukraine Investigation Nos. 701–TA–405–406 and 408 and 731–TA–899–901 and 906–908 (Third Review).*

By order of the Commission.
Issued: August 13, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–17693 Filed 8–16–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1116]

Certain Blood Cholesterol Testing Strips and Associated Systems Containing the Same; Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding; Extension of the Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ''), finding a violation of section 337 of the Tariff Act of 1930. The Commission requests briefing from the parties on certain issues under review, as indicated in this notice. The Commission also requests briefing from the parties, interested persons, and government agencies on the issues of remedy, the public interest, and bonding. The Commission has also determined to extend the target date for the completion of the above-captioned investigation to October 21, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 5, 2018, based on a complaint filed by PTS. 83 FR 23087–88. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale after importation within the United States after importation of certain blood cholesterol testing strips and associated systems containing the same by reason of infringement of one or more claims of U.S. Patent Nos. 7,625,721 (''the '721 patent''); 7,625,721 (''the '721 patent''); and 7,494,818 (''the '818 patent''). *Id.* at 26087. The notice of investigation named as respondents ACON Laboratories, Inc. of San Diego, California, and ACON Biotech (Hangzhou) Co., Ltd. of Hangzhou, China (collectively, ''ACON''). The Office of Unfair Import Investigations is not a party to the investigation. *Id.* at 26088.

The Commission subsequently terminated the investigation with respect to claims 10, 13, 14, and 20 of the '397 patent based on PTS's withdrawal of those allegations. *See* Order. No. 7 (Sept. 10, 2018), *not reviewed,* Notice (Sept. 25, 2018); Order No. 10 (Jan. 31, 2019), *not reviewed,* Notice (Feb. 21, 2019). The Commission also terminated the investigation for infringement purposes with respect to claim 17 of the '397 patent; claims 2, 3, 13, and 14 of the '721 patent; and claim 10 of the '818 patent based on PTS's withdrawal of allegations. Order No. 14 (Feb. 14, 2019), *not reviewed,* Notice (Mar. 5, 2019). Finally, the Commission terminated the investigation with respect to claims 1–3, 5, and 18 of the '397 patent and claims 5, 7, and 9 of the '721 patent based on PTS's withdrawal of allegations. Order No. 15 (Mar. 12, 2019), *not reviewed,* Notice (April 9, 2019). Accordingly, at the time of the Final ID, PTS asserted for infringement claim 19 of the '397 patent; claims 1, 4, 6, 8, and 15 of the '721 patent; and claims 8, 9, and 11 of the '818 patent. Final ID at 43.

On February 13, 2019, the ALJ issued an initial determination granting a motion for summary determination that PTS established sufficient investments and activities with respect to the PTS articles protected by the asserted patents to satisfy the domestic industry requirement under section 337(a)(3)(A), (B), and (C) for each of three asserted patents. Order No. 13 (Feb. 13, 2019). No party petitioned for review of the ID, and the Commission declined to review the ID. Notice (Mar. 12, 2019).

On June 4, 2019, the ALJ issued a final ID finding a violation of section 337 with respect to the '397 and '721 patents, and no violation with respect to the '818 patent. The ID found that ACON infringed claim 19 of the '397 patent and claims 1, 4, 6, 7, and 15 of the '721 patent, but does not infringe claims 8, 9, and 11 of the '818 patent. The ID also found that PTS showed that its domestic industry articles practice certain claims of each of the three asserted patents, and that no asserted claims are shown to be invalid by clear and convincing evidence.

On June 17, 2019, ACON petitioned for review of the final ID with respect to the '397 and '721 patents, and contingently petitioned for review of the final ID with respect to the '818 patent. PTS did not file a petition for review, and, on June 25, 2019, PTS filed a response to ACON's petition.

Having examined the record of this investigation, including the final ID, the petition for review, and the responses thereto, the Commission has determined to review the final ID in part. Specifically, the Commission has determined to review the following issues: (1) Whether ACON Laboratories, Inc.'s use of the accused products in the United States constitutes a violation of 19 U.S.C. 1337(a)(1)(B)(i); (2) the final ID's construction of ''reacting HDL . . . without precipitating said one or more non-selected analytes'' in the '721 patent, as well as related findings on infringement, the domestic industry, and invalidity; and (3) the final ID's finding that all of the asserted claims of the '721 patent are not shown to be invalid for a lack of enablement. The Commission has determined not to review any other findings presented in the final ID.

The Commission has also determined to extend the target date for the completion of the investigation until October 21, 2019.

In connection with its review, the Commission is interested in briefing on following issues:

1. Please address whether ACON Laboratories, Inc.'s direct infringement through its use of the accused imported products in the United States is actionable under section 337(a)(1)(B)(i), regardless of any indirect infringement by ACON Biotech (Hangzhou) Co., Ltd. *See* PTS Post-Hearing Initial Br. at 2, n.2. and 4; *Suprema, Inc.* v. *Int'l Trade Comm'n,* 796 F.3d 1338 (Fed. Cir. 2015) (*en banc*); *Certain Electronic Devices with Image Processing Systems, Components Thereof, and Associated Software,* Inv. No. 337–TA–724, Comm'n Op. (Public Version) (Dec. 21, 2011).

2. Please explain whether it is appropriate to construe the claim term ''precipitating'' to mean ''separating a substance or material from a solution,'' with the clarification that ''complexing'' does not constitute ''precipitating'' in the context of the '721 patent.

3. Please explain whether and how the adoption of the above proposed construction of ''precipitating'' would affect the issues of infringement, the domestic industry, and invalidity in this investigation.

4. Please explain whether the specification enables the full scope of claims 1, 4, 6, 8, and 15 of the '721 patent. In your discussion, please address and cite record evidence regarding whether a person of ordinary skill in the art at the time of filing of the application resulting in the '721 patent would be able to practice the claimed invention without undue experimentation using something other than dextran sulfate. Additionally, please explain whether ACON preserved before the ALJ its enablement argument regarding the enablement of the full scope of the claims.

The parties are invited to brief only the discrete issues described above, with reference to the applicable law and evidentiary record. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The Commission requests that the parties to the investigation file written submissions on the issues identified in this notice. The Commission encourages parties to the investigation, interested government agencies, and any other interested parties to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding, which issued on June 4, 2019. The Commission further requests that PTS submit proposed remedial orders, state the date when the '397 and '721 patents expire, provide the HTSUS numbers under which the subject articles are imported, and supply a list of known importers of the subject article. The written submissions, exclusive of any exhibits, must not exceed 50 pages, and must be filed no later than close of business on August 27, 2019. Reply submissions must not exceed 25 pages, and must be filed no later than the close of business on September 3, 2019. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

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 section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1116'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). 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[1], solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 13, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–17692 Filed 8–16–19; 8:45 am]

BILLING CODE 7020–02–P

[1] All contract personnel will sign appropriate nondisclosure agreements.

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committees on the Federal Rules of Appellate, Bankruptcy, and Civil Procedure; Hearings on Proposed Amendments to the Appellate, Bankruptcy, and Civil Rules

AGENCY: Advisory Committees on the Federal Rules of Appellate Bankruptcy, and Civil Procedure, Judicial Conference of the United States.

ACTION: Notice of proposed amendments and open hearings.

The Advisory Committees on Appellate, Bankruptcy, and Civil Rules have proposed amendments to the following rules:

Appellate Rules: 3, 6, 42, and Forms 1 and 2.

Bankruptcy Rules: 2005, 3007, 7007.1, and 9036.

Civil Rule: 7.1.

The text of the proposed rules and the accompanying committee notes, along with the related forms, are posted on the Judiciary's website at: *http://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment.*

All written comments and suggestions with respect to the proposed amendments may be submitted on or after the opening of the period for public comment on August 19, 2019, but no later than February 19, 2020. Written comments must be submitted electronically, following the instructions provided on the website. All comments submitted will be posted on the website and available to the public.

Public hearings are scheduled on the proposed amendments as follows:

- Appellate Rules in Washington, DC, on October 30, 2019, and in Phoenix, AZ, on January 27, 2020;
- Bankruptcy Rules in Kansas City, MO, on January 7, 2020, and in Phoenix, AZ on January 27, 2020; and
- Civil Rules in Washington, DC, on October 28, 2019, and in Phoenix, AZ, on January 27, 2020.

Those wishing to testify must contact the Secretary of the Committee on Rules of Practice and Procedure by email at: *RulesCommittee_Secretary@ao.uscourts.gov,* at least 30 days before the hearing.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Telephone (202) 502–1820.

Dated: August 8, 2019.

Rebecca A. Womeldorf,

Secretary, Committee on Rules of Practice and Procedure, Judicial Conference of the United States.

[FR Doc. 2019–17272 Filed 8–16–19; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until October 18, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tonya Odom, Federal Bureau of Investigation, 935 Pennsylvania Ave. NW, Washington, DC, 20535, 202–324–3000, *atodom@fbi.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the FBI, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New Collection.

2. *The Title of the Form/Collection:* FBI Special Agent Application Process Review Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* ''There is no agency form number for this collection''. The applicable component within the Department of Justice is the FBI.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals; Anyone who has filled out any part of the FBI Special Agent Application in the previous three years will be asked to complete a brief voluntary survey recalling their experience and preparation tactics for the application process. This information is being collected by the Federal Bureau of Investigation for the purpose of improving the ease of the application process, eliminating any systematic barriers to success for applicants, and better understanding how to recruit and retain qualified applicants.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* We estimate roughly 40,000 individuals have applied to the Special Agent position at the FBI in the previous 3 years, we will solicit this entire population to participate in the voluntary survey though it is unlikely all 40,000 WILL respond. The survey will take approximately 10 minutes to complete.

6. *An estimate of the total public burden (in hours) associated with the collection:* 6,667 total hours of public burden, 10 minutes per survey for 40,000 respondents.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: August 14, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–17749 Filed 8–16–19; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0001]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Return A—Monthly Return of Offenses Known to Police and Supplement to Return A—Monthly Return of Offenses Known to Police; Extension of a Currently Approved Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at xx *FR* xxxx, on Month xx, xxxx allowing for a 60 day comment period.

DATES: Comments are encourages and will be accepted for an additional 30 days until September 18, 2019.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Return A—Monthly Return of Offenses Known to Police and Supplement to Return A—Monthly Return of Offenses Known to Police and Supplement of Return A—Monthly Return of Offenses Known to Police.

3. *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: 1–720 and 1–706 Sponsor: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* City, county, state, federal, and tribal law enforcement agencies. Abstract: Under Title 28, U.S. Code 534, Acquisition, Preservation, and Exchange of Identification Records; Appointments of Officials, 1930, this collection requests Part I offense and clearance data, as well as stolen and recovered monetary values of stolen property throughout the United States from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish these statistics in the *Preliminary Semi-Annual Report and Crime in the United States.*

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 18,576 law enforcement agencies within the universe of potential respondents. Based on current reporting patterns, approximately 9,672 law enforcement agency respondents would submit monthly resulting in 116,064 responses with an estimated response time of 7 minutes per response on this form. The remaining 7,027 agencies would provide responses through the National Incident-Based Reporting System covered under a different data collection.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 9,672 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: August 14, 2019.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2019–17752 Filed 8–16–19; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0102]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension, With Change, of a Currently Approved Collection: Prison Population Reports: Summary of Sentenced Population Movement—National Prisoner Statistics

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until October 18, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact E. Ann Carson, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email:

elizabeth.carson@usdoj.gov; telephone: 202–616–3496).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension, with change, of a currently approved collection.

2. *The Title of the Form/Collection:* Summary of Sentenced Population Movement—National Prisoner Statistics.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers for the questionnaire are NPS–1b (Summary of Sentenced Population Movement) and NPS–1B(T) Prisoner Population Report—U.S. Territories. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* For the NPS–1B form, 51 central reporters (one from each state and the Federal Bureau of Prisons) responsible for keeping records on inmates will be asked to provide information for the following categories:

(a) As of December 31, the number of male and female inmates within their custody and under their jurisdiction with maximum sentences of more than one year, one year or less; and unsentenced inmates;

(b) The number of inmates housed in privately operated facilities, county or other local authority correctional facilities, or in other state or Federal facilities on December 31;

(c) Prison admission information in the calendar year for the following categories: New court commitments, parole violators, other conditional release violators returned, transfers from other jurisdictions, AWOLs and escapees returned, and returns from appeal and bond;

(d) Prison release information in the calendar year for the following categories: Expirations of sentence, commutations, other conditional releases, probations, supervised mandatory releases, paroles, other conditional releases, deaths by cause, AWOLs, escapes, transfers to other jurisdictions, and releases to appeal or bond;

(e) Number of inmates under jurisdiction on December 31 by race and Hispanic origin;

(f) Number of inmates under physical custody on December 31 classified as non-citizens of the U.S. with maximum sentences of more than one year, one year or less; and unsentenced inmates;

(g) Number of inmates under physical custody on December 31 who are citizens of the U.S. with maximum sentences of more than one year, one year or less; and unsentenced inmates;

(h) The source of U.S. citizenship data;

(i) Testing of incoming inmates for HIV; and HIV infection and AIDS cases on December 31; and

(j) The aggregated rated, operational, and/or design capacities, by sex, of the state/BOP's correctional facilities at year-end.

For the NPS–1B(T) form, five central reporters from the U.S. Territories and Commonwealths of Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, and American Samoa will be asked to provide information for the following categories for the calendar year just ended, and, if available, for the previous calendar year:

(a) As of December 31, the number of male and female inmates within their custody and under their jurisdiction with maximum sentences of more than one year, one year or less; and unsentenced inmates; and an assessment of the completeness of these counts (complete, partial, or estimated)

(b) The number of inmates under jurisdiction on December 31 but in the custody of facilities operated by other jurisdictions' authorities solely to reduce prison overcrowding;

(c) Number of inmates under jurisdiction on December 31 by race and Hispanic origin;

(d) The aggregated rated, operational, and/or design capacities, by sex, of the territory's/Commonwealth's correctional facilities at year-end.

The Bureau of Justice Statistics uses this information in published reports and for the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* During data collection in 2020, 51 respondents will each take an average of 7 hours to complete the NPS–1B and 5 respondents will each taking an average of 2 hours to respond to the NPS–1B(T) form. Data collection conducted in 2021 and 2022 will require each respondent to spend an average of 6.5 total hours to respond to the NPS–1B form. 5 respondents, each taking an average of 2 hours to respond to the NPS–1B(T) form. The burden estimates are based on feedback from respondents, and the burden for data collected in 2021 and 2022 remains the same as the previous clearance. The burden for data collected in 2020 increased due to the addition of questions disaggregating the number of U.S. citizens in custody by sentence length.

6. *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 1,050 total burden hours associated with this collection for the three years of data collection, or approximately 350 hours for each year.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: August 14, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–17748 Filed 8–16–19; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office on Violence Against Women; Notice of Request for Nominations for New Members for the Task Force on Research on Violence Against American Indian and Alaska Native Women

AGENCY: Office on Violence Against Women, United States Department of Justice.

ACTION: Notice of request for nominations for new members for the Task Force on Research on Violence Against American Indian and Alaska Native Women.

SUMMARY: The Office on Violence Against Women of the U.S. Department of Justice requests recommendations for individuals to serve as members on a federal advisory committee, the Task Force on Research on Violence Against American Indian and Alaska Native Women (Task Force). Recommendations should consist of a cover letter recommending the individual and explaining the individual's qualifications to serve on the Task Force, as well as a copy of the individual's resume or curriculum vitae. Self-recommendations are not accepted. If you would like to make a membership recommendation for this federal advisory committee, please send your recommendation to the email address or contact person listed below.

ADDRESSES: Nominations may be submitted by email to *OVW.taskforce@usdoj.gov* or by mail to: Laura L. Rogers, Acting Director, Office on Violence Again Women, U.S. Department of Justice, 145 N Street NE, Washington, DC 20530 by September 13, 2019.

SUPPLEMENTARY INFORMATION: The Task Force was authorized by Section 904(a)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–162) and is subject to the requirements of the Federal Advisory Committee Act. The Task Force provides advice and recommendations on the development and implementation of a program of research that examines violence against Indian women in Indian Country and Alaska Native villages, including domestic violence, dating violence, sexual assault, stalking, murder, and sex trafficking, and evaluates the effectiveness of federal, state, tribal, and local responses to these crimes.

By statute, Task Force members must be representatives of one of the following entities: Tribal governments; national tribal domestic violence and sexual assault non-profit organizations; or national tribal organizations. Task Force candidates should be nominated by the authorized representative of the listed governments or organizations (*i.e.,* tribal council or executive director). Task Force members are expected to: Attend meetings that usually last 1–2 days; be prepared to discuss materials distributed in advance of each meeting; and draft written recommendations and reports, as necessary. Additional information on the Task Force can be found on the OVW and NIJ websites at: *https://www.justice.gov/ovw/section-904-task-force* and *https://www.nij.gov/topics/tribal-justice/vaw-research/pages/task-force.aspx.*

While OVW has previously solicited and received nominations for new Task Force members, OVW would like to expand OVW's pursuit for experience and expertise and solicit additional nominations for new members to supplement the nominations that OVW has previously received. OVW is particularly interested in individuals with law enforcement, prosecutorial and research experience.

For further information contact: Sherriann C. Moore, Deputy Director for Tribal Affairs, Office on Violence Against Women, United States Department of Justice, 145 N Street NE, Suite 10W.121, Washington, DC 20530.

Dated: August 12, 2019.

Mary E. Powers,

Acting Director, Deputy Director for Policy, Office on Violence Against Women.

[FR Doc. 2019–17776 Filed 8–16–19; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Administrator of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than August 29, 2019.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Administrator, Office of Trade Adjustment Assistance, at the address shown below, not later than August 29, 2019.

The petitions filed in this case are available for inspection at the Office of the Administrator, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, this 22nd day of July 2019.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

Appendix

90 TAA PETITIONS INSTITUTED BETWEEN 6/1/19 AND 6/30/19

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
94865	Klockner Pentaplast (State/One-Stop)	Gordonsville, VA	06/03/19	05/29/19
94866	SwimWays Corporation RE–SENT (State/One-Stop)	Virginia Beach, VA	06/03/19	05/31/19
94867	Qualcomm Technologies, Inc. (State/One-Stop)	San Diego, CA	06/04/19	06/03/19
94868	SAP America (State/One-Stop)	Burlington, MA	06/04/19	06/04/19
94869	State Street Corporation (State/One-Stop)	Jacksonville, FL	06/04/19	06/03/19
94870	Timken Belts (State/One-Stop)	Springfield, MO	06/04/19	06/03/19
94871	Blue Cross and Blue Shield (State/One-Stop)	Eagan, MN	06/05/19	06/04/19
94872	Kern-Liebers Texas, Inc. (Workers)	Pharr, TX	06/05/19	06/04/19
94873	Ossur Engineering (State/One-Stop)	Albion, MI	06/05/19	06/04/19
94874	Adjacent Solutions (State/One-Stop)	Littleton, CO	06/06/19	06/05/19
94875	Celestica LLC (Workers)	San Jose, CA	06/06/19	06/05/19
94876	General Motors Global Propulsion Systems (State/One-Stop)	Pontiac, MI	06/06/19	06/05/19
94877	IBM (State/One-Stop)	Dallas, TX	06/06/19	06/05/19
94878	Kimberly-Clark Corporation (Union)	Fullerton, CA	06/06/19	06/05/19
94879	Kulicke & Soffa, Industries (Company)	Santa Ana, CA	06/06/19	06/05/19
94880	Nitto Automotive (State/One-Stop)	Kansas City, MO	06/06/19	06/05/19
94881	Stratus Video Language Company—Dallas Location (State/One-Stop).	Dallas, TX	06/06/19	06/05/19
94882	ATandT (Workers)	Bellaire, TX	06/07/19	06/03/19
94883	Gray & Company (State/One-Stop)	Dayton, OR	06/07/19	06/05/19
94884	TTM Technologies (Company)	Chippewa Falls, WI	06/07/19	06/07/19
94885	Ricoh (Richmond location) (State/One-Stop)	Richmond, VA	06/10/19	06/07/19
94886	Times Fiber Communications/Amphenol Broadband Solutions (State/One-Stop).	Chatham, VA	06/10/19	06/07/19
94887	Gear Design and Manufacturing/AAM Charleston (Company)	North Charleston, SC	06/11/19	06/10/19
94888	Gunderson LLC/The Greenbrier Companies (State/One-Stop)	Portland, OR	06/11/19	06/10/19
94889	Xerox Corporation (State/One-Stop)	Wilsonville, OR	06/11/19	06/10/19
94890	FCT US LLC (State/One-Stop)	Torrington, CT	06/12/19	06/12/19
94891	International Automotive Components (State/One-Stop)	Iowa City, IA	06/12/19	06/11/19
94892	Seagate Technologies (State/One-Stop)	Valencia, CA	06/12/19	06/11/19
94893	U.S Bank (State/One-Stop)	Irvine, CA	06/12/19	06/11/19
94894	NTT Data aka Dell aka Transaction Applications Group (State/One-Stop).	Lincoln, NE	06/13/19	06/12/19
94895	Vista Del Mar Medical Group Inc. (State/One-Stop)	Oxnard, CA	06/13/19	06/12/19
94896	AT&T (State/One-Stop)	Houston, TX	06/14/19	06/13/19
94897	Ditech Holding Corporation (State/One-Stop)	Rapid City, SD	06/14/19	06/13/19
94898	Legend 3D VR VFX (State/One-Stop)	Los Angeles, CA	06/14/19	06/13/19
94899	Les Lunes (State/One-Stop)	Healdsburg, CA	06/14/19	06/11/19
94900	Nuance Communications, Inc. (State/One-Stop)	Agoura Hills, CA	06/14/19	06/13/19
94901	Parker Hannifin (State/One-Stop)	Kennett, MO	06/14/19	06/13/19
94902	Symantec (State/One-Stop)	Mountain View, CA	06/14/19	05/23/19
94903	Tahari ASL, LLC (State/One-Stop)	Millburn, NJ	06/14/19	10/30/18
94904	AARCO at Ikea Industry Danville (State/One-Stop)	Ringgold, VA	06/17/19	06/14/19
94905	Cameron (a Schlumberger Company) (Company)	Duncan, OK	06/17/19	06/14/19
94906	General Motors Milford Proving Ground (Workers)	Milford, MI	06/17/19	06/16/19
94907	Liberty Mutual Group Inc. (State/One-Stop)	Springfield, MA	06/17/19	06/14/19
94908	SmartFocus US Inc. (State/One-Stop)	Bellevue, WA	06/17/19	06/12/19
94909	The Safariland Group (State/One-Stop)	Ontario, CA	06/17/19	06/14/19
94910	AEP Service Corporation (Workers)	Tulsa, OK	06/18/19	06/17/19
94911	Fidelity Information Services (State/One-Stop)	Woodbury, MN	06/18/19	06/17/19
94912	Halliburton Energy Services (State/One-Stop)	Duncan, OK	06/18/19	06/17/19
94913	RR Donnelley (State/One-Stop)	Wichita, KS	06/18/19	06/17/19
94914	BrassCraft Manufacturing Co. (State/One-Stop)	Swedesboro, NJ	06/19/19	06/18/19
94915	Kelly Services (onsite at Dow Chemical) (Workers)	Midland, MI	06/19/19	06/18/19
94916	United Healthcare (State/One-Stop)	Minnetonka, MN	06/19/19	06/18/19
94917	Johnny Appleseed, Inc. Div. of Blue Strem Brands (State/One-Stop).	Middleton, MA	06/20/19	06/19/19
94918	Commemorative Brands, Inc. (Company)	Austin, TX	06/21/19	06/20/19
94919	Flexsteel Industries (State/One-Stop)	Riverside, CA	06/21/19	06/20/19
94920	Molina Healthcare (State/One-Stop)	Glen Allen, VA	06/21/19	06/18/19
94921	North American Mold Technology (State/One-Stop)	Danville, VA	06/21/19	06/20/19
94922	Oak Valley Robbinsville (Workers)	Robbinsville, NC	06/21/19	06/20/19
94923	Theis Precision Steel LLC (State/One-Stop)	Bristol, CT	06/21/19	06/20/19
94924	WestRock (State/One-Stop)	Amsterdam, NY	06/21/19	06/20/19
94925	AEP Service Corporation (Workers)	Tulsa, OK	06/24/19	06/23/19
94926	Beyondsoft Corporation (HP Printer) (State/One-Stop)	Vancouver, WA	06/24/19	06/20/19
94927	CCPI Inc. (State/One-Stop)	Blanchester, OH	06/24/19	06/21/19
94928	Intel Corporation (Workers)	Eau Claire, WI	06/24/19	06/21/19
94929	Muzak LLC d.b.a. Mood Media (Workers)	Austin, TX	06/24/19	06/21/19
94930	Trouw Nutrition USA (State/One-Stop)	Willmar, MN	06/24/19	06/21/19
94931	Artech (State/One-Stop)	Morristown, NJ	06/25/19	01/18/19

90 TAA PETITIONS INSTITUTED BETWEEN 6/1/19 AND 6/30/19—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
94932	DunAn Precision Manufacturing Inc. (State/One-Stop)	Memphis, TN	06/25/19	06/24/19
94933	Jernberg Industries (State/One-Stop)	Chicago, IL	06/25/19	06/24/19
94934	Kimberly-Clark Corporation (State/One-Stop)	Conway, AR	06/25/19	06/24/19
94935	Providence St. Joseph Health (State/One-Stop)	Portland, OR	06/25/19	06/24/19
94936	R1 Revenue Cycle Management (State/One-Stop)	Austin, TX	06/25/19	06/24/19
94937	Tech Mahindra Americas Inc. for AT&T (State/One-Stop)	Plano, TX	06/25/19	06/24/19
94938	The Invivo Corporation (State/One-Stop)	Gainesville, FL	06/26/19	06/25/19
94939	Bulk Handling Systems (State/One-Stop)	Eugene, OR	06/26/19	06/25/19
94940	Georgia-Pacific (State/One-Stop)	Crossett, AR	06/26/19	06/25/19
94941	Delta Air Lines Inc. (State/One-Stop)	Atlanta, GA	06/26/19	06/25/19
94942	Cisco Systems Inc. (State/One-Stop)	San Jose, CA	06/26/19	06/25/19
94943	Stimson Lumber (State/One-Stop)	Gaston, OR	06/26/19	06/25/19
94944	AIG (Workers)	New York, NY	06/26/19	06/25/19
94945	Arconic Mill Products (State/One-Stop)	Lancaster, PA	06/27/19	06/26/19
94946	AT&T Services, Inc. (State/One-Stop)	St. Louis, MO	06/27/19	06/26/19
94947	Conair Corporation (Company)	Glendale, AZ	06/27/19	06/26/19
94948	Falcon Transport Company (State/One-Stop)	La Vergne, TN	06/27/19	06/26/19
94949	Fuller Packaging, Inc. (State/One-Stop)	Central Falls, RI	06/27/19	06/26/19
94950	AT&T Voice (State/One-Stop)	Piscataway, NJ	06/28/19	06/27/19
94951	Bank of New York Mellon (State/One-Stop)	Pittsburgh, PA	06/28/19	06/27/19
94952	PepsiCo (Frito-Lay North America Inc.) (State/One-Stop)	Dallas, TX	06/28/19	06/27/19
94953	Precision Wood Manufacturing (State/One-Stop)	Bay City, OR	06/28/19	06/27/19
94954	Union Underwear dba Fruit of the Loom (Workers)	Bowling Green, KY	06/28/19	06/27/19

[FR Doc. 2019–17701 Filed 8–16–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *June 1, 2019 through June 30, 2019.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path:

(i) the sales or production, or both, of such firm, have decreased absolutely;

AND (ii and iii below)

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i) (I) There has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm;

AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section

222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4));

AND

(3) either-

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e))must be met, by following criteria (1), (2), and (3) as follows:

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1)of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C)of paragraph (1) is published in the **Federal Register**;

AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,457	General Motors Detroit-Hamtramck Assembly, Aramark	Detroit, MI	March 3, 2019.
94,457A	PSI Services, General Motors Detroit-Hamtramck Assembly	Detroit, MI	January 15, 2018.
94,457B	General Motors Subsystems Manufacturing, LLC	Detroit, MI	March 3, 2019.
94,561	Corry Forge Company, Ellwood Group Inc., Express Employment	Corry, PA	February 22, 2018.
94,592	Entergy Nuclear Operations, Inc., Pilgrim Nuclear Power Station, Guidant Group, MBO Partners, Day & Zimmerman.	Plymouth, MA	March 5, 2018.
94,602	Parker Hannifin Corporation, O-Ring and Engineered Seals Division, Manpower.	Lynchburg, VA	March 7, 2018.
94,737	LaMont Limited, Stephen A. Fausel, Temp Associates, QPS Employment Group.	Burlington, IA	April 17, 2018.
94,760	Imagination International Inc.	Eugene, OR	April 26, 2018.
94,771	Verso Luke LLC, Luke Mill, Verso Corporation, Kelly Services, ProLogistix	Luke, MD	April 30, 2018.
94,771A	Verso Luke LLC, Beryl Woodyard, Verso Corporation	Beryl, WV	April 30, 2018.
94,771B	Verso Luke LLC, Verso Corporation, ProLogistix	Piedmont, WV	April 30, 2018.
94,771C	Verso Luke LLC, Keyser Warehouse, Verso Corporation	Keyser, WV	April 30, 2018.
94,771D	Verso Luke LLC, Beverly Woodyard, Verso Corporation	Beverly, WV	April 30, 2018.
94,771E	Verso Luke LLC, Luke Converting Facility, Verso Corporation	McCoole, MD	April 30, 2018.
94,777	Amsted Rail Company, Inc., Amsted Industries, Partners Personnel, Express Employment, etc.	Granite City, IL	May 24, 2019.
94,777A	Aerotek Professional Services, Beacon Hill Staffing, Robert Half, K-Force, Sitex, Insight Global, Amsted Rail Company, Amsted Industries.	Granite City, IL	May 2, 2018.
94,851	Woodcrest Manufacturing, Inc	Peru, IN	May 24, 2018.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,348	Carestream Health, Inc	Rochester, NY	November 19, 2017.
94,466	BNY Mellon, Application Development, The Bank of New York Mellon Corporation, etc.	Jersey City, NJ	January 16, 2018.
94,524	FullBeauty Brands Management Services, LLC, Imaging subdivision	New York, NY	February 7, 2018.
94,582	Liberty Mutual Insurance Company, Professional Collaboration Team (PCT), Liberty Mutual Group Inc.	Tigard, OR	March 1, 2018.
94,583	Molina Healthcare Inc., Information Technology Division, WG Consulting, 200 Oceangate.	Long Beach, CA	March 2, 2018.
94,583A	Molina Healthcare Inc., Information Technology Division, WG Consulting, 300 Oceangate.	Long Beach, CA	March 2, 2018.
94,583B	Molina Healthcare Inc., Information Technology Division, WG Consulting, 1500 Hughes Way.	Long Beach, CA	March 2, 2018.
94,583C	Molina Healthcare Inc., Information Technology Division, WG Consulting, 604 Pine Avenue.	Long Beach, CA	March 2, 2018.
94,583D	Molina Healthcare Inc., Information Technology Division, WG Consulting, 605 Pine Avenue.	Long Beach, CA	March 2, 2018.
94,601	GTT Communications, Inc., SMB Division, Veriant Solutions, APEX, Agility Solutions.	Lemont Furnace, PA	March 7, 2018.
94,652	Natera, Inc., Insurance Billing Department, Aerotek, Austin Staffing Inc	Austin, TX	March 20, 2018.
94,654	Resolute FP US, Inc., US Corporate Division, Resolute Forest Products, Xcentri, Manpower.	Catawba, SC	March 13, 2018.
94,655	Lowe's Home Centers, LLC., Lowe's Companies, Inc., Apex System	Kirkland, WA	March 22, 2018.
94,671	Lear Corporation, Structures Division	Morristown, TN	March 27, 2018.
94,682	Bryant Rubber Corp., Kimco	Harbor City, CA	October 21, 2018.
94,682A	Workers Whose Wages Were Reported Through ADP TotalSource-PEO	Harbor City, CA	April 1, 2018.
94,686	Steelhead Manufacturing, Chinook Asia LLC	Lake Oswego, OR	April 2, 2018.
94,687	Consolidated Metco, Express Employment	Etowah, TN	April 3, 2018.
94,693	CSG Systems, Inc., CSG Systems International, Inc	Elkhorn, NE	April 3, 2018.
94,703	Hanesbrands, Inc., Seamless Textiles Division	Humacao, PR	April 4, 2018.
94,708	Alexian Brothers â€" AHS Midwest Regions Co., AMITA Health, Medical Collections, AHS Midwest Management Services.	Lisle, IL	April 8, 2018.
94,712	Highmark Inc., Highmark Health, Benefit Coding Division, Customer Implementation Analyst.	Camp Hill, PA	April 5, 2018.
94,712A	Highmark Inc., Highmark Health, Benefit Coding Division, Customer Implementation Analyst.	Pittsburgh, PA	April 5, 2018.
94,734	Anixter	Glenview, IL	April 16, 2018.
94,762	PayPal, Inc., PayPal Holdings, Inc.	Hunt Valley, MD	April 26, 2018.
94,764	Ross Mould LLC	Washington, PA	May 17, 2019.
94,796	Hubbell Lighting, Inc.—Elgin, Hubbell Incorporated, Manpower, Skyline Staffing, Elite Staffing.	Elgin, IL	May 8, 2018.
94,797	Allianz Global Risks US Insurance Company, N.A., Allianz Global Corporate & Specialty.	Burbank, CA	May 10, 2018.
94,799	Ocwen Loan Servicing LLC, Ocwen Financial Corporation, Contingent	Glendale, CA	May 10, 2018.
94,804	PHH Mortgage Corporation, Ocwen Financial Corporation, Ocwen Loan Servicing, LLC, CSSvSource.	Mount Laurel, NJ	May 10, 2018.
94,809	Web.com Group, Inc., Siris Capital Group, LLC	Spokane, WA	May 8, 2018.
94,820	Kitron Technologies Inc., Manpower	Windber, PA	May 15, 2018.
94,823	AdvanSix Inc., Manpower	Pottsville, PA	May 17, 2018.
94,826	TE Connectivity, Randstad	Berwyn, PA	May 17, 2018.
94,830	U.S. Bank, National Association, Consumer & Business Banking Operations Unit, System Changes, etc..	Owensboro, KY	May 20, 2018.
94,831	Arrow International, Teleflex, Inc., Aerotek, The Agency	Asheboro, NC	June 22, 2019.
94,833	Del Monte Foods, Inc., Del Monte Pacific, Deduction Analyst Department, Pleasant Hill Facility.	Walnut Creek, CA	May 21, 2018.
94,836	Eagle Test Systems Inc., a Teradyne Company, Teradyne, Inc., Artech	Buffalo Grove, IL	May 22, 2018.
94,841	ConAgra Brands, Inc., Global Business Information Services	Cherry Hill, NJ	May 23, 2018.
94,841A	ConAgra Brands, Inc., Global Business Information Services	Parsippany, NJ	May 23, 2018.
94,845	Vesuvius USA	Tyler, TX	September 29, 2019.
94,849	Deluxe Digital Cinema Inc., Deluxe Entertainment Services Group, Deluxe Shared Services, Adecco.	Wilmington, OH	May 24, 2018.
94,855	Columbia Plywood Corporation, Klamath Plywood, Columbia Forest Products, Express Employment Professionals.	Klamath Falls, OR	December 28, 2018.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,795	Columbia Forest Products, All in A Day Temporary Services, Inc. (A.I.D.)	Trumann, AR	December 28, 2018.

The following certifications have been issued. The requirements of Section 222(e) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,387	South Coast Lumber	Brookings, OR	December 28, 2016.
94,656	Alliance Rubber Co., FirstStaff	Hot Springs, AR	February 15, 2018.
94,662	Aleris, Job Giraffe, Chase Professionals	Lincolnshire, IL	February 5, 2018.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for TAA have not been met for the reasons specified.

The investigation revealed that the requirements of Trade Act section 222 (a)(1) and (b)(1) (significant worker total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission), have not been met.

TA–W No.	Subject firm	Location	Impact date
94,543	Epiq, Computer Software and Development Team	Seattle, WA.	
94,642	Maxim Integrated Products, Inc., Compucom Systems, Elevated Resources, Final Phase Systems, etc.	Beaverton, OR.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both), or (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
94,348A	Carestream Health, Inc., Global Customer Care Unit, Datrose, Modis	Rochester, NY.	

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
94,326	C. Cretors & Company, TriNet, Talent Force	Bismarck, MO.	
94,553	Western Digital Technologies Inc., Western Digital Corporation, Hard Disk Drive Research and Development, etc.	Irvine, CA.	
94,555	MACOM Technology Solutions Inc., MACOM Technology Solutions Holdings, Inc.	Ithaca, NY.	
94,555A	MACOM Technology Solutions Inc., MACOM Technology Solutions Holdings, Inc.	Ithaca, NY.	
94,571	Walmart Global Business Services, Walmart, Inc	Derby, KS.	
94,606	The Crown Group Company, Coatings Services, PPG Industries, Inc	Livonia, MI.	
94,616	Bitech, Inc., Performance Bicycle, Advances Sports Enterprises, Inc	Vienna, VA.	
94,616A	Bitech, Inc., Performance Bicycle, Advances Sports Enterprises, Inc	Springfield, VA.	
94,616B	Bitech, Inc., Performance Bicycle, Advances Sports Enterprises, Inc	Reston, VA.	
94,616C	Bitech, Inc., Performance Bicycle, Advances Sports Enterprises, Inc	Charlottesville, VA.	
94,616D	Bitech, Inc., Performance Bicycle, Advances Sports Enterprises, Inc	Virginia Beach, VA.	
94,616E	Bitech, Inc., Performance Bicycle, Advances Sports Enterprises, Inc	Henrico, VA.	
94,618	Kroger Columbus Bakery, The Kroger Co	Columbus, OH.	
94,631	Formation Capital Corporation, U.S., Idaho Cobalt Project, eCobalt Solutions Company.	Salmon, ID.	
94,640	American Tire Distributors, Inc., Wytheville Distribution Center, Workforce Unlimited, LLC.	Wytheville, VA.	
94,650	International Automotive Components (IAC), Manpower, Noonan Group	Greencastle, IN.	
94,668	AT&T Mobility Services LLC, Workforce Operations Division	Oklahoma City, OK.	

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
94,670	Harsco Rail, Ludington Facility, Harsco Corporation	Ludington, MI.	

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA–W No.	Subject firm	Location	Impact date
94,468	MOL (America) Inc., MOL (Americas) Holding, Inc., Mitsui O.S.K. Lines, Ltd.	Woodbridge, NJ.	
94,468A	MOL (America) Inc., MOL (Americas) Holding, Inc., Mitsui O.S.K. Lines, Ltd.	Atlanta, GA.	
94,468B	MOL (America) Inc., MOL (Americas) Holding, Inc., Mitsui O.S.K. Lines, Ltd.	Lombard, IL.	
94,468C	MOL (America) Inc., MOL (Americas) Holding, Inc., Mitsui O.S.K. Lines, Ltd.	Concord, CA.	
94,468D	MOL (America) Inc., MOL (Americas) Holding, Inc., Mitsui O.S.K. Lines, Ltd.	Gardena, CA.	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA–W No.	Subject firm	Location	Impact date
94,610	AT&T, 240 North Meridian	Indianapolis, IN.	
94,649	Gannett Satellite Information Network, LLC, Gannett Co., Inc., Technology Division.	Louisville, KY.	

I hereby certify that the aforementioned determinations were issued during the period of *June 1, 2019 through June 30, 2019.* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 22nd day of July 2019.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2019–17702 Filed 8–16–19; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Post-Initial Determinations Regarding Eligiblity To Apply for Trade Adjustment Assistance

In accordance with Sections 223 and 284 (19 U.S.C. 2273 and 2395) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents Notice of Affirmative Determinations Regarding Application for Reconsideration, summaries of Negative Determinations Regarding Applications for Reconsideration, summaries of Revised Certifications of Eligibility, summaries of Revised Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Negative Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Revised Determinations (on remand from the Court of International Trade), and summaries of Negative Determinations (on remand from the Court of International Trade) regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *June 1st through June 30th 2019.* Post-initial determinations are issued after a petition has been certified or denied. A post-initial determination may revise a certification, or modify or affirm a negative determination.

Notice of Revised Certifications of Eligibility

Revised certifications of eligibility have been issued with respect to cases where affirmative determinations and certificates of eligibility were issued initially, but a minor error was discovered after the certification was issued. The revised certifications are issued pursuant to the Secretary's authority under section 223 of the Act and 29 CFR 90.16. Revised Certifications of Eligibility are final determinations for purposes of judicial review pursuant to section 284 of the

Act (19 U.S.C. 2395) and 29 CFR 90.19(a).

Summary of Statutory Requirement

(This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path:

(i) the sales or production, or both, of such firm, have decreased absolutely;

AND (ii and iii below)

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i)(I) There has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm;

AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4));

AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**;

AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Revised Determinations (After Affirmative Determination Regarding Application for Reconsideration)

The following revised determinations on reconsideration, certifying eligibility to apply for TAA, have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following revised determinations on reconsideration, certifying eligibility to apply for TAA, have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
93,702	Koppers Inc.	Follansbee, WV	5/28/2018
93,702A	Koppers Inc.	Clairton, PA	5/28/2018
94,354	iMedX, Inc.	Atlanta, GA	7/14/2018

I hereby certify that the aforementioned determinations were issued during the period of *June 1st through June 30th 2019* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 22nd day of July 2019.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2019–17700 Filed 8–16–19; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19–047)]

Notice of Centennial Challenge Vascular Tissue Challenge

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: This notice is updating the Centennial Challenge Vascular Tissue Challenge that was published June 13, 2016, Document Number 2016–13795. The Vascular Tissue Challenge is open and teams that wish to compete may now register. Centennial Challenges is a program of prize competitions to stimulate innovation in technologies of interest and value to NASA and the nation. The Vascular Tissue Challenge is a prize competition with a $500,000 prize purse for teams that can successfully create thick, human vascularized organ tissue in an in vitro environment while maintaining metabolic functionality similar to their in vivo functionality throughout a 30-day survival period. NASA is providing the prize purse. The Methuselah Foundation's New Organ Alliance is the Allied Organization managing the competition.

DATES: This is a ''first to demonstrate'' competition. Teams must submit their intent to compete by September 30th, 2019, and all trials need to be completed by the Trial Deadline of September 30th, 2020.

ADDRESSES: The Vascular Tissue Challenge will be conducted and judged at the laboratory facilities of the participants.

FOR FURTHER INFORMATION CONTACT: To register for or get additional information regarding the Vascular Tissue Challenge, please visit: *https://www.neworgan.org/prizes/vascular-tissue-prize/*.

For general information on the NASA Centennial Challenges Program please visit: *http://www.nasa.gov/challenges*. General questions and comments regarding the program should be addressed to Monsi Roman, Centennial Challenges Program, NASA Marshall Space Flight Center Huntsville, AL 35812. Email address: *hq-stmd-centennialchallenges@mail.nasa.gov*.

SUPPLEMENTARY INFORMATION:

Summary

Competitors will be asked to produce an in vitro vascularized tissue that is >1 centimeter in thickness in all dimensions at the launch of the trial and maintains >85% survival of the required parenchymal cells throughout a 30 calendar day period. Tissues must provide adequate blood perfusion without uncontrolled leakage into the bulk tissue to maintain metabolic functionality similar to their in vivo native cells. Histological measurement of the quality and amount of functional performance will be required to determine survival of parenchymal tissue. Teams must demonstrate 3 successful trials with at least a 75% trial success rate to win an award. In addition to the in-vitro trials, teams must also submit a Spaceflight Experiment Concept that details how they would further advance an aspect of their tissue vascularization research through a microgravity experiment that could be conducted in the U.S. National Laboratory (ISS–NL) onboard the International Space Station.

I. Prize Amounts

The total Vascular Tissue Challenge prize purse is $500,000 (five hundred thousand U.S. dollars). First place will receive $300,000 (three hundred thousand U.S. dollars). Two runners-up may be awarded $100,000 (one hundred thousand U.S. dollars) each. Entries must meet specific requirements detailed in the Rules to be eligible for prize awards.

II. Eligibility To Participate and Win Prize Money

To be eligible to win a prize, competitors must:

(1) Register and comply with all requirements in the rules and Team Agreement;

(2) In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

(3) Not be a Federal entity or Federal employee acting within the scope of their employment.

III. Official Rules

The complete rules for the Vascular Tissue Challenge can be found at: *https://www.neworgan.org/prizes/vascular-tissue-prize/*.

Cheryl Parker,

NASA Federal Register Liaison Officer.

[FR Doc. 2019–17789 Filed 8–16–19; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–289; NRC–2018–0266]

Exelon Generation Company, LLC; Three Mile Island Nuclear Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Exelon Generation Company, LLC to withdraw its application dated September 20, 2018, for a proposed amendment to Renewed Facility

Operating License No. DPR–50 for the Three Mile Island Nuclear Station, Unit 1. The proposed amendment would have revised Technical Specification 4.4.2.1, ''Inservice Tendon Surveillance Requirements,'' to add the words ''except where an alternative, exemption, or relief has been authorized by the NRC'' to allow NRC-approved exceptions.

DATES: The withdrawal of the proposed amendment takes effect on August 19, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0266 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2018–0266. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Justin C. Poole, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2048, email: *Justin.Poole@nrc.gov*.

SUPPLEMENTARY INFORMATION:

The NRC has granted the request, dated June 17, 2019 (ADAMS Accession No. ML19169A031), of Exelon Generation Company, LLC (the licensee) to withdraw its application, dated September 20, 2018 (ADAMS Accession No. ML18263A199), for proposed amendment to Renewed Facility Operating License No. DPR–50 for the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania.

The amendment would have revised Technical Specification 4.4.2.1, ''Inservice Tendon Surveillance Requirements.'' The amendment would have added the words ''except where an alternative, exemption, or relief has been authorized by the NRC'' to allow NRC-approved exceptions to the section 50.55a of title 10 of the *Code of Federal Regulations* requirements. Also, the amendment would have added a note to exempt from the requirements of Surveillance Requirement 4.0.1.

Exelon's September 20, 2018, request was noticed in the **Federal Register** on November 20, 2018 (83 FR 58613).

Dated at Rockville, Maryland, this 13th day of August, 2019.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2019–17684 Filed 8–16–19; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Market Test of Experimental Product: ''Plus One''

AGENCY: Postal Service™.

ACTION: Notice of market test.

SUMMARY: The Postal Service gives notice of a market test of an experimental product in accordance with statutory requirements.

DATES: August 19, 2019.

FOR FURTHER INFORMATION CONTACT: David H. Rubin, 202–268–2986.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice pursuant to 39 U.S.C. 3641(c)(1) that it plans to begin a market test of its ''Plus One'' experimental product on October 1, 2019. The Postal Service has filed with the Postal Regulatory Commission a notice setting out the basis for the Postal Service's determination that the market test is covered by 39 U.S.C. 3641, and describing the nature and scope of the market test. Documents are available at *www.prc.gov,* Docket No. MT2019–1.

Brittany M. Johnson

Attorney, Federal Compliance.

[FR Doc. 2019–17704 Filed 8–16–19; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., August 28, 2019.

PLACE: 8th Floor Board Conference Room, 844 North Rush Street, Chicago, Illinois 60611.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

(1) Update from Wisconsin Central Working Group
(2) Status update on Albany Field Office
(3) Welcome new Director of Operations/Project Management, Terryne Murphy.

CONTACT PERSON FOR MORE INFORMATION: Stephanie Hillyard, Secretary to the Board, Phone No. 312–751–4920.

Dated: August 15, 2019.

Stephanie Hillyard,

Secretary to the Board.

[FR Doc. 2019–17913 Filed 8–15–19; 4:15 pm]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86643; File No. SR–NYSEArca–2019–04]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Amending NYSE Arca Rule 5.2–E(j)(3) To Adopt Generic Listing Standards for Investment Company Units Based on an Index of Municipal Bond Securities

August 13, 2019.

On February 8, 2019, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Arca Rule 5.2–E(j)(3) to adopt generic listing standards for Investment Company Units based on an index or portfolio of municipal securities. The proposed rule change was published for comment in the **Federal Register** on February 27, 2019.[3] On April 9, 2019, pursuant to Section 19(b)(2) of the Act,[4] the Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85170 (Feb. 21, 2019), 84 FR 6451.

[4] 15 U.S.C. 78s(b)(2).

designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On May 28, 2019, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The date of publication of notice of filing of the proposed rule change was February 27, 2019. August 26, 2019, is 180 days from that date, and October 25, 2019, is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates October 25, 2019, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSEArca–2019–04).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–17681 Filed 8–16–19; 8:45 am]

BILLING CODE 8011–01–P

[5] *See* Securities Exchange Act Release No. 85573, 84 FR 15239 (Apr. 15, 2019).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 85946, 84 FR 25599 (June 3, 2019). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' *See id.* at 25602 (citing 15 U.S.C. 78f(b)(5)).

[8] 15 U.S.C. 78s(b)(2).

[9] *Id.*

[10] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86642; File No. SR–NASDAQ–2019–064]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To Amend Certain Cutoff Times for On-Close Orders Entered for Participation in the Nasdaq Closing Cross and Adopt a Second Reference Price for Limit-on-Close Orders

August 13, 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 31, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II 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 certain cutoff times for on-close orders entered for participation in the Nasdaq Closing Cross and adopt a second reference price for limit-on-close orders

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 Nasdaq Closing Cross is a price discovery facility that crosses orders at a single price and establishes the Nasdaq Official Closing Price for a security. The Closing Cross was designed to create a robust close that allows for efficient price discovery through a transparent automated auction process. Nasdaq is proposing to (i) preclude on-close orders from being cancelled or modified after 3:50 p.m. ET and (ii) permit Limit-on-Close orders entered after 3:55 p.m. ET to be accepted and priced at or between the First or Second Reference Prices (as defined below). Nasdaq believes that the proposed changes will enhance price discovery, stability and transparency in the Closing Cross process.

Nasdaq has proposed related enhancements to the Closing Cross process that will be implemented in conjunction with the proposed changes.[3] On February 27, 2019, Nasdaq filed a proposed rule change to establish the Early Order Imbalance Indicator (''EOII'') that the Exchange will begin disseminating at 3:50 p.m. or ten minutes prior to the market close. The EOII will contain a subset of the information comprising the Net Order Imbalance Indicator (''NOII''), which will be disseminated at 3:55 p.m. or five minutes prior to the market close.

The NOII is a message disseminated by electronic means containing information about market-on-close (''MOC''),[4] limit-on-close (''LOC''),[5] imbalance only (''IO'')[6] orders, and Close Eligible Interest[7] and the price at which those orders would execute at the time of dissemination.[8] MOC, LOC and

[3] *See* Securities Exchange Act Release No. 34–85292 (Mar. 12, 2019), 84 FR 9848 (Mar. 18, 2019) (SR–NASDAQ–2019–010).

[4] A ''Market on Close Order'' or ''MOC'' is an Order Type entered without a price that may be executed only during the Nasdaq Closing Cross. *See* Rule 4702(b)(11).

[5] Pursuant to Rule 4702(b)(12), a ''Limit on Close Order'' or ''LOC'' is an Order Type entered with a price that may be executed only in the Nasdaq Closing Cross, and only if the price determined by the Nasdaq Closing Cross is equal to or better than the price at which the LOC Order was entered. *See* Rule 4754(a)(9).

[6] An ''Imbalance Only Order'' or ''IO'' is an Order entered with a price that may be executed only in the Nasdaq Closing Cross and only against MOC Orders or LOC Orders. *See* Rule 4702(b)(13).

[7] ''Close Eligible Interest'' means ''any quotation or any order that may be entered into the system and designated with a time-in-force of SDAY, SGTC, MDAY, MGTC, SHEX, or GTMC.'' *See* Rule 4754(a)(1).

[8] *See* Rule 4754(a)(7).

IO orders are on-close order types that are executable only during the Closing Cross.

MOC Orders

Currently, pursuant to Rule 4702(b)(11)(A), MOC orders may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 3:55 p.m. ET. Between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET, a MOC order can be cancelled and/or modified only if the participant requests that Nasdaq correct a legitimate error in the order.[9] MOC orders cannot be cancelled or modified at or after 3:58 p.m. ET for any reason.

In conjunction with the adoption of EOII, Nasdaq is proposing to revise Rule 4702(b)(11)(A) to permit MOC orders to be entered until 3:55 p.m. ET and prohibit cancellation or modification of MOC orders after 3:50 p.m. ET except to correct a legitimate error in the order. Nasdaq believes that these changes will enhance stability in the Closing Cross process because they will reduce the possibility of large indicative price movements due to participants cancelling or modifying orders in reaction to the EOII. It will also enhance the price discovery and liquidity of a security by increasing the number of participants in the Nasdaq Closing Cross, which establishes the Nasdaq Official Closing Price for a security. In addition, participants may continue to enter MOC orders until 3:55 p.m. ET, which allows participants to consider information in the EOII in making informed decisions about whether and how to participate in the Closing Cross.

IO Orders

Currently, pursuant to Rule 4702(b)(13)(A), an IO order may be entered between 4:00 a.m. ET until the time of execution of the Nasdaq Closing Cross, but may not be cancelled or modified at or after 3:55 p.m. ET. Between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET, however, an IO order can be cancelled and/or modified if the participant requests that Nasdaq correct a legitimate error in the order. IO orders cannot be cancelled or modified at or after 3:58 p.m. ET for any reason.

In conjunction with the adoption of EOII, Nasdaq is proposing to revise Rule 4702(b)(13)(A) to prohibit cancellation or modification of IO orders after 3:50 p.m. ET except to correct a legitimate error in the order. IO orders provide liquidity and are intended to offset a buy or sell imbalance during the Closing Cross. Nasdaq believes that this change will enhance stability in the Closing Cross process because it will reduce the possibility of participants modifying an IO position in reaction to the EOII. In addition, participants may continue to enter IO orders until 3:55 p.m. ET, which allows participants to consider information in the EOII in making informed decisions about whether and how to participate in the Closing Cross.

LOC Orders

Currently, pursuant to Rule 4702(b)(12)(A), LOC orders may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 3:55 p.m. ET. Between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET, LOC orders may be entered provided that there is a First Reference Price[10] and may be cancelled, but not modified, only if the participant requests that Nasdaq correct a legitimate error in the order. A LOC order entered between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET is accepted at its limit price, unless its limit price is higher (lower) than the First Reference Price for an LOC order to buy (sell), in which case the LOC order is handled consistent with the Participant's instruction that the LOC order is to be: (1) Rejected; or (2) re-priced to the First Reference Price, provided that if the First Reference Price is not at a permissible minimum increment, the First Reference Price will be rounded (i) to the nearest permitted minimum increment (with midpoint prices being rounded up) if there is no imbalance, (ii) up if there is a buy imbalance, or (iii) down if there is a sell imbalance. The default configuration for participants that do not specify otherwise is to have such LOC orders re-priced rather than rejected.

In conjunction with the adoption of EOII, Nasdaq is proposing to revise Rule 4702(b)(12)(A) to expand the order entry of a LOC order submitted after 3:55 p.m. ET (''Late LOC'') to be accepted and priced at either the First Reference Price or the Second Reference Price. In connection with this change, Nasdaq is proposing to revise the definition of First Reference Price in Rule 4754(a)(9) to refer to the Current Reference Price in the EOII disseminated at 3:50 p.m. ET, or 10 minutes prior to the early closing time on a day when Nasdaq closes early. Nasdaq is also proposing to add a new definition of Second Reference Price in Rule 4754(a)(11) to refer to the Current Reference Price in the NOII disseminated at 3:55 p.m. ET, or five minutes prior to the early closing time on a day when Nasdaq closes early.

Under the proposed rule change, a LOC order may be entered, cancelled and/or modified between 4 a.m. ET and immediately prior to 3:50 p.m. ET. Between 3:50 p.m. ET and 3:55 p.m. ET, a LOC order may be entered but can only be cancelled and/or modified if the participant requests that Nasdaq correct a legitimate error in the order. Between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET, a Late LOC order may be entered, provided that there is a First Reference Price or a Second Reference Price. Late LOC orders can also only be cancelled and/or modified if the participant requests that Nasdaq correct a legitimate error in the order. LOC orders cannot be cancelled or modified at or after 3:58 p.m.

A Late LOC order to buy will be accepted at its limit price, unless its limit price is higher than the higher of the First Reference Price and the Second Reference Price, in which case the Late LOC order will be handled consistent with the participant's instruction that the Late LOC order is to be: (1) Rejected; or (2) re-priced to the higher of the First Reference Price and the Second Reference Price. Similarly, a Late LOC order to sell will be accepted at its limit price, unless its limit price is lower than the lower of the First Reference Price and the Second Reference Price, in which case the Late LOC order will be handled consistent with the participant's instruction that the LOC order is to be: (1) Rejected; or (2) re-priced to the lower of the First Reference Price and the Second Reference Price.[11] For example, if the

[9] ''Legitimate error'' for a MOC, LOC or IO order includes, for example, an error in the Side, Size, Symbol, or Price, or duplication of an order, as set forth in the applicable rule for each Order Type.

[10] ''First Reference Price'' is presently defined as ''the Current Reference Price in the first Order Imbalance Indicator disseminated at or after 3:55 p.m. ET.'' *See* Rule 4754(a)(9). ''Current Reference Price'' means the following: (i) The single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of MOC, LOC, and IO orders can be paired; (ii) if more than one price exists under subparagraph (i), the Current Reference Price shall mean the price that minimizes any Imbalance; (iii) if more than one price exists under subparagraph (ii), the Current Reference Price shall mean the entered price at which shares will remain unexecuted in the cross; or (iv) if more than one price exists under subparagraph (iii), the Current Reference Price shall mean the price that minimizes the distance from the bid-ask midpoint of the inside quotation prevailing at the time of the order imbalance indicator dissemination. *See* Rule 4754(a)(7)(A).

[11] In each case, if either the First Reference Price or the Second Reference Price is not at a permissible minimum increment, the First Reference Price or the Second Reference Price, as applicable, will be rounded (i) to the nearest permitted minimum increment (with midpoint prices being rounded up) if there is no imbalance, (ii) up if there is a buy imbalance, or (iii) down if there is a sell imbalance. The default configuration for participants that do not specify otherwise will

Continued

First Reference Price for a security is $10 and the Second Reference Price is $10.25, and a participant submits a Late LOC order to buy the security with a limit of $11, the order would either be rejected or repriced to $10.25 in accordance with the participant's instructions.

Nasdaq believes that allowing Late LOC orders to be priced at the more aggressive of the two reference prices will provide flexibility to market participants by allowing participants to consider information in both the EOII and NOII in making informed decisions about whether and how to participate in the Closing Cross. It will also increase participation for a wider variety of liquidity providers who otherwise would have had a Late LOC order rejected or repriced if its limit was outside of the First Reference Price. Nasdaq believes that increased participation may enhance price discovery and stability of the Closing Cross because it will allow more price forming orders to offset imbalances and to participate in the Closing Cross.

Additional Conforming Changes

In connection with the proposed rule changes, Nasdaq is proposing to revise Sections 118(a)(1),[12] 118(a)(2),[13] and 118(a)(3)[14] of Equity 7 Pricing Schedule to reflect the revised cutoff times for modifications to LOC orders. Nasdaq is also proposing to revise ''Eligible Interest'' to ''Close Eligible Interest'' in Rules 4754(a)(7)(E)(ii) and 4754(b)(2)(A) to correct an inadvertent error.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Section 6(b)(5) of the Act,[16] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest because the proposed changes will improve the stability and price discovery process of the Closing Cross. Prohibiting cancellation or modification of MOC, LOC or IO orders after 3:50 p.m. ET will enhance stability in the Closing Cross process because it will reduce the possibility of large indicative price movements due to participants cancelling or modifying orders in reaction to the EOII, while participants maintain the ability to cancel or modify orders to correct a legitimate error in the order. In addition, permitting Late LOC orders to be repriced at the more aggressive of the First Reference Price or Second Reference Price may enhance price discovery and stability of the Closing Cross because it will allow more price forming orders to offset imbalances and to participate in the Closing Cross.

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. Rather, the Exchange believes that the proposed rule changes are designed to render the Nasdaq Closing Cross more transparent and more flexible to participants. The proposed changes will affect all participants using MOC, LOC and IO orders equally.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2019–064 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–2019–064. 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

be to have Late LOC orders re-priced rather than rejected.

[12] Section 118(a)(1) of the Equity 7 Pricing Schedule currently provides that the fee for execution and routing of orders in Nasdaq-listed securities is $0.0027 per share executed for a member with shares of liquidity provided in the Opening and Closing Crosses, excluding Market-on-Close, Limit-on-Close (other than an Limit-on-Close Order entered between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET), Market-on-Open, Limit-on-Open, Good-til-Cancelled, and Immediate-or-Cancel orders, through one or more of its Nasdaq Market Center MPIDs that represent more than 0.01% of Consolidated Volume during the month.

[13] Section 118(a)(2) of the Equity 7 Pricing Schedule currently provides that the fee for execution and routing of securities listed on NYSE is $0.0027 per share executed for a member with shares of liquidity provided in the Opening and Closing Crosses, excluding Market-on-Close, Limit-on-Close (other than an Limit-on-Close Order entered between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET), Market-on-Open, Limit-on-Open, Good-til-Cancelled, and Immediate-or-Cancel orders, through one or more of its Nasdaq Market Center MPIDs that represent more than 0.01% of Consolidated Volume during the month.

[14] Section 118(a)(3) of the Equity 7 Pricing Schedule currently provides that the fee for execution and routing of orders in securities listed on exchanges other than Nasdaq and NYSE (''Tape B Securities'') is $0.0027 per share executed for a member with shares of liquidity provided in the Opening and Closing Crosses, excluding Market-on-Close, Limit-on-Close (other than an Limit-on-Close Order entered between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET), Market-on-Open, Limit-on-Open, Good-til-Cancelled, and Immediate-or-Cancel orders, through one or more of its Nasdaq Market Center MPIDs that represent more than 0.01% of Consolidated Volume during the month.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

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–2019–064, and should be submitted on or before September 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–17680 Filed 8–16–19; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86651; File No. SR–NYSE–2019–14]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Section 703.18 of the Listed Company Manual To Permit the Listing of Event-Based Contingent Value Rights and Make Other Changes to the Listing Standards for Contingent Value Rights

August 13, 2019.

I. Introduction

On April 25, 2019, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 703.18 of the Exchange's Listed Company Manual (''Manual'') to expand the circumstances under which a contingent value right (''CVR'') may be listed on the Exchange and make other changes to the listing standards for CVRs. The proposed rule change was published for comment in the **Federal Register** on May 15, 2019.[3] On August 8, 2019, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission received no comment letters on the proposed rule change. The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

Section 703.18 of the Manual currently provides only for the listing of CVRs that are related to the price of an affiliate's equity security (a ''Price-Based CVR'').[5] The Exchange proposes to amend Section 703.18 of the Manual to also provide for the listing of CVRs based on the occurrence of a specified event or events related to the business of the issuer or an affiliate of the issuer (an ''Event-Based CVR''). As proposed by the Exchange, an Event-Based CVR would be defined as an unsecured obligation of the issuer providing for a possible cash payment, within a specified time period, upon the occurrence of a specified event or events relating to the business of the issuer of the CVR or an affiliate of such issuer.[6] The Exchange notes that, with the exception of the payment triggering event or events, Event-Based CVRs are identical in structure to Price-Based CVRs.[7] The Exchange also proposes to amend Section 703.18 of the Manual to make other changes to the listing standards for both Price-Based and Event-Based CVRs, as described in more detail below.

According to the Exchange, Price-Based CVRs are generally distributed to shareholders of an acquired company who are receiving shares of the acquirer as acquisition consideration.[8] The Price-Based CVRs provide the acquiree's shareholders with some medium-term protection against poor stock price performance of the shares of the acquirer by guaranteeing them a specified cash payment if the acquirer's average stock price is below a specified level at the time of maturity of the Price-Based CVR.[9] According to the Exchange, Event-Based CVRs are also typically issued to the shareholders of an acquired entity as consideration in an acquisition transaction.[10] Event-Based CVRs entitle their holders to receive a specified cash payment upon the occurrence of a specified event or events related to the business of the issuer or an affiliate of the issuer prior to the maturity date of the Event-Based CVR.[11] The Event-Based CVR provides the shareholders of the acquiree an additional interest in the medium-term performance of the merged entity upon occurrence of its specified event(s).[12] Pursuant to the amended proposal, the Exchange would require that all material terms of a Price-Based or Event-Based CVR be publicly disclosed prior to listing a CVR.[13]

Section 703.18 of the Manual currently provides that the issuer of a listed CVR must be an entity that has assets in excess of $100 million and meets the ''size and earnings'' requirements of Section 102 of the Manual. While the proposed rule change will retain the $100 million assets requirement for CVRs, the Exchange proposes to amend the reference to the ''size and earnings requirements'' of Section 102 of the Manual by specifying instead that the issuer must meet the requirements of Sections 102.01B and 102.01C of the Manual.[14] The requirements of Section 102.01B of the Manual include the size requirements for all newly-listed operating companies. In the case of companies listing CVRs, Section 102.01B would require the company to have an aggregate market value of publicly held shares of $100 million[15] and a $4.00 stock price.

As for the requirement for the issuer of the CVR to also meet one of the standards set forth in Section 102.01C of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85812 (May 9, 2019), 84 FR 21861 (''Notice'').

[4] In Amendment No. 1, the Exchange revised the proposal to: (1) Require public disclosure of all material terms of a CVR prior to listing; (2) require public disclosure of an occurrence of any event or events upon which a CVR payment is conditioned, or the failure of such event or events to occur, in accordance with Sections 202.05 and 202.06 of the Manual; (3) specify that the Exchange will not list a CVR if, at the time of the proposed listing, the issuer is below compliance with applicable listing standards; (4) state that, in addition to its original proposal to promptly delist any CVR when the issuer's common stock ceases to be listed on a national securities exchange, the Exchange will also promptly delist a CVR when the related equity security to which the cash payment at maturity is tied is no longer listed on a national security exchange; and (5) make technical, clarifying changes. Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nyse-2019-14/srnyse201914-5944385-189087.pdf.*

[5] Under Section 703.18 of the Manual, Price-Based CVRs are defined as unsecured obligations of the issuer providing for a possible cash payment at maturity based upon the price performance of an affiliate's equity security.

[6] *See* proposed Section 703.18 of the Manual. *See also* Amendment No. 1.

[7] *See* Notice, *supra* note 3, at 21862. *See also* proposed Section 703.18 of the Manual.

[8] *See* Notice, *supra* note 3, at 21861.

[9] *See id.* at 21861–62.

[10] *See id.* at 21862.

[11] *See id. See also* Amendment No. 1.

[12] See Notice, *supra* note 3, at 21862, which also provides examples of common Event-Based CVRs.

[13] *See* Amendment No. 1.

[14] *See* proposed Section 703.18(A) of the Manual.

[15] As noted by the Exchange, this is the same requirement that currently applies to companies transferring from another national securities exchange. *See* Notice, *supra* note 3, at 21862.

the Manual, that section sets forth two financial standards, the Earnings Test and the Global Market Capitalization Test. The Global Market Capitalization Test, which was adopted subsequent to the approval of Section 703.18 of the Manual, requires that an issuer have $200 million in global market capitalization at the time of listing, but includes no earnings criteria.[16] In its proposal, the Exchange stated that it believes that an issuer that meets the requirements of the Global Market Capitalization Test is likely to be a substantial company capable of meeting its financial obligations under the terms of a listed CVR.[17] According to the Exchange, most issuers currently qualify for listing on the Exchange pursuant to the Global Market Capitalization Test.[18] The Earnings Test under Section 102.01C would require the issuer of a CVR to have an aggregate amount of pre-tax earnings over its last three fiscal years and specified amounts during the last two most recent fiscal years.[19]

Pursuant to the amended proposed rule change, the Exchange will not list a CVR if, at the time of the proposed listing, the issuer of the CVR has been deemed to be below compliance on an ongoing basis with the listing standards of the national securities exchange where either the equity security to whose price performance a Price-Based CVR is linked or the issuer's common stock is listed.[20] The amended proposed rule change will also require the issuer of an Event-Based CVR to make public disclosure, in accordance with the provisions of Sections 202.05 and 202.06 of the Manual, upon the occurrence of any event that must occur as a condition to the issuer's obligation to make a cash payment with respect to the CVR (or if such an event is deemed to have occurred pursuant to the terms of the documents governing the CVR) or at any such time as it becomes clear that a condition to the cash payment with respect to the CVR has not been met as required by the documents governing the terms of the CVR.[21]

Currently, Section 703.18 of the Manual also provides that a CVR may be delisted when the related equity security to which the cash payment at maturity is tied is delisted. To reflect the fact that the delisting provision will now relate to both Price-Based CVRs and Event-Based CVRs and that Event-Based CVRs are not tied to the performance of a specific security, the Exchange proposes to modify this provision to provide that a CVR will also be delisted when the issuer's common stock ceases to be listed on a national securities exchange.[22] Pursuant to the proposed rule change, if either the related equity security to which the cash payment at maturity is tied or the common stock of a CVR issuer ceases to be listed on a national securities exchange, the CVR will promptly be delisted and the Exchange will not have discretion to continue listing the CVR.[23]

Finally, the Exchange proposes to update a reference in Section 703.18 of the Manual to ''New York Stock Exchange, Inc.'' by replacing it with a reference to ''New York Stock Exchange LLC,'' which is the correct current legal entity name for the Exchange. In addition, the Exchange proposes to add an introductory sentence prior to the information circular form description contained in Section 703.18 of the Manual. The Exchange represents that it intends to issue an information circular as described in Section 703.18 of the Manual immediately prior to the listing of any CVR, including any Event-Based CVR to inform members and member organizations of the special characteristics and risks of CVRs, as well as the suitability requirements and other applicable rules.[24]

The Exchange further represents that it will monitor activity in CVRs, including Event-Based CVRs, to identify and deter any potential improper trading activity in such securities and will adopt enhanced surveillance procedures to enable it to monitor CVRs alongside the common equity securities of the issuer or its affiliates, as applicable.[25] The Exchange also states that it will rely on its existing trading surveillances, administered by the Exchange or the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[26]

III. Discussion and Commission Findings

The Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act and the rules and regulations thereunder. Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[27] which requires that an exchange have rules designed to, among other things, prevent fraudulent and manipulative acts and practices, remove impediments to and perfect the mechanisms of a free and open market and a national market system, protect investors and the public interest, and not permit unfair discrimination between customers, issuers, brokers, or dealers.[28]

The development and enforcement of adequate standards governing the initial and continued listing of securities on an exchange is an activity of critical importance to financial markets and the investing public. Listing standards, among other things, serve as a means for an exchange to screen issuers and to provide listed status only to bona fide companies that have or will have sufficient public float, investor base, and trading interest to provide the depth and liquidity necessary to promote fair and orderly markets. Meaningful listing standards are especially important given the expectations of investors regarding the nature of securities that have achieved an exchange listing and the role of an exchange in overseeing and assuring compliance with its listing standards. Once a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue to ensure that it continues to meet the exchange's standards for market depth and liquidity so that fair and orderly markets can be maintained.

CVRs are typically used as consideration offered to the shareholders of the target company in a business combination transaction, such as a merger or an exchange offer. As described above, the Exchange has proposed to adopt listing standards for Event-Based CVRs as well as modify the standards currently applicable to Price-Based CVRs. CVRs have unique

[16] *See* Section 102.01C(II) of the Manual.

[17] *See* Notice, *supra* note 3, at 21862.

[18] *See id.*

[19] *See* Section 102.01C(I) of the Manual. The Earnings Test requires that, subject to certain specified exclusions and adjustments, an issuer have pre-tax earnings from continuing operations of: (1) At least $10,000,000 in the aggregate for the last three fiscal years, at least $2,000,000 in each of the last two fiscal years, and a positive amount in each of the last three fiscal years; or (2) at least $12,000,000 in the aggregate for the last three fiscal years, at least $5,000,000 in the most recent fiscal year, and at least $2,000,000 in the next most recent fiscal year.

[20] *See* Amendment No. 1.

[21] *See id.*

[22] *See id.*

[23] *See* Notice, *supra* note 3, at 21862; Amendment No. 1.

[24] *See* Notice, *supra* note 3, at 21862.

[25] *See id.*

[26] *See id.*

[27] 15 U.S.C. 78f(b)(5).

[28] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

characteristics that combine features of debt, equity, and securities derivative instruments.[29] The Commission believes that the Exchange's proposal to establish listing criteria for Event-Based CVRs should adequately address the unique concerns raised by the listing of such securities and should help to ensure that only substantial companies capable of meeting their financial obligations can list such CVRs on the Exchange, thereby protecting investors and the public interest consistent with the Act. The Commission further believes that, for many of the same reasons as noted for Event-Based CVRs, the Exchange's proposed revisions to its current listing criteria applicable to Price-Based CVRs are consistent with the Act and the protection of investors. The proposal, as discussed below, should also aid the Exchange in maintaining fair and orderly markets for CVRs and preventing fraudulent and manipulative acts and practices.

The Exchange's proposed quantitative listing standards should help to ensure that only substantial companies capable of meeting their financial obligations issue Event-Based CVRs.[30] This is important in light of the contingent financial obligations created by these instruments, and should serve to protect investors and the public interest by ensuring that the companies listing Event-Based CVRs on the Exchange are of substantial size, which can help to indicate such companies have sufficient financial means to meet their settlement obligations. Specifically, an issuer of an Event-Based CVR must have assets in excess of $100 million, $100 million in market value of publicly-held shares,[31] a price per share of at least $4.00,[32] and $200 million in global market capitalization at the time of listing or, in the alternative, it meets the Earnings Test in Section 102.01C of the Manual.[33] Taken together, the Commission believes these criteria are important for an issuer to meet to in order to list an Event-Based CVR on the Exchange, as well as for the listing of Price-based CVRs. In addition, as with Price-Based CVRs, an Event-Based CVR issue must have at least one million CVRs outstanding, at least 400 holders, a minimum life of one year, and at least $4 million market value.[34] While the distribution and liquidity standards applicable to CVRs can help to ensure there should be adequate depth, liquidity, and investor interest to support an exchange listing, the issuer requirements will provide some minimum level of indicia that the issuer of a CVR should be able to meet any future payment obligations to shareholders of Event-Based, as well as Price-Based, CVRs pursuant to the applicable CVR agreement.

The Commission recognizes that the current quantitative standards for Price-Based CVRs require the company issuing the CVR to meet the NYSE earnings requirements in order to list a CVR. While earnings at the time of listing of a CVR can provide an indication that a company should be able to meet its financial obligations on the CVR in the future, the Commission recognizes that earnings may not necessarily be the only indicia that illustrates that a company can meet its obligations under the terms of the CVR. Given that most listed companies now initially list on the Exchange using the Global Market Capitalization Test, that the Commission has found that such standards are consistent with the Act, and that the Exchange is retaining the requirement that the issuer of a CVR have assets in excess of $100 million and must meet the requirements set forth in Section 102.01B of the Manual,[35] the Commission believes it is reasonable for the Exchange to allow CVRs to be listed by companies that meet these new requirements.

The Exchange also will not list a CVR if, at the time of the proposed listing, the issuer of the CVR has been deemed to be below compliance on an ongoing basis with the listing standards of the national securities exchange where either the equity security to whose price performance a Price-Based CVR is linked or the issuer's common stock is listed.[36] The Commission believes that this is consistent with the protection of investors and the public interest pursuant to Section 6(b)(5) of the Act in that it would not permit a CVR to be listed on the Exchange if the listed company was below compliance, and therefore, potentially subject to delisting, on the national securities exchange where its common stock, or equity security linked to the CVR, was listed.[37] Finally, as with Price-Based CVRs, Event-Based CVRs may be delisted when the aggregate market value of the publicly-held CVR is less than $1,000,000 and will be promptly delisted if either the related equity security to which the cash payment at maturity is tied [38] or the issuer's common stock ceases to be listed on a national securities exchange.[39] The Commission believes this latter requirement is important and consistent with the protection of investors and the public interest in that it ensures that the issuer of a CVR is meeting the continued quantitative and qualitative listing standards of a national securities exchange on an ongoing basis while the CVR is traded on the Exchange.

In addition, the proposed rule change would require that, prior to listing a Price-Based or Event-Based CVR, an issuer be required to publicly disclose all material terms of the CVR.[40] The proposed rule change would also require the issuer of an Event-Based CVR to make public disclosure upon the occurrence of any event that must occur as a condition to the issuer's obligation to make a cash payment with respect to the CVR (or if such an event is deemed to have occurred pursuant to the terms of the documents governing the CVR) or at any such time as it becomes clear that a condition to the cash payment with respect to the CVR has not been met as required by the documents governing the terms of the CVR.[41] The Commission believes that these disclosure requirements should help to protect investors and the public interest by ensuring that investors have sufficient information to make investment decisions relating to CVRs. The Commission further believes that the requirement to publicly disclose whether a specified event has occurred

[29] *See* Securities Exchange Act Release No. 28072 (May 30, 1990), 55 FR 23166 (June 6, 1990) (SR–NYSE–90–15) (order approving original listing standards for CVRs on the Exchange).

[30] An issuer must also comply with the corporate governance requirements of either the Exchange or the national securities exchange where its common stock or equity security is listed.

[31] *See* Section 102.01B of the Manual.

[32] *See id.*

[33] *See* Section 102.01C of the Manual. *See also supra* note 19 (describing the requirements of the Earnings Test); proposed Section 703.18(A) of the Manual.

[34] *See* Section 703.18(B) of the Manual.

[35] *See* text accompanying *supra* notes 14–15 (describing these requirements as applicable to CVRs).

[36] *See* Amendment No. 1. The issuer of a CVR also has to comply with the corporate governance requirements of the national securities exchange where its common stock or equity security is listed. An issuer of a CVR may not be below compliance with these corporate governance standards (as well as the quantitative continued listing standards) for its common stock or equity security on the national securities exchange where such security is listed at the time of the listing of the CVR. This should provide additional protections for investors in both Event-Based and Price-Based CVRs.

[37] This is similar to existing listing requirements for other types of securities. *See, e.g.,* Sections 102.07 (listing standards for Equity Investment Tracking Stocks) and 102.08 (listing standards for Subscription Receipts) of the Manual.

[38] The Commission notes that the reference in this delisting provision to the related equity security to which the cash payment at maturity is tied applies primarily to Price-Based CVRs since an Event-Based CVR is tied to an event rather than the market price of another listed equity security.

[39] *See* Section 703.18 of the Manual; Amendment No. 1.

[40] *See* Amendment No. 1.

[41] *See id.*

or failed to occur should help to protect investors and prevent fraudulent manipulative acts and practices by ensuring that investors and market participants will have access to important information needed to trade, and make investment decisions in, the CVRs and that such information will be publicly available to all investors at the same time. Notification to the Exchange, as required by Section 202.06 of the Manual, will also provide the Exchange with the information necessary for it to determine whether a temporary trading halt may be appropriate for an Event-Based or Price-Based CVR in order to ensure fair and orderly markets.[42]

Under the Exchange's proposal, Event-based CVRs are defined as an unsecured obligation of the issuer providing for a possible cash payment upon the occurrence of a specified event or events related to the business of the issuer or an affiliate of the issuer. The Commission believes that requiring that the CVR to be related to the business of the issuer or an affiliate of the issuer is an essential requirement that ensures that the company will have the information necessary to determine if the required events have occurred or not occurred within any required time frames under the terms of the CVR and make timely required public disclosure.[43]

Moreover, the Exchange's proposed rule for listing Event-Based CVRs also addresses the additional regulatory concerns raised by these products. Like other financial products with unique features trading on the Exchange, Event-Based CVRs combine features of debt, equity, and securities derivative instruments. Consequently, this product may be more complex than straight stock, bond, or equity warrants. In this filing, the Exchange has proposed to distribute an information circular apprising member firms of the special characteristics, risks, and suitability obligations associated with Event-Based CVRs.[44] The Commission believes distribution of this information circular will help to alert members to the special disclosure and suitability obligations that apply to Event-Based CVRs and that are relevant in making recommendations for investors to purchase such securities.[45]

The Exchange will also monitor activity in Event-Based CVRs to identify and deter any potential improper trading activity in such securities and will adopt enhanced surveillance procedures to enable it to monitor Event-Based CVRs alongside the common equity securities of the issuer or its affiliates, as applicable. Since news and information concerning a company and its primary equity security or common stock can have an impact on the company's Event-Based CVRs, this enhanced surveillance should help to monitor the trading activity in the Event-Based CVRs.[46] To the extent the common equity security is traded on another national securities exchange, these procedures are expected to ensure proper coordination. The Commission believes that these safeguards and standards should help to ensure that the listing, and continued listing, of any Event-Based CVRs on the Exchange (as well as Price-Based CVRs under the revised listing standards) will be consistent with investor protection, the public interest, and the maintenance of fair and orderly markets. In this regard, the Commission expects the Exchange to thoroughly review any potential listing of Event-Based CVRs, as well as Price-Based CVRs, to ensure that its listing standards have been met and continue to be met, as well as to monitor trading in the Event-Based and Priced-Based CVRs and related common stock or equity security of the issuer.

Based on the above, the Commission believes the proposed rule change is reasonable and should provide for the listing of Event-Based CVRs, with baseline investor protection and other standards. The Commission believes, as discussed above, that the Exchange has developed sufficient standards to allow the listing of Event-Based CVRs on the Exchange and finds the proposal consistent with the requirements set forth under the Act, and in particular, Section 6(b)(5). For similar reasons, the Commission finds that the revised standards for Price-Based CVRs are also consistent with the Act.[47]

IV. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 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–NYSE–2019–14 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–NYSE–2019–14. 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

[42] Section 202.06 of the Manual, among other things, requires notification by listed companies to the Exchange at least 10 minutes before a material news announcement if such announcement is made between 7:00 a.m. and 4:00 p.m. so the Exchange can consider whether trading in the security should be temporarily halted.

[43] The Commission notes that under the Exchange's rules, Price-Based CVRs are similarly related to the performance of an affiliate's equity security.

[44] *See* Notice, *supra* note 3, at 21862; *infra,* note 45. *See also* proposed Section 703.18 of the Manual.

[45] In particular, the circular states, among other things, that it is suggested that transactions in CVRs be recommended only to investors whose accounts have been approved for options trading and that members making recommendations in CVRs should make a determination that the customer has such knowledge and experience in financial matters that the customer may reasonably be expected to be capable of evaluating the risks and special characteristics, and is financially able to bear the risks, of a recommendation to invest in CVRs. These requirements, among others set forth in the circular, should help to ensure that members recommend transactions only to those customers with an understanding of the risks attendant to the trading of Event-Based CVRs. The Commission notes that the information circular will be in the same form as the one the Exchange currently distributes in connection with Price-Based CVRs. *See* proposed Section 703.18 of the Manual.

[46] As noted above, the Exchange will also rely on its existing trading surveillances, administered by the Exchange or FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.

[47] 15 U.S.C. 78s(b)(4) and (b)(5). The Commission further believes that the Exchange's proposal to update a reference in the rule text and make other conforming changes to Section 703.18 of the Manual is consistent with the Act in that it will enhance the clarity of the proposed rule and thereby reduce potential investor confusion.

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–NYSE–2019–14, and should be submitted on or before September 9, 2019.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 1 in the **Federal Register**. As discussed above, in Amendment No. 1, the Exchange revised the proposal to: (1) Require public disclosure of all material terms of a CVR prior to listing; (2) require public disclosure of an occurrence of any event or events upon which a CVR payment is conditioned, or the failure of such event or events to occur, in accordance with Sections 202.05 and 202.06 of the Manual; (3) specify that the Exchange will not list a CVR if, at the time of the proposed listing, the issuer is below compliance with applicable listing standards; (4) state that, in addition to its original proposal to promptly delist any CVR when the issuer's common stock ceases to be listed on a national securities exchange, the Exchange will also promptly delist a CVR when the related equity security to which the cash payment at maturity is tied is no longer listed on a national security exchange; and (5) make technical, clarifying changes.

The Commission believes that Amendment No. 1 does not raise any novel regulatory issues or make any significant substantive changes to the original proposal, which was subject to a full notice and comment period during which no comments were received. Rather, Amendment No. 1 strengthens the original proposal by requiring additional public disclosure of important information in connection with an Exchange-listed CVR, which will increase transparency to investors in CVRs and provide the Exchange with the information necessary to determine when a temporary trading halt in an Event-Based CVR may be appropriate in order to better maintain a fair and orderly market. Amendment No. 1 also provides additional specificity regarding the circumstances in which the Exchange will not permit the listing of a CVR, or will delist a CVR, which will provide additional protections for potential investors in CVRs. The Commission also believes that Amendment No. 1 provides additional accuracy, clarity, and justification to the proposal, thereby facilitating the Commission's ability to make the findings set forth above to approve the proposal. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[48] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[49] that the proposed rule change (SR–NYSE–2019–14), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[50]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–17694 Filed 8–16–19; 8:45 am]

BILLING CODE 8011–01–P

[48] 15 U.S.C. 78s(b)(2).

[49] 15 U.S.C. 78s(b)(2).

[50] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86644; File No. SR–CboeEDGX–2019–049]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Institute a Derived Data API Service

August 13, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 1, 2019, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend the fee schedule to institute a Derived Data API Service. The text of the proposed rule change is attached as Exhibit 5 [sic].

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to implement a new pricing structure that would reduce fees changed to Distributors that distribute Derived Data through an Application Programming Interface (''API'')—*i.e.,* the Derived Data API Service (the ''Program''). ''Derived Data'' is pricing data or other data that (i) is created in whole or in part from Exchange Data, (ii) is not an index or financial product, and (iii) cannot be readily reverse-engineered to recreate Exchange Data or used to create other data that is a reasonable facsimile or substitute for Exchange Data. The Exchange currently offers a Derived Data White Label Service Program that allows Distributors to benefit from discounted fees when distributing Derived Data taken from EDGX Top, which is a proprietary data product that provides top of book quotations and execution information for all equity securities traded on the

Exchange.[3] The current program is limited to the distribution of Derived Data to subscribers within a White Label Service which is a type of hosted display solution in which a Distributor hosts or maintains a website or platform on behalf of a third-party entity. The Derived Data API Service would supplement the current Derived Data White Label Service Program by offering discounted fees for Distributors that make Derived Data available through an API,[4] thereby allowing Distributors to benefit from reduced fees when distributing Derived Data to subscribers that establish their own platforms rather than relying on a hosted display solution.

Current Fee Structure

The Exchange currently charges a fee of $1,500 per month for external distribution of EDGX Top. In addition, external distributors of EDGX Top are charged a fee of $4 per month for each Professional User and $0.10 per month for each Non-Professional User. The Exchange also offers special pricing for Derived Data provided through a White Label Service, as mentioned above. This service allows Distributors to make Derived Data available on a platform that is branded with a third-party brand, or co-branded with a third party and a Distributor.[5] The White Label Service Program can be used for a number of different purposes, including the display of information or data, or the creation of derivative instruments, such as swaps,[6] swaptions,[7] or contracts for difference,[8] but is unavailable to distributors that make such information available through an API. Such distributors are not eligible for discounted Derived Data pricing today, and are instead liable for the fees normally applicable for the distribution of EDGX Top, as listed at the beginning of this paragraph.

Discounted Fees for Derived Data API Service

As proposed, a Distributor that provides a Derived Data API Service for Derived Data taken from EDGX Top would be liable for the following fees instead of the fees normally applicable for the distribution of EDGX Top. Instead of the regular fee for external distribution, Distributors would be charged a tiered External Subscriber Fee based on the number of API Service Platforms (*i.e.,* ''External Subscribers'') that receive Derived Data from the Distributor through a Derived Data API Service. As proposed, Distributors would continue to be charged a fee of $1,500 per month for each External Subscriber if the Distributor makes Derived Data available to 1–5 External Subscribers. Distributors that make Derived Data available to additional External Subscribers would benefit from discounted pricing based on the number of External Subscribers. Specifically, the external distribution fee would be lowered by 16.67% to $1,250 per month for each External Subscriber if the Distributor makes Derived Data available to 6–20 External Subscribers, and further lowered another 16.67% to $1,000 per month for each External Subscriber if the Distributor makes Derived Data available to 21 or more External Subscribers. As is the case under the Derived Data White Label Service, the External Subscriber Fee would be non-progressive and based on the number of External Subscribers that receive Derived Data from the Distributor. For example, a Distributor providing Derived Data based on EDGX Top to six External Subscribers that are API Service Platforms would be charged a monthly fee of $7,500 (*i.e.,* 6 External Subscribers × $1,250 each). The Exchange would continue to charge a monthly Professional User fee of $4 per month for each Professional User that accesses Derived Data through an API Service. The current Non-Professional User fee of $0.10 per month would be eliminated when participating in the Derived Data API Service, further reducing costs for Distributors that provide access to such data to downstream investors.

With the proposed introduction of the Derived Data API Service, the Exchange would bring together the Derived Data White Label Service and Derived Data API Service under the common heading ''Financial Product Distribution Program.'' The Financial Product Distribution Program would encompass both of these products. Similar to the Derived Data White Label Service, the Derived Data API Service would be entirely optional, in that it applies only to Distributors that opt to use Derived Data from EDGX Top to create an API Service, as described herein. It does not impact or raise the cost of any other Exchange product, nor does it affect the cost of EDGX Top, except in instances where Derived Data is made available on an API Service. A Distributor that provides a White Label Service or API Service for Derived Data taken from EDGX Top would be liable for the fees associated with the White Label Service or API Service instead of the fees normally applicable for the distribution of EDGX Top. A Distributor that provides a White Label Service or API Service for EDGX Top data that is not Derived Data or distributes Derived Data through a platform other than a White Label Service or API Service would be liable for the fees normally applicable for the distribution of EDGX Top.

Market Background

The market for top of book data is highly competitive as national securities exchanges compete both with each other and with the securities information processors (''SIPs'') to provide efficient, reliable, and low cost data to a wide range of investors and market participants. In fact, Regulation NMS requires all U.S. equities exchanges to provide their best bids and offers, and executed transactions, to the two registered SIPs for dissemination to the public. Top of book data is therefore widely available to investors today at a relatively modest cost. National securities exchanges may also disseminate their own top of book data, but no rule or regulation of the Commission requires market participants to purchase top of book data from an exchange. In an effort to widen distribution to market participants that use equities market data to compute pricing for certain derivatives instruments, national securities exchanges including the Exchange, its affiliate, Cboe BZX Exchange Inc., and The Nasdaq Stock Market LLC (''Nasdaq'') offer discounted pricing for Derived Data that is created using their top of book products. The Program would therefore compete with similar products offered by other national securities exchanges that offer discounted fees to market participants that purchase Derived Data.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of

[3] *See* Rule 13.8(c).

[4] With the proposed introduction of the Derived Data API Service, the Exchange would bring together the EDGX Top Derived Data White Label Service and Derived Data API Service under the common heading ''Financial Product Distribution Program.'' The Financial Product Distribution Program would encompass both of these products.

[5] The Distributor maintains control of the application's data, entitlements and display.

[6] A swap is a derivative contract in which two parties agree to exchange financial instruments.

[7] A swaption, or swap option, is an option to enter into a swap at a specified time.

[8] A contract for difference is an agreement to exchange the difference between the current value of an asset and its future value. If the price increases, the seller pays the buyer the amount of the increase. If the price decreases, the buyer pays the seller the amount of the decrease.

[9] 15 U.S.C. 78f.

Section 6(b)(4),[10] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.[11] Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,[12] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are thirteen registered national securities exchanges that trade U.S. equities and offer associated top of book market data products to their customers. The national securities exchanges also compete with the SIPs for market data customers. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [13] The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for one of its proprietary top of book data offerings through the introduction of a Derived Data API Service.

The Exchange believes that it is reasonable to introduce reduced fees for the use of Derived Data on API Services as the proposed fee reduction would facilitate cost effective access to market information that is used primarily to create certain derivative instruments rather than to trade U.S. equity securities. The fees that are the subject of this rule filing are constrained by competition, and it is this competition that is driving the proposed fee change. Indeed, the Program is designed to allow the Exchange to compete more effectively for market data distributors that purchase market information to offer Derived Data to investors. The existence of alternatives to the Program ensures that the Exchange cannot set unreasonable or unfairly discriminatory fees, as subscribers are free to elect such alternatives. That is, the Exchange competes with other exchanges that provide similar market data products and pricing programs. As mentioned above, Derived Data is primarily purchased for the creation of certain derivative instruments rather than for the trading of U.S. equity securities. As a result, distributors of Derived Data do not need a consolidated view of the market across multiple exchanges, and generally purchase such data from a single exchange. If a competing exchange were to charge less for a similar product than the Exchange charges under the proposed fee structure, prospective subscribers may choose not subscribe to, or cease subscribing to, the Program. The Exchange believes that lowering the cost of accessing Derived Data may make the Exchange's market information more attractive, and encourage additional Distributors to subscribe to EDGX Top market data instead of competitor products. Distributors can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Furthermore, firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other national securities exchanges, including those that choose to offer discounted fees for the distribution of Derived Data in an effort to compete for this business.

The proposed rule change would provide an alternate fee structure for providing EDGX Top market data to Distributors that make Derived Data available to External Subscribers via API Services. As proposed, if a Distributor uses an API Service to distribute Derived Data, the Distributor will be charged a fee that is tiered based on the number of External Subscribers that are provided access to that data instead of the higher fee normally charged for external distribution. The Exchange believes that this fee is equitable and not unfairly discriminatory because the Exchange will apply the same fees to any similarly situated Distributors that elect to participate in the Program based on the number of External Subscribers provided access to Derived Data through an API Service, with Distributors providing access to six or more External Subscribers receiving a discount compared to the current pricing applicable for external distribution of EDGX Top. The Exchange believes that it is equitable and not unfairly discriminatory to begin providing discounted rates to Distributors that provide access to at least six External Subscribers as the discounted rates are designed to incentivize firms to grow the number of External Subscribers that purchase Derived Data from the Exchange. The Exchange understands that Distributors that may provide this sort of API Service typically serve a relatively larger number of External Subscribers, and would therefore be able to meet the proposed threshold by providing Derived Data taken from EDGX Top to those customers.

The Exchange would also continue to charge a small fee for Professional Users but would eliminate Non-Professional User fees for data provided under the Program. The Exchange believes that it is equitable and not unfairly discriminatory to charge a fee for Professional Users but no fee for Non-Professional Users. Non-Professional Users are already subject to a heavily discounted fee for EDGX Top market data relative to Professional Users. Differential fees for Professional and Non-Professional Users are widely used by the Exchange and other exchanges for their proprietary market data as this reduces costs for retail investors and makes market data more broadly available. The Exchange believes that eliminating fees for Non-Professional Users that access Derived Data from Distributors pursuant to the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.

Furthermore, the proposed fees will only apply to Distributors that elect to participate in the Program by distributing Derived Data through an

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78k–1.

[12] *See* 17 CFR 242.603.

[13] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

API Service. EDGX Top market data is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Distributors of EDGX Top are not required to participate in the proposed Program, which is merely an alternative option being proposed by the Exchange to potentially lower costs for market data that is Derived Data. As previously explained, the Exchange currently offers discounted fees for Distributors that distribute Derived Data on a While [sic] Label Service. Expanding the universe of customers that can benefit from discounted fees for distributing Derived Data would serve to further increase the accessibility of the Exchange's market data products.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by: (i) Competition among exchanges that offer similar data products, and pricing options, to their customers; and (ii) the existence of inexpensive real-time consolidated data disseminated by the SIPs. Top of book data is disseminated by both the SIPs and the thirteen equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the cheapest top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce fees charged to Distributors that distribute Derived Data through an API. The Exchange believes that this would facilitate greater access to such data, ultimately benefiting investors that are provided access to such data.

The proposed fees apply to data derived from EDGX Top, which is subject to competition from both the SIPs and exchanges that offer similar products, including but not limited to those that choose to provide similar pricing options for Derived Data. A number of national securities exchanges, including the Exchange, its affiliated Cboe U.S. equities exchanges, and Nasdaq offer pricing discounts for Derived Data today. These pricing programs reduce the cost of accessing top of book market information that is used, among other things, to create derivative instruments rather than to trade U.S. equity securities. In order to better compete for this segment of the market, the Exchange is proposing to expand the programs that it offers to include a Derived Data API Service, allowing additional market data customers to benefit from discounted pricing. The Exchange does not believe that the proposed price reduction for Derived Data offered through an API would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. The Exchange believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers.

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) of the Act [14] and paragraph (f) of Rule 19b–4 [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2019–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2019–049. 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–CboeEDGX–2019–049, and should be submitted on or before September 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–17682 Filed 8–16–19; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

National Women's Business Council; Notice of Public Meeting

AGENCY: Small Business Administration, National Women's Business Council.

ACTION: Notice of open public meeting.

DATES: The public meeting will be held on Tuesday, September 24, 2019 from 9 a.m. to 12 p.m. EST.

ADDRESSES: The meeting will be held in Room SVC 203–202 of the U.S. Capitol Visitor Center located at First Street NE, Washington, DC 20515.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however, advance notice of attendance is requested. To RSVP or submit a written comment, the general public should email Ashley Judah at *Ashley.Judah@sba.gov* with subject line—''Response for 9/24/19 Public Meeting.'' The agenda will allow for 20 minutes of public statements. This time will be awarded in 4-minute increments to the first 5 people who confirm attendance and request to speak. All other submitted statements will be included in the meeting record.

A conference line will be available for those unable to attend the meeting. Please call 1 (208) 391–5817 at the event time. When prompted, enter conference ID number 298732675. For more information, please visit the NWBC website at *www.nwbc.gov* or call 202–205–3850.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), the National Women's Business Council (NWBC) announces its third public meeting of Fiscal Year 2019. The 1988 *Women's Business Ownership Act* established NWBC to serve as an independent source of advice and policy recommendations to the President, Congress, and the Administrator of the U.S. Small Business Administration (SBA) on issues of importance to women entrepreneurs.

This meeting will allow the Council to recap its activity and engagement over the course of the fiscal year. Each of the Council's three subcommittees (Rural Women's Entrepreneurship, Women in S.T.E.M., and Access to Capital & Opportunity) will present their policy recommendations to the full body.

Dated: August 14, 2019.

Nicole Nelson,

Committee Management Officer (Acting).

[FR Doc. 2019–17778 Filed 8–16–19; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2019–0013]

2019 Special 301 Out-of-Cycle Review of Notorious Markets: Comment Request

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) requests written comments that identify online and physical markets to be considered for inclusion in the 2019 Out-of-Cycle Review of Notorious Markets (Notorious Markets List). Conducted under the auspices of the Special 301 program, the Notorious Markets List identifies examples of online and physical markets based outside the United States that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting. In 2010, USTR began publishing the Notorious Markets List separately from the annual Special 301 Report as an ''Out-of-Cycle Review.''

DATES: September 30, 2019 at 11:59 p.m. ET: *Deadline for submission of written comments.* October 15, 2019 at 11:59 p.m. ET: *Deadline for submission of rebuttal comments and other information USTR should consider during the review.*

ADDRESSES: You should submit written comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in section III below. For alternatives to online submissions, please contact USTR at *Special301@ustr.eop.gov* before transmitting a comment and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: Jacob Ewerdt, Director for Innovation and Intellectual Property, at *Special301@ustr.eop.gov* or 202–395–3866. You can find information about the Special 301 Review, including the Notorious Markets List, at *www.ustr.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The United States is concerned with trademark counterfeiting and copyright piracy on a commercial scale because these illicit activities cause significant financial losses for right holders, legitimate businesses, and governments. In addition, they undermine critical U.S. comparative advantages in innovation and creativity to the detriment of American workers and can pose significant risks to consumer health and safety as well as privacy and security. The Notorious Markets List identifies examples of online and physical markets based outside the United States that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting.

Beginning in 2006, USTR identified notorious markets in the annual Special 301 Report. In 2010, USTR announced that it would publish the Notorious Markets List as an Out-of-Cycle Review, separate from the annual Special 301 Report. USTR published the first Notorious Markets List in February 2011. USTR develops the annual Notorious Markets List based upon public comments solicited through the **Federal Register** and in consultation with other Federal agencies that serve on the Special 301 Subcommittee of the Trade Policy Staff Committee.

The United States encourages owners and operators of markets reportedly involved in piracy or counterfeiting to adopt business models that rely on the licensed distribution of legitimate content and products and to work with right holders and enforcement officials to address infringement. USTR also encourages responsible government authorities to intensify their efforts to investigate reports of piracy and counterfeiting in such markets, and to pursue appropriate enforcement actions. The Notorious Markets List does not purport to reflect findings of legal violations, nor does it reflect the U.S. Government's analysis of the general intellectual property (IP) protection and enforcement climate in the country or countries concerned. For an analysis of the IP climate in particular countries, please refer to the annual Special 301 Report, published each spring no later than 30 days after USTR submits the National Trade Estimate to Congress.

II. Public Comments

USTR invites written comments concerning examples of online and physical markets based outside the United States that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting. To facilitate the review, written comments should be as detailed as possible. Comments must clearly identify the market and the reasons why the commenter believes that the market should be included in the Notorious Markets List. Commenters should include the following information, as applicable:

For physical markets:

- The market's name and location, *e.g.,* common name, street address, neighborhood, shopping district, city,

etc., and the identity of the principal owners/operators.

For online markets:

• The domain name(s) past and present, available registration information, and name(s) and location(s) of the hosting provider(s) and operator(s).

• Information on the volume of internet traffic associated with the website, including number of visitors and page views, average time spent on the site, estimate of the number of infringing goods offered, sold, or traded and number of infringing files streamed, shared, seeded, leeched, downloaded, uploaded, or otherwise distributed or reproduced, and global or country popularity rating (*e.g.,* Alexa rank).

• Revenue sources such as sales, subscriptions, donations, upload incentives, or advertising and the methods by which that revenue is collected.

For physical and online markets:

• Whether the market is owned, operated, or otherwise affiliated with a government entity.

• Types of counterfeit or pirated products or services sold, traded, distributed, or otherwise made available at that market.

• Volume of counterfeit or pirated goods or services or other indicia of a market's scale, reach, or relative significance in a given geographic area or with respect to a category of goods or services.

• Estimates of economic harm to right holders resulting from the piracy or counterfeiting and a description of the methodology used to calculate the harm.

• Whether the volume of counterfeit or pirated goods or estimates of harm has increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.

• Whether the infringing goods or services sold, traded, distributed, or made available pose a risk to public health or safety.

• Any known contractual, civil, administrative, or criminal enforcement activity against the market and the outcome of that enforcement activity.

• Additional actions taken by right holders against the market such as takedown notices, requests to sites to remove URLs or infringing content, cease and desist letters, warning letters to landlords and requests to enforce the terms of their leases, requests to providers to enforce their terms of service or terms of use, and the outcome of these actions.

• Additional actions taken by the market owners or operators to remove, limit, or discourage the availability of counterfeit or pirated goods or services, including policies to prevent or remove access to such goods or services, or to disable seller or user accounts, the effectiveness of market policies and guidelines in addressing counterfeiting and piracy, and the level of cooperation with right holders and law enforcement.

• Any other additional information relevant to the review.

Past Notorious Markets Lists have included an 'issue focus' to highlight an issue related to the facilitation of substantial trademark counterfeiting or copyright piracy. The issue focus for the 2019 Notorious Markets List will be ''Malware and Online Piracy.'' USTR invites written comments on this issue, such as the relationship between malware and online notorious markets based outside the United States, the size and scope of the issue, estimates of economic harm caused by the malware, specific examples, and recommended solutions.

III. Submission Instructions

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments, locate the docket (folder) by entering the docket number USTR–2019–0013 in the ''Enter Keyword or IP'' window at the *www.regulations.gov* homepage and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting ''Notice'' under ''Document Type'' on the left side of the search-results page, and click on the link entitled ''Comment Now!'' You should provide comments in an attached document, and name the file according to the following protocol, as appropriate: Commenter Name or Organization_2019 Notorious Markets OCR. Please include the following information in the ''Type Comment'' field: 2019 Out-of-Cycle Review of Notorious Markets. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the ''Type Comment'' field. For further information on using the *www.regulations.gov* website, please select ''How to Use Regulations.gov'' on the bottom of any page.

Please do not attach separate cover letters to electronic submissions. Instead, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comment submitted electronically that contains business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. A filer requesting business confidential treatment must certify that the information is business confidential and would not customarily be released to the public by the submitter. Additionally, the submitter should type ''Business Confidential 2019 Out-of-Cycle Review of Notorious Markets'' in the ''Comment'' field.

Filers of comments containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The non-business confidential version will be placed in the docket at *www.regulations.gov* and be available for public inspection.

As noted, USTR strongly urges submitters to file comments through *www.regulations.gov.* You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting USTR at *Special301@ustr.eop.gov.*

We will post comments in the docket for public inspection, except business confidential information. You can view comments on *www.regulations.gov* by entering docket number USTR–2019–0013 in the search field on the home page.

Daniel Lee,

Assistant U.S. Trade Representative for Innovation and Intellectual Property (Acting), Office of the United States Trade Representative.

[FR Doc. 2019–17731 Filed 8–16–19; 8:45 am]

BILLING CODE 3290–F9–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0369]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Human Space Flight Requirements for Crew and Space Flight Participants

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 Human Space Flight Requirements for Crew and Space Flight Participants collection of information was published on June 12, 2019. The collection involves information demonstrating that a launch or reentry operation involving a human participant will meet the risk criteria and requirements to ensure public safety. The information to be collected is necessary for the FAA to assess crew qualification and training; for operators to inform space flight participants and crew members of the risks associated with launch and reentry activities; for the implementation of waiver of claims; and to ensure environmental control and life support systems and other systems adequately protect public health and safety.

DATES: Written comments should be submitted by September 18, 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: Shirley McBride by email at: *Shirley.McBride@faa.gov;* phone: 202–267–7470.

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: 2120–0720.

Title: Same title as above.

Form Numbers: N/A.

Type of Review: Renewal.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the Human Space Flight Requirements for Crew and Space Flight Participants collection of information was published on June 12, 2019 (84 FR 27391). The FAA established requirements for human space flight of crew and space flight participants as required by the Commercial Space Launch Amendments Act of 2004. The information collected is used by the FAA, a licensee or permittee, a space flight participant, or a crew member. The FAA uses the information to ensure that a launch or reentry operation involving a human on board a vehicle will meet the risk criteria and requirements to ensure public safety.

Respondents: All commercial space entities that propose to conduct a launch or reentry with flight crew or space flight participants on board must comply with this collection.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 4 hours.

Estimated Total Annual Burden: 808 hours.

Issued in Washington, DC, on August 13, 2019.

Kelvin B. Coleman,

Deputy Associate Administrator, Office of Commercial Space Transportation.

[FR Doc. 2019–17803 Filed 8–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA 2010–1052]

Airport Investment Partnership Program

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of receipt of application of Airglades Airport (2IS), Hendry County, Clewiston, Florida: Commencement of 30-Day public review and comment period.

SUMMARY: The Federal Aviation Administration (FAA) received the final application from Hendry County and Airglades Airport, LLC for the participation of Airglades Airport (2IS) in the Airport Investment Partnership Program (formerly the Airport Privatization Pilot Program) and has determined that the final application is substantially complete and accepted for review. The determination that the application is substantially complete results in the commencement of FAA's review and is not an approval or disapproval of the proposed privatization application.

The FAA is seeking information and comments from interested parties on the final application. The FAA will review the application, public comments, and any other relevant additional submission by the applicant or the public, and issue a decision approving or disapproving the application.

Title 49 U.S.C. Section 47134 establishes the Airport Investment Partnership Program and authorizes the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirement for airport privatization projects. The application procedures require the FAA to publish a notice of receipt of the final application in the **Federal Register** and accept public comment on the final application for a period of 60 days. However, the 60-day notice period is not a statutory or regulatory requirement. The applicants have requested the comment period be reduced to 30 days because they desire to obtain approval, assuming the application is sufficient, by September 30, 2019. Under Section 184 of the FAA Reauthorization Act of 2018, approval of an application by this date (and the project meets all other requirements), would permit the agency to issue a letter of intent for Airport Improvement Program grant funds. FAA has agreed to reduce the comment period based on the applicants' request.

DATES: Comments must be received by September 18, 2019. Comments that are received after that date will be considered only to the extent possible.

ADDRESSES: You may send written comments by any of the following methods.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your

comments electronically. Docket Number: FAA 2010–1052.

• *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* Deliver to mail address above between 9:00 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

• *Fax:* (202) 493–2251.

Identify all transmission with ''Docket Number FAA 2010–1052'' at the beginning of the document.

Examining the Application

The final application was filed under Docket Number FAA–2010–1052. You may examine the final application on the internet at: *http://www.regulations.gov* or on the FAA's website *www.faa.gov* or in person at the Docket Operations office between 9:00 a.m. and 5:00 p.m. EST, Monday through Friday, except Federal holidays. The Docket Operations Office (800–647–5527) is located at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. The Docket contains the preliminary and final application, the agreements, any comments received and other information. Hendry County and Airglades Airport, LLC have also made copies of the final application available on *www.airglades.com* and the following location:

Hendry County Clerk of Courts, 25 E Hickpochee Avenue, LaBelle, Florida 33935, Monday–Friday 8:30 a.m.–4:45 p.m., Saturday & Sunday—Closed

Clewiston Public Library, 120 W Osceola Avenue, Clewiston, Florida 33440, Monday & Thursday 9 a.m.–8 p.m., Tuesday, Wednesday & Friday 9 a.m.–5 p.m., Saturday 9 a.m.–1 p.m., Sunday—Closed

Barron Library, 461 N Main Street, LaBelle, Florida 33935, Monday & Thursday 9 a.m.–8 p.m., Tuesday, Wednesday & Friday 9 a.m.–5 p.m., Saturday 9 a.m.–1 p.m., Sunday—Closed

Glades County Public Library, 201 Riverside Drive, Moore Haven, Florida 33471, Monday–Friday 9 a.m.–5 p.m., Saturday & Sunday—Closed

FOR FURTHER INFORMATION CONTACT: Cathryn Cason, Airport Compliance Specialist, Airport Compliance Division, ACO–100, Office of Airport Compliance and Management Analysis, Federal Aviation Administration, 800 Independence Ave. SW, Washington DC 20591. Telephone 202–267–3085.

SUPPLEMENTARY INFORMATION: Title 49 of the U.S. Code Section 47134 authorizes the Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received Federal assistance, from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues for airport-related purposes, to pay back a portion of Federal grants upon the sale of an airport, and to return airport property deeded by the Federal Government upon transfer of the airport. The Administrator is also authorized to exempt the private purchaser or lessee from the requirements to use all airport revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 1997, the Federal Aviation Administration issued a notice of procedures to be used in applications for exemption under Airport Privatization Pilot Program (*Notice of final application procedures for the Airport Privatization Pilot program: Application Procedures,* 62 FR 48693–48708 (September 16, 1997) (Notice) (as modified, 62 FR 63211, Nov. 26, 1997). The FAA Reauthorization Act of 2018 amended Section 47134 by changing the name to Airport Investment Partnership Program, eliminated limitations on the number of airports that could participate along with several other changes. A request for participation in the Program must be initiated by the filing of either a preliminary or final application for exemption with the Federal Aviation Administration.

Hendry County submitted a preliminary application to the Program for Airglades Airport on October 6, 2010, the filing date of the preliminary application. FAA accepted the preliminary application on October 18, 2010. The preliminary application is posted on *http://www.regulations.gov* in Docket Number FAA 2010–1052 and is available for public review.

On August 8, 2019, Hendry County and Airglades Airport, LLC filed their final application. Airglades Airport, LLC plans to build a $461 million cargo complex and related support facilities to handle the transshipment of perishable goods. The project will also include construction of a tower, 10,000-foot runway and related facilities. According to the application, Airglades Airport, LLC has or intends to select AVPORTS to operate the airport under a separate agreement and Star America, or a related entity, as an investor/developer to manage and/or finance the airport development project after the acquisition of the Airport from the County.

Hendry County requested an exemption under 49 U.S.C. Section 47134(b)(1) to permit the use of revenue from the sale of airport property for non-airport purposes and under 49 U.S.C. Section 47134(b)(2) to forego the repayment of Federal grants; and Airglades Airport. LLC asked for an exemption under 49 U.S.C. Section 47134(b)(3) to permit them to earn compensation from the operation of the airport.

As part of its review of the final application, the FAA will consider all comments that are submitted by interested parties during the 30-day comment period for this notice.

Issued in Washington, DC, on August 14, 2019.

Kevin Willis,

Director, Office of Airport Compliance and Management Analysis.

[FR Doc. 2019–17785 Filed 8–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2019–0058]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that by letter dated July 26, 2019, the New York, Susquehanna & Western Railway Corporation (NYSW) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 234. 271, *Insulated rail joints, bond wires, and track connections.* FRA assigned the petition Docket Number FRA–2019–0058.

Specifically, NYSW requests relief from the requirement that insulated rail joints, bond wires, and track connections be inspected once every three months, for the following highway-rail grade crossings (HGRC) located in Utica, NY: (1) DOT #264337H-milepost (MP) U284.84—Noyes Street; (2) DOT #264329R–MP U285.38—Court Street; and (3) DOT #264328J–MP U2865.54—Columbia Street. The affected HRGCs are located on a portion of rail line within the NYSW's Utica Yard Limits. Train movements are made on verbal permission of the Train Dispatcher.

Within the yard limits, the trackage enters the city of Utica in a general southwest to northeast direction, traversing a section of street trackage. For a distance of 3,400 feet, the trackage is centered in the asphalt roadway of Schuyler Street. The street trackage itself is assigned DOT #93565Y.

NYSW explains that prior to 1982, the HRGCs in the Schuyler Street trackage were manually operated from a watchman's shanty located near the northeast end of the street trackage. In 1983, the HRGCs were upgraded with automatic flashing light signals, with trains detected by Style C track circuits. Since that time, Court Street has been further upgraded to a motion detector track circuit. At the time of the 1983 installation, the affected HRGC warning devices were not subject to 49 CFR part 234, and when installed, no provisions were made in the asphalt surface of Schuyler Street to access the track wire connections to the web of the running rails. Insulated joints are also not able to be fully visually inspected. NYSW's petition states it ''will monitor track relay voltages and motion detector transmitter check readings monthly and form baseline readings.''

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 3, 2019 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2019–17711 Filed 8–16–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Funding Opportunity (NOFO or notice).

SUMMARY: This notice details the application requirements and procedures to obtain grant [1] funding for eligible projects under the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program. CRISI Program funding under this notice is provided by the Consolidated Appropriations Act (2019 Appropriation). The opportunities described in this notice are made available under Catalog of Federal Domestic Assistance (CFDA) number 20.325, ''Consolidated Rail Infrastructure and Safety Improvements.''

DATES: Applications for funding under this solicitation are due no later than 5:00 p.m. EDT, October 18, 2019. Applications received after 5:00 p.m. EDT on October 18, 2019 will not be considered for funding. Incomplete applications will not be considered for funding. See Section D of this notice for additional information on the application process.

ADDRESSES: Applications must be submitted via *www.Grants.gov.* Only applicants who comply with all submission requirements described in this notice and submit applications through *www.Grants.gov* will be eligible for award. For any supporting application materials that an applicant is unable to submit via *www.Grants.gov* (such as oversized engineering drawings), an applicant may submit an original and two (2) copies to Ms. Amy Houser, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–412, Washington, DC 20590. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are advised to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline.

FOR FURTHER INFORMATION CONTACT: For further project or program-related information in this notice, please contact Ms. Frances Bourne, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38–207, Washington, DC 20590; email: *frances.bourne@dot.gov;* phone: 202–493–6366. Grant application submission and processing questions should be addressed to Ms. Amy Houser, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–412, Washington, DC 20590; email: *amy.houser@dot.gov;* phone: 202–493–0303.

SUPPLEMENTARY INFORMATION:

Notice to applicants: FRA recommends that applicants read this notice in its entirety prior to preparing application materials. Definitions of key terms used throughout the NOFO are provided in Section A(2) below. These key terms are capitalized throughout the NOFO. There are several administrative prerequisites and specific eligibility requirements described herein with which applicants must comply. Additionally, applicants should note that the required Project Narrative

[1] The term ''grant'' is used throughout this document and is intended to reference funding awarded through a grant agreement, as well as funding awarded through a cooperative agreement.

component of the application package may not exceed 25 pages in length.

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A. Program Description

1. Overview

This program leverages private, state and local investments to support safety enhancements and general improvements to infrastructure for both intercity passenger and freight railroads. The U.S. rail network is central to the success of the American economy, carrying more than 1.8 billion tons of freight valued at nearly $800 billion annually, and over 31.7 million passengers on Intercity Rail Passenger Transportation services. Both services primarily operate over privately-owned and maintained infrastructure, allowing for strong private, capital market investment that generates public benefit, including public-private partnerships among other models.

The Department is committed to addressing the unmet transportation infrastructure needs of rural areas. Underinvestment in rural transportation systems has allowed a slow and steady decline in the transportation routes that connect rural American communities to each other and to the rest of the country, fraying the fabric of American interconnectivity. A majority of the nation's rail route miles are in rural America. Investment is necessary to grow rural economies, facilitate freight movement, improve access to reliable and affordable transportation options and enhance access to healthcare and safety for residents.

The Department also recognizes the importance of applying life cycle asset management principles throughout America's infrastructure. It is important for rail infrastructure owners and operators, as well as those who may apply on their behalf, to plan for the maintenance and replacement of assets and the associated costs.

Congress authorized this grant program for the Secretary to invest in a wide range of projects within the United States to improve railroad safety, efficiency, and reliability; mitigate congestion at both intercity passenger and freight rail chokepoints; enhance multi-modal connections; and lead to new or substantially improved Intercity Passenger Rail Transportation corridors. Rail safety projects include, but are not limited to, grade crossing enhancements, rail line Relocations and Improvements, and deployment of railroad safety technology. Eligible work also includes: Regional rail and corridor Planning, environmental analyses, and research, workforce development, and training. The purpose of this notice is to solicit applications for the competitive CRISI Program funding provided in the 2019 Appropriation. The CRISI Program is authorized under Section 11301 of the Fixing America's Surface Transportation (FAST) Act, Public Law 114–94 (2015); 49 U.S.C. 22907 [2] and funds made available in this NOFO are provided in the 2019 Appropriation.

2. Definitions of Key Terms

a. ''Benefit-Cost Analysis'' (or ''Cost-Benefit Analysis'') is a systematic, data driven, and transparent analysis comparing monetized project benefits and costs, using a no-build baseline and properly discounted present values, including concise documentation of the assumptions and methodology used to produce the analysis; a description of the baseline, data sources used to project outcomes, and values of key input parameters; basis of modeling including spreadsheets, technical memos, etc.; and presentation of the calculations in sufficient detail and transparency to allow the analysis to be reproduced and for sensitivity of results evaluated by FRA. Please refer to the Benefit-Cost Analysis Guidance for Discretionary Grant Programs prior to preparing a BCA at *https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance.* In addition, please also refer to the BCA FAQs on FRA's website for rail specific examples of how to apply the BCA Guidance for Discretionary Grant Programs to CRISI applications.

b. ''Capital Project'' means a project for: Acquiring, constructing, improving, or inspecting rail equipment, track and track structures, or a rail facility; expenses incidental to the acquisition or Construction including pre-construction activities (such as designing, engineering, location surveying, mapping, acquiring rights-of-way) and related relocation costs, environmental studies, and all work necessary for FRA to approve the project under the National Environmental Policy Act; highway-rail grade crossing improvements; communication and signalization improvements; and rehabilitating, remanufacturing or overhauling rail rolling stock and facilities.[3]

c. ''Construction'' means the production of fixed works and structures or substantial alterations to such structures or land and associated costs.

d. ''Final Design (FD)'' means design activities following Preliminary Engineering, and at a minimum, includes the preparation of final Construction plans, detailed specifications, and estimates sufficiently detailed to inform project stakeholders (designers, reviewers, contractors, suppliers, etc.) of the actions required to advance the project from design through completion of Construction.

e. ''Improvement'' means repair or enhancement to existing rail infrastructure, or Construction of new rail infrastructure, that results in efficiency of the rail system and the safety of those affected by the system.

f. ''Intercity Rail Passenger Transportation'' means rail passenger transportation, except commuter rail passenger transportation. See 49 U.S.C. 22901(3). In this notice, ''Intercity Passenger Rail Service'' and ''Intercity Passenger Rail Transportation'' are equivalent terms to ''Intercity Rail Passenger Transportation.''

g. ''National Environmental Policy Act (NEPA)'' is a Federal law that requires Federal agencies to analyze and document the environmental impacts of a proposed action in consultation with appropriate Federal, state, and local authorities, and with the public. NEPA classes of action include an Environmental Impact Statement (EIS), Environmental Analysis (EA) or Categorical Exclusion (CE). The NEPA class of action depends on the nature of the proposed action, its complexity, and the potential impacts. For purposes of this NOFO, NEPA also includes all related Federal laws and regulations including the Clean Air Act, Section 4(f) of the Department of Transportation Act, Section 7 of the Endangered Species Act, and Section 106 of the National Historic Preservation Act. Additional information regarding FRA's environmental processes and requirements are located at *https://www.fra.dot.gov/environment.*

[2] The Department of Transportation Reports Harmonization Act, Public Law 115–420, sec.7 (2019) transferred this section from its location at 49 U.S.C. 24407 to 49 U.S.C. 22907.

[3] For any project that includes purchasing Intercity Passenger Rail equipment, applicants are encouraged to use a standardized approach to the procurement of passenger rail equipment, such as the specifications developed by the Next Generation Corridor Equipment Pool Committee or a similar uniform process.

h. ''Planning'' means activities that support the development of a state or regional rail plan or a corridor service development plan. Project-specific (*e.g.,* rail station or port improvements) planning is not eligible.

i. ''Positive Train Control (PTC) system'' is defined by 49 CFR 270.5 to mean a system designed to prevent train-to-train collisions, overspeed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position, as described in 49 CFR part 236, subpart I.

j. ''Preliminary Engineering (PE)'' means engineering design to: (1) Define a project, including identification of all environmental impacts, design of all critical project elements at a level sufficient to assure reliable cost estimates and schedules, (2) complete project management and financial plans, and (3) identify procurement requirements and strategies. The PE development process starts with specific project design alternatives that allow for the assessment of a range of rail improvements, specific alignments, and project designs. PE generally occurs concurrently with NEPA and related analyses, and prior to FD and Construction.

k. ''Rail Carrier'' means a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation. See 49 U.S.C. 10102(5).

l. ''Relocation'' is defined to mean moving a rail line vertically or laterally to a new location. Vertical Relocation refers to raising above the current ground level or sinking below the current ground level of a rail line. Lateral Relocation refers to moving a rail line horizontally to a new location.

m. ''Rural Project'' means a project in which all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a Rural Area.

n. ''Rural Area'' is defined in 49 U.S.C. 22907(g)(2) to mean any area not in an urbanized area as defined by the Census Bureau. The Census Bureau defines Urbanized Area (UA) as an area with a population of 50,000 or more people.[4] Updated lists of UAs as defined by the Census Bureau are available on the Census Bureau website at *http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/.*

B. Federal Award Information

1. Available Award Amount

The total funding available for awards under this NOFO is $244,621,500. Should additional CRISI funds become available after the release of this NOFO, FRA may elect to award such additional funds to applications received under this NOFO.

Of the $255,000,000 made available in the 2019 Appropriation, at least 25 percent, or $63,750,000 will be made available for Rural Projects as required by 49 U.S.C. 22907. Additionally, $7,828,500 will be set aside for Special Transportation Circumstances under a separate NOFO. FRA will also set aside $2,550,000 for award and program oversight.

2. Award Size

There are no predetermined minimum or maximum dollar thresholds for awards. FRA anticipates making multiple awards with the available funding. FRA may not be able to award grants to all eligible applications, nor even to all applications that meet or exceed the stated evaluation criteria (see Section E, Application Review Information). Projects may require more funding than is available. FRA encourages applicants to propose projects or components of projects that have operational independence and that can be completed and implemented with CRISI funding as a part of the total project cost together with other, non-Federal sources.

FRA strongly encourages applicants to identify and include other state, local, public, or private funding or financing to support the proposed project in order to maximize competitiveness.

3. Award Type

FRA will make awards for projects selected under this notice through grant agreements and/or cooperative agreements. Grant agreements are used when FRA does not expect to have substantial Federal involvement in carrying out the funded activity. Cooperative agreements allow for substantial Federal involvement in carrying out the agreed upon investment, including technical assistance, review of interim work products, and increased program oversight. The funding provided under this NOFO will be made available to grantees on a reimbursable basis. Applicants must certify that their expenditures are allowable, allocable, reasonable, and necessary to the approved project before seeking reimbursement from FRA. Additionally, the grantee is expected to expend matching funds at the required percentage concurrent with Federal funds throughout the life of the project. See an example of standard terms and conditions for FRA grant awards at: *https://www.fra.dot.gov/eLib/Details/L19057.*

4. Concurrent Applications

DOT and FRA may be concurrently soliciting applications for transportation infrastructure projects for several financial assistance programs, applicants may submit applications requesting funding for a particular project to one or more of these programs. In the application for CRISI Program funding under this NOFO, applicants must indicate the other programs, and if applicable the other CRISI NOFOs, to which they submitted or plan to submit an application for funding the entire project or certain project components, as well as highlight new or revised information in the application responsive to this NOFO that differs from the application(s) for other Federal financial assistance programs or other CRISI NOFOs.

C. Eligibility Information

This section of the notice explains applicant eligibility, cost sharing and matching requirements, project eligibility, and project component operational independence. Applications that do not meet the requirements in this section will be ineligible for funding. Instructions for submitting eligibility information to FRA are detailed in Section D of this NOFO.

1. Eligible Applicants

The following entities are eligible applicants for all project types permitted under this notice:

a. A State;

b. A group of States;

c. An Interstate Compact;

d. A public agency or publicly chartered authority established by one or more States;[5]

e. A political subdivision of a State;

f. Amtrak or another Rail Carrier that provides Intercity Rail Passenger Transportation (as defined in 49 U.S.C. 24102);

g. A Class II railroad or Class III railroad (as those terms are defined in 49 U.S.C. 20102);

h. Any Rail Carrier or rail equipment manufacturer in partnership with at

[4] See 74 FR 53030, 53043 (August 24, 2011) available at *https://www2.census.gov/geo/pdfs/reference/fedreg/fedregv76n164.pdf.*

[5] See Section D(2)(a)(iv) for supporting documentation required to demonstrate eligibility under this eligibility category.

least one of the entities described in paragraph (a) through (e);[6]

i. The Transportation Research Board together with any entity with which it contracts in the development of rail-related research, including cooperative research programs;

j. A University transportation center engaged in rail-related research; or

k. A non-profit labor organization representing a class or craft of employees of Rail Carriers or Rail Carrier contractors.

Applications must identify an eligible applicant as the lead applicant. The lead applicant serves as the primary point of contact for the application, and if selected, as the recipient of the CRISI Program grant award. Eligible applicants may reference entities that are not eligible applicants in an application as a project partner.

2. Cost Sharing or Matching

The Federal share of total costs for projects funded under this notice will not exceed 80 percent, though FRA will provide selection preference to applications where the proposed Federal share of total project costs is 50 percent or less. The estimated total cost of a project must be based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment and/or facilities. Additionally, in preparing estimates of total project costs, applicants should refer to FRA's cost estimate guidance documentation, ''Capital Cost Estimating: Guidance for Project Sponsors,'' which is available at: *https://www.fra.dot.gov/Page/P0926.*

The minimum 20 percent non-Federal match may be comprised of public sector (*e.g.,* state or local) and/or private sector funding. FRA will not consider any Federal financial assistance, nor any non-Federal funds already expended (or otherwise encumbered) that do not comply with 2 CFR 200.458, as applicable, toward the matching requirement. FRA is limiting the first 20 percent of the non-Federal match to cash contributions only. Eligible in-kind contributions may be accepted for any non-Federal matching beyond the first 20 percent. In-kind contributions, including the donation of services, materials, and equipment, may be credited as a project cost, in a uniform manner consistent with 2 CFR 200.306. Moreover, FRA encourages applicants to broaden their funding table in applications. Non-federal shares consisting of funding from multiple sources (*e.g.,* a state, county, railroad, and university contributing to a grade crossing improvement) to demonstrate broad participation and cost sharing from affected stakeholders, will be given preference.

Amtrak or another Rail Carrier may use ticket and other non-Federal revenues generated from its operations and other sources as matching funds. Applicants must identify the source(s) of its matching and other funds, and must clearly and distinctly reflect these funds as part of the total project cost.

Before applying, applicants should carefully review the principles for cost sharing or matching in 2 CFR 200.306. See Section D(2)(a)(iii) for required application information on non-Federal match and Section E for further discussion of FRA's consideration of matching funds in the review and selection process. FRA will approve pre-award costs consistent with 2 CFR 200.458, as applicable. See Section D(6).

3. Other

a. Project Eligibility

The following rail projects within the United States that improve the safety, efficiency, and/or reliability of passenger and/or freight rail transportation systems are eligible for funding under 49 U.S.C. 22907 and this NOFO.

i. Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.[7] PTC examples include: Back office systems; wayside, communications and onboard hardware equipment; software; equipment installation; spectrum; any component, testing and training for the implementation of PTC systems; and interoperability. Maintenance and operating expenses incurred after a PTC system is placed in revenue service are ineligible. Railroad safety technology and rail integrity inspection system examples include: Broken rail detection and warning systems; track intrusion systems; and hot box detectors, wheel impact load detectors, and other safety improvements.[8]

ii. A capital project as defined in 49 U.S.C. 22901(2) relating to Intercity Passenger Rail Service, except that such projects are not required to be in a State rail plan under the CRISI Program. Examples include: Acquisition, improvement, or rehabilitation of railroad equipment (locomotives and rolling stock); railroad infrastructure (grade crossings, catenary, and signals); and rail facilities (yards, passenger stations, or maintenance and repair shops). For any project that includes purchasing Intercity Passenger Rail equipment, applicants are encouraged to use a standardized approach to the procurement of passenger rail equipment, such as the specifications developed by the Next Generation Corridor Equipment Pool Committee or a similar uniform process.

iii. A Capital Project necessary to address congestion challenges affecting rail service. Examples include: Projects addressing congestion that increase rail capacity; add or upgrade the condition, clearances, and capacity of rail mainlines; enhance capacity and service with less conflict between freight and Intercity Passenger Rail; reduce delays and risks associated with highway-rail grade crossings; and provide more effective rail equipment.

iv. A Capital Project necessary to reduce congestion and facilitate ridership growth in Intercity Passenger Rail Transportation along heavily traveled rail corridors. Examples include: Projects addressing congestion that improve stations; increase rail capacity; reduce conflict between freight and Intercity Passenger Rail; reduce delays and risks associated with highway-rail grade crossings; and provide more effective rail equipment.

v. A highway-rail grade crossing improvement project, including installation, repair, or improvement of grade separations, railroad crossing signals, gates, and related technologies; highway traffic signalization; highway lighting and crossing approach signage; roadway improvements such as medians or other barriers; railroad crossing panels and surfaces; and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.

vi. A rail line Relocation and Improvement project. Examples include projects that: Improve the route or structure of a rail line by replacing degraded track; enhance/relocate railroad switching operations; add or lengthen passing tracks to increase capacity; improve interlockings; and relocate rail lines to alleviate congestion, and eliminate frequent rail service interruptions.

vii. A Capital Project to improve short-line or regional railroad infrastructure.

viii. The preparation of regional rail and corridor service development plans

[6] See Section D(2)(a)(iv) for supporting information required to demonstrate eligibility under this eligibility category.

[7] Pursuant to the 2019 Appropriation, 49 U.S.C. 22905(f) shall not apply to projects for the implementation of positive train control eligible under 49 U.S.C. 22907(c)(1).

[8] Only FD and Construction costs are eligible within this project eligibility category.

and corresponding environmental analyses. (See the examples under Track 1 and 2 below in Subsections C(3)(b)(i)–(ii) as they apply to regional and corridor rail Planning.)

ix. A project necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between Intercity Rail Passenger Transportation and intercity bus service or commercial air service. Examples include: Intermodal transportation facilities projects that encourage joint scheduling, ticketing, and/or baggage handling; freight rail intermodal connections; and rail projects improving access to ports.

x. The development and implementation of a safety program or institute designed to improve rail safety. Examples include: Employee training; and public safety outreach and education.

xi. Any research that the Secretary considers necessary to advance any particular aspect of rail related capital, operations, or safety improvements.

xii. Workforce development and training activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.

For a project that uses rights-of-way owned by a railroad, and the railroad is not the applicant, FRA requires that a written agreement exist between the applicant and the railroad regarding use and ownership consistent with 49 U.S.C. 22905(c)(1). This requirement is a condition to making a grant under the CRISI Program.

b. Project Tracks for Eligible Projects

Applicants are not limited in the number of projects for which they seek funding. FRA will not limit eligible projects from consideration for funding for planning, environmental, engineering, design, and construction elements of the same project in the same application. Applicants are allowed to include multiple phases of a project in the same application. However, depending on the project, applications for multiple phases of project development may not contain sufficient detail with regards to scope, schedule, or budget for all phases of the application to compete well in the application review process.[9]

An applicant must identify one or more of the following four tracks for an eligible project: Track 1—Planning; Track 2—PE/NEPA; Track 3—FD/Construction; or Track 4—Research, Safety Programs and Institutes.

i. Track 1—Planning

Track 1 consists of eligible rail Planning projects. Examples include the technical analyses and associated environmental analyses that support the development of state rail plans, regional rail plans, and corridor service development plans, including: Identification of alternatives, rail network Planning, market analysis, travel demand forecasting, revenue forecasting, railroad system design, railroad operations analysis and simulation, equipment fleet Planning, station and access analysis, conceptual engineering and capital programming, operating and maintenance cost forecasting, capital replacement and renewal analysis, and economic analysis. Project-specific (*e.g.,* rail station or port improvements) planning is not an eligible Track 1 project.

ii. Track 2—PE/NEPA

Track 2 consists of eligible PE/NEPA projects. PE examples include: PE drawings and specifications (scale drawings at the 30% design level, including track geometry as appropriate); design criteria, schematics and/or track charts that support the development of PE; and work that can be funded in conjunction with developing PE, such as operations modeling, surveying, project work/management plans, preliminary cost estimates, and preliminary project schedules. PE/NEPA projects funded under this NOFO must be sufficiently developed to support FD or Construction activities.

iii. Track 3—FD/Construction

Track 3 consists of eligible projects for FD, Construction, and project implementation and deployment activities. Applicants must complete all necessary Planning, PE and NEPA requirements for FD/Construction projects. FD funded under this track must: Resolve remaining uncertainties or risks associated with changes to design scope; address procurement processes; and update and refine plans for financing the project or program to reflect accurately the expected year-of-expenditure costs and cash flow projections. Applicants selected for funding for FD/Construction must demonstrate the following to FRA's satisfaction:

(A) PE is completed for the proposed project, resulting in project designs that are reasonably expected to conform to all regulatory, safety, security, and other design requirements, including those under the Americans with Disabilities Act (ADA);

(B) NEPA is completed for the proposed project;

(C) Signed agreements with key project partners, including infrastructure-owning entities; and

(D) A project management plan is in-place for managing the implementation of the proposed project, including the management and mitigation of project risks.

FD examples include: Drawings at the 100% Design Level, interim design drawings that support development (*e.g.,* drawings at the 60% Design Level), project work/project management plan, cost estimates, project schedules, and right-of-way acquisition and relocation plans. Construction examples include: Additions, improvements, replacements, renovations and/or repairs to track, bridge, station, rail yard, signal, and communication system infrastructure, or other railroad safety technology.

iv. Track 4—Research, Safety Programs and Institutes (Non-Railroad Infrastructure)

Track 4 consists of projects not falling within Tracks 1–3 including workforce development activities, research, safety programs or institutes designed to improve rail safety that clearly demonstrate the expected positive impact on rail safety. Sufficient detail must be provided on what the project will accomplish, as well as the applicant's capability to achieve the proposed outcomes. Examples include: Initiatives for improving rail safety, training, public outreach, and education.

c. Project Component Operational Independence

If an applicant requests funding for a project that is a component or set of components of a larger project, the project component(s) must be attainable with the award amount, together with other funds as necessary, obtain operational independence, and must comply with all eligibility requirements described in Section C.

In addition, the component(s) must be capable of independent analysis and decision making, as determined by FRA, under NEPA (*i.e.,* have independent utility, connect logical termini, if

[9] The scope, schedule, and budget necessary to implement a project, as well as the definition of the project's potential benefits, are typically informed by the work conducted in prior phases of project development (*e.g.,* the specific elements of an FD/Construction project and their cost estimates are developed and refined through PE.) The evaluation criteria for the CRISI program (see Section E of this NOFO) considers the level of detail contained in the applicant's proposed scope of work and readiness for the project to be implemented.

applicable, and not restrict the consideration of alternatives for other reasonably foreseeable rail projects.)

d. Rural Project

FRA will consider a project to be in a Rural Area if all or the majority of the project (determined by geographic location(s) where the majority of the project funds will be spent) is located in a Rural Area. However, in the event FRA elects to fund a component of the project, then FRA will reexamine whether the project is in a Rural Area.

D. Application and Submission Information

Required documents for the application are outlined in the following paragraphs. Applicants must complete and submit all components of the application. See Section D(2) for the application checklist. FRA welcomes the submission of additional relevant supporting documentation, such as planning, engineering and design documentation, and letters of support from partnering organizations that will not count against the Project Narrative 25-page limit.

1. Address To Request Application Package

Applicants must submit all application materials in their entirety through *www.Grants.gov* no later than 5:00 p.m. EDT, on October 18, 2019. FRA reserves the right to modify this deadline. General information for submitting applications through *Grants.gov* can be found at: *https://www.fra.dot.gov/Page/P0270.*

For any supporting application materials that an applicant cannot submit via *Grants.gov*, such as oversized engineering drawings, an applicant may submit an original and two (2) copies to Ms. Amy Houser, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–412, Washington, DC 20590. Due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, FRA advises applicants to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline. Additionally, if documents can be obtained online, providing instructions to FRA on how to access files on a referenced website may also be sufficient.

2. Content and Form of Application Submission

FRA strongly advises applicants to read this section carefully. Applicants must submit all required information and components of the application package to be considered for funding.

Required documents for an application package are outlined in the checklist below.

i. Project Narrative (see D.2.a)
ii. Statement of Work (see D.2.b.i)
iii. Benefit-Cost Analysis (see D.2. b.ii)
iv. SF424—Application for Federal Assistance
v. Either: SF 424A—Budget Information for Non-Construction projects (required for Tracks 1, 2 and 4) or SF 424C—Budget Information for Construction (required for any application that includes Track 3)
vi. Either: SF 424B—Assurances for Non-Construction projects (required for Tracks 1, 2 and 4) or SF 424D—Assurances for Construction (required for any application that includes Track 3)
vii. FRA's Additional Assurances and Certifications
viii. SF LLL—Disclosure of Lobbying Activities

a. Project Narrative

This section describes the minimum content required in the Project Narrative of the grant application. The Project Narrative must follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Cover Page	See D.2.a.i.
II. Project Summary	See D.2.a.ii.
III. Project Funding	See D.2.a.iii.
IV. Applicant Eligibility	See D.2.a.iv.
V. Project Eligibility	See D.2.a.v.
VI. Detailed Project Description.	See D.2.a.vi.
VII. Project Location	See D.2.a.vii.
VIII. Evaluation and Selection Criteria.	See D.2.a.viii.
IX. Project Implementation and Management.	See D.2.a.ix.
X. Planning Readiness	See D.2.a.x.
XI. Environmental Readiness	See D.2.a.xi.

The above content must be provided in a narrative statement submitted by the applicant. The Project Narrative may not exceed 25 pages in length (excluding cover pages, table of contents, and supporting documentation). FRA will not review or consider Project Narratives beyond the 25-page limitation. If possible, applicants should submit supporting documents via website links rather than hard copies. If supporting documents are submitted, applicants must clearly identify the page number(s) of the relevant portion in the Project Narrative supporting documentation. The Project Narrative must adhere to the following outline.

i. *Cover Page:* Include a cover page that lists the following elements in a table:

Project Title	
Applicant	
Project Track	1,2,3 and/or 4
Was a Federal grant application previously submitted for this project?	Yes/no
If yes, state the name of the Federal grant program and title of the project in the previous application	Federal Grant Program: Project Title:
Is this a Rural Project? What percentage of the project cost is based in a Rural Area?	Yes/no Percentage of total project cost:
City(ies), State(s) where the project is located	
Urbanized Area where the project is located	
Population of Urbanized Area	
Is the project currently programmed in the: State rail plan, State Freight Plan, TIP, STIP, MPO Long Range Transportation Plan, State Long Range Transportation Plan?.	Yes/no (If yes, please specify in which plans the project is currently programmed)

ii. *Project Summary:* Provide a brief 4–6 sentence summary of the proposed project and what the project will entail. Include challenges the proposed project aims to address, and summarize the intended outcomes and anticipated benefits that will result from the proposed project.

iii. *Project Funding:* Indicate in table format the amount of Federal funding requested, the proposed non-Federal match, identifying contributions from the private sector if applicable, and total project cost. Describe the non-Federal funding arrangement, including multiple sources of non-Federal funding if applicable. Include funding commitment letters outlining funding

agreements, as attachments or in an appendix. Identify any specific project components that the applicant proposes for partial project funding. If all or a majority of a project is located in a Rural Area, identify the Rural Area(s) and estimated percentage of project costs that will be spent in the Rural Area. Identify any previously incurred costs, as well as other sources of Federal funds committed to the project and any pending Federal requests. Also, note if the requested Federal funding under CRISI or other programs must be obligated or spent by a certain date due to dependencies or relationships with other Federal or non-Federal funding sources, related projects, law, or other factors. If applicable, provide the type and estimated value of any proposed in-kind contributions, and demonstrate how the in-kind contributions meet the requirements in 2 CFR 200.306.

EXAMPLE PROJECT FUNDING TABLE

Task #	Task name/project component	Cost	Percentage of total cost
1			
2			
Total Project Cost.			
Federal Funds Received from Previous Grant.			
CRISI Federal Funding Request.			
Non-Federal Funding/Match		Cash: In-Kind:	
Portion of Non-Federal Funding from the Private Sector.			
Portion of Total Project Costs Spent in a Rural Area.			
Pending Federal Funding Requests.			

iv. *Applicant Eligibility:* Explain how the applicant meets the applicant eligibility criteria outlined in Section C of this notice. For public agencies and publicly chartered authorities established by one or more states, the explanation must include citations to the applicable enabling legislation. If the applicant is eligible under 49 U.S.C. 22907(b)(8) as a Rail Carrier or rail equipment manufacturer in partnership with at least one of the other eligible entities, the applicant should explain the partnership and each entity's contribution to the partnership.

v. *Project Eligibility:* Identify which project eligibility category the project is eligible under in Section C(3) of this notice, and explain how the project meets the project eligibility criteria.

vi. *Detailed Project Description:* Include a detailed project description that expands upon the brief project summary. This detailed description should provide, at a minimum, background on the challenges the project aims to address; the expected users and beneficiaries of the project, including all railroad operators; the specific components and elements of the project; and any other information the applicant deems necessary to justify the proposed project. If applicable, explain how the project will benefit communities in Rural Areas. An applicant should specify whether it is seeking funding for a project that has already received Federal financial assistance, and if applicable, explain how the new scope proposed to be funded under this NOFO relates to the previous scope.

For all projects, applicants must provide information about proposed performance measures, as discussed in Section F(3)(c) and required in 2 CFR 200.301 and 49 U.S.C. 22907(f).

(A) *Grade crossing information, if applicable:* For any project that includes grade crossing components, cite specific DOT National Grade Crossing Inventory information, including the railroad that owns the infrastructure (or the crossing owner, if different from the railroad), the primary railroad operator, the DOT crossing inventory number, and the roadway at the crossing. Applicants can search for data to meet this requirement at the following link: *http://safetydata.fra.dot.gov/OfficeofSafety/default.aspx.*

(B) *Heavily traveled rail corridor information, if applicable:* For any project eligible under the eligibility category in Subsection C(3)(a)(iv), that reduces congestion and facilitates ridership growth in Intercity Passenger Rail Transportation, describe how the project is located on a heavily traveled rail corridor.

(C) *PTC information, if applicable:* For any project that includes deploying PTC systems, applicants must:

1. Document submission of a revised Positive Train Control Implementation Plan (PTCIP) to FRA as required by 49 U.S.C. 20157(a);

2. Document that it is a tenant on one or more host railroads that submitted a revised PTCIP to FRA as required by 49 U.S.C. 20157(a), which states the tenant railroad is equipping its rolling stock with a PTC system and provides all other information required under 49 CFR 236.1011 regarding the tenant railroad; or

3. Document why the applicant is not required to submit a revised PTCIP as required by 49 U.S.C. 20157(a), and whether the proposed project will assist in the deployment (*i.e.,* installation and/or full implementation) of a PTC system required under 49 U.S.C. 20157.

vii. *Project Location:* Include geospatial data for the project, as well as a map of the project's location. On the map, include the Congressional districts and Rural Area boundaries, if applicable, in which the project will take place.

viii. *Evaluation and Selection Criteria:* Include a thorough discussion of how the proposed project meets all the evaluation criteria and selection criteria, as outlined in Section E of this notice. If an application does not sufficiently address the evaluation and selection criteria, it is unlikely to be a competitive application. For the life-cycle cost selection criteria, applicants should demonstrate a credible plan to maintain their asset without having to rely on Federal funding including a description of the applicants' approach to ensuring operations and maintenance will not be underfunded in future years. For

projects (other than those eligible under 49 U.S.C. 22907(c)(1)) that are on a shared corridor with Commuter Railroad Passenger Transportation, demonstrate how funding the proposed project would be a reasonable investment in Intercity Passenger Rail Transportation and/or freight rail transportation.

ix. *Project Implementation and Management:* Describe proposed project implementation and project management arrangements. Include descriptions of the expected arrangements for project contracting, contract oversight, change-order management, risk management, and conformance to Federal requirements for project progress reporting (see *https://www.fra.dot.gov/Page/P0274*). Describe past experience in managing and overseeing similar projects.

x. *Planning Readiness for Tracks 2 and 3 (PE/NEPA and FD/Construction Projects:* Provide information about the planning process that analyzed the investment needs and service objectives of the project. If applicable, cite sources of this information from a service development plan, State or regional rail plan, or similar planning document where the project has been identified for solving a specific existing transportation problem, and makes the case for investing in the proposed solution.

xi. *Environmental Readiness for Track 3 FD/Construction Projects:* If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the documents demonstrating compliance with NEPA, which might include a final CE, Finding of No Significant Impact, or Record of Decision. If the NEPA process is not yet underway or is underway, but is not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all NEPA and related milestones. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying, and if necessary, updating this information in accordance with applicable NEPA requirements.

b. Additional Application Elements

Applicants must submit:

i. A Statement of Work (SOW) addressing the scope, schedule, and budget for the proposed project if it were selected for award. The SOW must contain sufficient detail so FRA, and the applicant, can understand the expected outcomes of the proposed work to be performed and monitor progress toward completing project tasks and deliverables during a prospective grant's period of performance. Applicants must use FRA's standard SOW, schedule, and budget templates to be considered for award. The templates are located at *https://www.fra.dot.gov/Page/P0325.* When preparing the budget, the total cost of a project must be based on the best available information as indicated in cited references that include engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

ii. A Benefit-Cost Analysis (BCA), as an appendix to the Project Narrative for each project submitted by an applicant. The BCA must demonstrate in economic terms the merits of investing in the proposed project. The BCA for Track 2—PE/NEPA projects should be for the underlying project, not the PE/NEPA work itself. The project narrative should summarize the project's benefits.

Benefits may apply to existing and new rail users, as well as users of other modes of transportation. In some cases, benefits may be applied to populations in the general vicinity of the project area. Improvements to multimodal connections and shared-use rail corridors may benefit all users involved. Benefits may be quantified for savings in safety costs, reduced costs from disruption of service, maintenance costs, reduced travel time, emissions reductions, and increases in capacity or ability to offer new types of freight or passenger services. Applicants may also describe other categories of benefits that are difficult to quantify such as noise reduction, environmental impact mitigation, improved quality of life, or reliability of travel times. All benefits claimed for the project must be clearly tied to the expected outcomes of the project. Please refer to the Benefit-Cost Analysis Guidance for Discretionary Grant Programs prior to preparing a BCA at *https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance.* In addition, please also refer to the BCA FAQs on FRA's website for some rail specific examples of how to apply the BCA Guidance for Discretionary Grant Programs to CRISI applications.

For Tracks 1 and 4—Applicants are required to document project benefits. Any subjective estimates of benefits and costs should be quantified whenever possible, and applicants should provide appropriate evidence to support their subjective estimates. Estimates of benefits should be presented in monetary terms whenever possible; if a monetary estimate is not possible, then a quantitative estimate (in physical, non-monetary terms, such as crash or employee casualty rates, ridership estimates, emissions levels, energy efficiency improvements, etc.) should be provided. At a minimum, qualitatively describe the project benefits.

iii. SF 424—Application for Federal Assistance;

iv. SF 424A—Budget Information for Non-Construction or SF 424C—Budget Information for Construction;

v. SF 424B—Assurances for Non-Construction or SF 424D—Assurances for Construction;

vi. FRA's Additional Assurances and Certifications; and

vii. SF LLL—Disclosure of Lobbying Activities.

Forms needed for the electronic application process are at *www.Grants.gov*.

c. Post-Selection Requirements

See subsection F(2) of this notice for post-selection requirements.

3. Unique Entity Identifier, System for Award Management (SAM), and Submission Instructions

To apply for funding through *Grants.gov*, applicants must be properly registered in SAM before submitting an application, provide a valid unique entity identifier, and continue to maintain an active SAM registration all as described in detail below. Complete instructions on how to register and submit an application can be found at *www.Grants.gov*. Registering with *Grants.gov* is a one-time process; however, it can take up to several weeks for first-time registrants to receive confirmation and a user password. FRA recommends that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application package by the application deadline. Applications will not be accepted after the due date. Delayed registration is not an acceptable justification for an application extension.

FRA may not make a grant award to an applicant until the applicant has complied with all applicable Data Universal Numbering System (DUNS) and SAM requirements, and if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant. (Please note that if a Dun & Bradstreet

DUNS number must be obtained or renewed, this may take a significant amount of time to complete.) Late applications that are the result of a failure to register or comply with *Grants.gov* applicant requirements in a timely manner will not be considered. If an applicant has not fully complied with the requirements by the submission deadline, the application will not be considered. To submit an application through *Grants.gov*, applicants must:

a. Obtain a DUNS Number

A DUNS number is required for *Grants.gov* registration. The Office of Management and Budget requires that all businesses and nonprofit applicants for Federal funds include a DUNS number in their applications for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for the government in identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for Federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Applicants may obtain a DUNS number by calling 1–866–705–5711 or by applying online at *http://www.dnb.com/us.*

b. Register With the SAM at www.SAM.gov.

All applicants for Federal financial assistance must maintain current registrations in the SAM database. An applicant must be registered in SAM to successfully register in *Grants.gov*. The SAM database is the repository for standard information about Federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via *Grants.gov* are already registered with SAM, as it is a requirement for *Grants.gov* registration. Please note, however, that applicants must update or renew their SAM registration at least once per year to maintain an active status. Therefore, it is critical to check registration status well in advance of the application deadline. If an applicant is selected for an award, the applicant must maintain an active SAM registration with current information throughout the period of the award. Information about SAM registration procedures is available at *www.sam.gov.*

c. Create a Grants.gov Username and Password

Applicants must complete an Authorized Organization Representative (AOR) profile on *www.Grants.gov* and create a username and password. Applicants must use the organization's DUNS number to complete this step. Additional information about the registration process is available at: *https://www.grants.gov/web/grants/applicants/organization-registration.html.*

d. Acquire Authorization for Your AOR From the E-Business Point of Contact (E-Biz POC)

The E-Biz POC at the applicant's organization must respond to the registration email from *Grants.gov* and login at *www.Grants.gov* to authorize the applicant as the AOR. Please note there can be more than one AOR for an organization.

e. Submit an Application Addressing All Requirements Outlined in This NOFO

If an applicant experiences difficulties at any point during this process, please call the *Grants.gov* Customer Center Hotline at 1–800–518–4726, 24 hours a day, 7 days a week (closed on Federal holidays). For information and instructions on each of these processes, please see instructions at: *http://www.grants.gov/web/grants/applicants/apply-for-grants.html.*

Note: Please use generally accepted formats such as .pdf, .doc, .docx, .xls, .xlsx and .ppt, when uploading attachments. While applicants may embed picture files, such as .jpg, .gif, and .bmp, in document files, applicants should not submit attachments in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

4. Submission Dates and Times

Applicants must submit complete applications to *www.Grants.gov* no later than 5:00 p.m. EDT, October 18, 2019. FRA reviews *www.Grants.gov* information on the dates and times of applications submitted to determine timeliness of submissions. Late applications will be neither reviewed nor considered. Delayed registration is not an acceptable reason for late submission. In order to apply for funding under this announcement, all applicants are expected to be registered as an organization with *Grants.gov*. Applicants are strongly encouraged to apply early to ensure all materials are received before this deadline.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the *Grants.gov* registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

5. Intergovernmental Review

Executive Order 12372 requires applicants from state and local units of government or other organizations providing services within a state to submit a copy of the application to the State Single Point of Contact (SPOC), if one exists, and if this program has been selected for review by the state. Applicants must contact their State SPOC to determine if the program has been selected for state review.

6. Funding Restrictions

FRA is prohibited under 49 U.S.C. 22905(f) from providing CRISI grants for commuter rail passenger transportation (as defined in 49 U.S.C. 24102(3)). FRA's interpretation of this restriction is informed by the language in 49 U.S.C. 22907. FRA's primary intent in funding passenger rail projects is to make reasonable investments in Intercity Passenger Rail Transportation. Such projects may be located on shared corridors where Commuter Rail Passenger Transportation and/or freight rail also benefit from the project. The 2019 Appropriation makes an exception to this funding restriction for Commuter Rail Passenger Transportation projects for the implementation of positive train control.

Consistent with 2 CFR 200.458, as applicable, FRA will only approve pre-award costs if such costs are incurred pursuant to the negotiation and in anticipation of the grant agreement and if such costs are necessary for efficient and timely performance of the scope of work. Under 2 CFR 200.458, grant recipients must seek written approval from the administering agency for pre-award activities to be eligible for reimbursement under the grant. Activities initiated prior to the execution of a grant or without written approval may not be eligible for reimbursement or included as a grantee's matching contribution.

7. Other Submission Requirements

If an applicant experiences difficulties at any point during this process, please

call the *Grants.gov* Customer Center Hotline at 1–800–518–4726, 24 hours a day, 7 days a week (closed on Federal holidays). For information and instructions on each of these processes, please see instructions at: *http://www.grants.gov/web/grants/applicants/apply-for-grants.html.*

E. Application Review Information

1. Criteria

a. Eligibility and Completeness Review

FRA will first screen each application for applicant and project eligibility (eligibility requirements are outlined in Section C of this notice), completeness (application documentation and submission requirements are outlined in Section D of this notice), and the 20 percent minimum match.

FRA will then consider the applicant's past performance in developing and delivering similar projects and previous financial contributions, and if applicable, previous competitive grant technical evaluation ratings that the proposed project received under previous competitive grant programs administered by the DOT.

b. Evaluation Criteria

FRA subject-matter experts will evaluate all eligible and complete applications using the evaluation criteria outlined in this section to determine project benefits and technical merit.

i. Project Benefits

FRA will evaluate the Benefit-Cost Analysis of the proposed project for the anticipated private and public benefits relative to the costs of the proposed project and the summary of benefits provided in response to subsection D(2)(b)(ii) including—

(A) Effects on system and service performance;

(B) Effects on safety, competitiveness, reliability, trip or transit time, and resilience;

(C) Efficiencies from improved integration with other modes; and

(D) Ability to meet existing or anticipated demand.

ii. Technical Merit

FRA will evaluate application information for the degree to which—

(A) The tasks and subtasks outlined in the SOW are appropriate to achieve the expected outcomes of the proposed project.

(B) Applications indicate strong project readiness and meet requirements under the project track(s) designated by the applicant.

(C) The technical qualifications and experience of key personnel proposed to lead and perform the technical efforts, and the qualifications of the primary and supporting organizations to fully and successfully execute the proposed project within the proposed timeframe and budget are demonstrated.

(D) The proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project.

(E) The applicant has, or will have the legal, financial, and technical capacity to carry out the proposed project; satisfactory continuing control over the use of the equipment or facilities; and the capability and willingness to maintain the equipment or facilities.

(F) The proposed project is consistent with planning guidance and documents set forth by DOT, including those required by law or State rail plans developed under Title 49, United State Code, Chapter 227.

c. Selection Criteria

In addition to the eligibility and completeness review and the evaluation criteria outlined in this subsection, the FRA Administrator (or his designee) will select projects in consultation with a Senior Review Team, which includes senior leadership from the Office of the Secretary and FRA, applying the following selection criteria:

i. The FRA will give preference to projects for which the:

(A) Proposed Federal share of total project costs is 50 percent or less;

(B) Proposed non-Federal share is comprised of more than one source, including private sources, demonstrating broad participation by affected stakeholders; and

(C) Net benefits of the grant funds will be maximized considering the Benefit-Cost Analysis, including anticipated private and public benefits relative to the costs of the proposed project, and factoring in the other considerations in 49 U.S.C. 22907 (e).

ii. After applying the above preferences, the FRA will take into account the following key Departmental objectives:

(A) Supporting economic vitality at the national and regional level;

(B) Leveraging Federal funding to attract other, non-Federal sources of infrastructure investment;

(C) Preparing for future operations and maintenance costs associated with their project's life-cycle, as demonstrated by a credible plan to maintain assets without having to rely on future Federal funding;

(D) Using innovative approaches to improve safety and expedite project delivery; and,

(E) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

iii. In determining the allocation of program funds, FRA may also consider geographic diversity, diversity in the size of the systems receiving funding, the applicant's receipt of other competitive awards, and projects located in or that support transportation service in a qualified opportunity zone designated pursuant to 26 U.S.C. 1400Z–1.

2. Review and Selection Process

FRA will conduct a three-part application review process, as follows:

a. Screen applications for completeness and eligibility and consider applicable past performance and previous financial contributions and technical evaluation ratings;

b. Evaluate eligible applications (completed by technical panels applying the evaluation criteria); and

c. Select projects for funding (completed by the FRA Administrator or his designee) applying the selection criteria in consultation with the Senior Review Team.

3. Reporting Matters Related to Integrity and Performance

Before making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold of $150,000 (see 2 CFR 200.88 Simplified Acquisition Threshold), FRA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (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.

FRA 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 as described in 2 CFR 200.205.

F. Federal Award Administration Information

1. Federal Award Notice

FRA will announce applications selected for funding in a press release and on the FRA website after the application review period. FRA will contact applicants with successful applications after announcement with information and instructions about the award process. This notification is not an authorization to begin proposed project activities. FRA requires satisfaction of applicable requirements by the applicant and a formal cooperative agreement or grant agreement signed by both the grantee and the FRA, including an approved scope, schedule, and budget, before obligating the grant.

For Track 2 PE/NEPA projects, these requirements may include transportation planning. For Track 3 FD/Construction projects, these requirements may include transportation planning, PE and environmental reviews.

2. Administrative and National Policy Requirements

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Examples of administrative and national policy requirements include: 2 CFR part 200; procurement standards; compliance with Federal civil rights laws and regulations; requirements for disadvantaged business enterprises, debarment and suspension requirements, and drug-free workplace requirements; FRA's and OMB's Assurances and Certifications; Americans with Disabilities Act; safety requirements; NEPA; environmental justice requirements; performance measures under 49 U.S.C. 22907(f); grant conditions under 49 U.S.C. 22905, including the Buy America requirements, the provision deeming operators rail carriers for certain purposes and grantee agreements with railroad right-of-way owners for projects using railroad right-of way.

See an example of standard terms and conditions for FRA grant awards at *https://www.fra.dot.gov/eLib/Details/L19057* and clauses specific to CRISI funding at *https://www.fra.dot.gov/eLib/Details/L20078.*

Projects selected under this NOFO for Commuter Rail Passenger Transportation for positive train control projects may be transferred to the Federal Transit Administration for grant administration at the Secretary's discretion. If such a project is transferred to the Federal Transit Administration, applicants will be required to comply with chapter 53 of Title 49 of the United States Code.

3. Reporting

a. Progress Reporting on Grant Activity

Each applicant selected for a grant will be required to comply with all standard FRA reporting requirements, including quarterly progress reports, quarterly Federal financial reports, and interim and final performance reports, as well as all applicable auditing, monitoring and close out requirements. Reports may be submitted electronically.

b. Additional Reporting

Applicants selected for funding are required to comply with all reporting requirements in the standard terms and conditions for FRA grant awards including 2 CFR 180.335 and 2 CFR 180.350. See an example of standard terms and conditions for FRA grant awards at: *https://www.fra.dot.gov/eLib/Details/L19057.*

If the Federal share of any Federal award under this NOFO may include more than $500,000 over the period of performance, applicants are informed of the post award reporting requirements reflected in 2 CFR part 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters.

c. Performance Reporting

Each applicant selected for funding must collect information and report on the project's performance using measures mutually agreed upon by FRA and the grantee to assess progress in achieving strategic goals and objectives. Examples of some rail performance measures are listed in the table below. The applicable measure(s) will depend upon the type of project. Applicants requesting funding for the acquisition of rolling stock must integrate at least one equipment/rolling stock performance measure, consistent with the grantee's application materials and program goals.

Rail measures	Unit measured	Temporal	Primary strategic goal	Secondary strategic goal	Description
Slow Order Miles	Miles	Annual	State of Good Repair	Safety	The number of miles per year within the project area that have temporary speed restrictions (''slow orders'') imposed due to track condition. This is an indicator of the overall condition of track. This measure can be used for projects to rehabilitate sections of a rail line since the rehabilitation should eliminate, or at least reduce the slow orders upon project completion.
Gross Ton	Gross Tons	Annual	Economic Competitiveness.	State of Good Repair	The annual gross tonnage of freight shipped in the project area. Gross tons include freight cargo minus tare weight of the rail cars. This measures the volume of freight a railroad ships in a year. This measure can be useful for projects that are anticipated to increase freight shipments.

Rail measures	Unit measured	Temporal	Primary strategic goal	Secondary strategic goal	Description
Rail Track Grade Separation.	Count	Annual	Economic Competitiveness.	Safety	The number of annual automobile crossings that are eliminated at an at-grade crossing as a result of a new grade separation.
Passenger Counts	Count	Annual	Economic Competitiveness.	State of Good Repair	Count of the annual passenger boardings and alightings at stations within the project area.
Travel Time	Time/Trip	Annual	Economic Competitiveness.	Quality of Life	Point-to-point travel times between pre-determined station stops within the project area. This measure demonstrates how track improvements and other upgrades improve operations on a rail line. It also helps make sure the railroad is maintaining the line after project completion.
Track weight capacity	Yes/No	One Time	State of Good Repair	Economic Competitiveness.	If a project is upgrading a line to accommodate heavier rail cars (typically an increase from 263,000 lb. rail cars to 286,000 lb. rail cars.)
Track Miles	Miles	One Time	State of Good Repair	Economic Competitiveness.	The number of track miles that exist within the project area. This measure can be beneficial for projects building sidings or sections of additional main line track on a railroad.

G. Federal Awarding Agency Contacts

For further information regarding this notice and the grants program, please contact Ms. Amy Houser, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–412, Washington, DC 20590; email: *amy.houser@dot.gov*; phone: 202–493–0303, or Ms. Frances Bourne, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38–207, Washington, DC 20590; email: *frances.bourne@dot.gov*; phone: 202–493–6366.

I. Other Information

All information submitted as part of or in support of any application shall use 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 the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)''; (2) mark each affected page ''CBI''; and (3) highlight or otherwise denote the CBI portions.

FRA protects such information from disclosure to the extent allowed under applicable law. In the event FRA receives a Freedom of Information Act (FOIA) request for the information, FRA will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Issued in Washington, DC.

Ronald Louis Batory,

Administrator.

[FR Doc. 2019–17741 Filed 8–16–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Concerning Information Reporting for Notice 99–43, Nonrecognition Exchanges Under Section 897

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 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 information reporting for Notice 99–43, Nonrecognition Exchanges under Section 897.

DATES: Written comments should be received on or before October 18, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Rule to be Included in Final Regulations Under Section 897(e) of the Code.

OMB Number: 1545–1660.

Regulation Project Number: Notice 99–43.

Abstract: Notice 99–43 announced modification of the current rules under Temporary Regulation section 1.897–6T(a)(1) regarding transfers, exchanges and other dispositions of U.S. real property interests in nonrecognition transactions occurring after June 18, 1980. The notice provided that, contrary to section 1.897–6T(a)(1), a foreign taxpayer will not recognize a gain under Code 897(e) for an exchange described in Code section 368(a)(1)(E) or (F), provided the taxpayer receives substantially identical shares of the same domestic corporation with the same divided rights, voting power, liquidation preferences, and convertibility as the shares exchanged without any additional rights or features.

Current Actions: There is no change to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, and corporations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 200.

The following paragraph applies to all 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 if 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.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: August 7, 2019.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2019–17677 Filed 8–16–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Pricing for the 2019 Apollo 11 50th Anniversary Commemorative Coins and Kennedy/Apollo 11 Intaglio Print

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUPPLEMENTARY INFORMATION: The United States Mint is announcing pricing for the 2019 Apollo 11 50th Anniversary Commemorative Coins and Kennedy/Apollo 11 Intaglio Prints as follows:

Coin	Regular price
Proof Gold Coin w/Print ..	2018 Grid + $19.00.
Proof Silver Dollar w/Print	$78.95.

Products containing gold coins will be priced according to the Pricing of Numismatic and Commemorative Gold and Platinum Products Grid posted at *www.usmint.gov.*

FOR FURTHER INFORMATION CONTACT: Rosa Matos, Program Manager for Numismatic and Bullion; United States Mint; 801 9th Street NW; Washington, DC 20220; or call 202–354–7500.

Authority: Public Law 114–282.

Dated: August 14, 2019.

David J. Ryder,

Director, United States Mint.

[FR Doc. 2019–17793 Filed 8–16–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0793]

Agency Information Collection Activity Under OMB Review: VA Health Professional Scholarship and Visual Impairment and Orientation and Mobility Professional Scholarship Programs (HPSP and VIOMPSP)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 18, 2019.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0793'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 421–1354 or email *danny.green2@va.gov.* Please refer to ''OMB Control No. 2900–0793'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: VA Health Professional Scholarship and Visual Impairment and Orientation and Mobility Professional Scholarship Programs (HPSP and VIOMPSP).

1. Academic Verification, VA Form 10–0491.
2. Addendum to Application, VA Form 10–0491a.
3. Annual VA Employment Deferment Verification, VA Form 10–0491c.
4. Education Program Completion Notice—Service Obligation Placement, VA Form 10–0491d.
5. Evaluation Recommendation Form, VA Form 10–0491e.
6. HPSP Agreement, VA Form 10–0491f.
7. HPSP/VIOMPSP Application, VA Form 10–0491g.
8. Notice of Approaching Graduation, VA Form 10–0491h.
9. Notice of Change and/or Annual Academic Status Report, VA Form 10–0491i.
10. Request for Deferment for Advanced Education, VA Form 10–0491j.
11. VA Scholarship Offer Response, VA Form 10–0491k.
12. VIOMPSP Agreement, VA Form 10–0491l.
13. Mobility Agreement, VA Form 10–0491m.
14. HPSP VHVMAESP Agreement, VA Form 10–0491n.

OMB Control Number: 2900–0793.

Type of Review: Revision of a currently approved collection.

Abstract: This is a revision of a currently approved collection, due to legislation that necessitates adding two forms and amending existing forms. The collection of information is essential to implement the Department of Veterans Affairs (VA) Visual Impairment and Orientation and Mobility Professionals Scholarship Program (VIOMPSP) and the VA Health Professional Scholarship Program (HPSP) which were authorized under Public Law 111–163 on May 5, 2010 and extended through December 31, 2033 by Section 301 of Public Law 115–182, The VA Mission Act of 2018. The passage of this legislation allows VA to provide services to the public by awarding scholarships to non-VA employees who will be required to become VA employees in the

professions for which they were educated under these programs. Section 304 of The Mission Act of 2018 authorized the creation of the Veterans Healing Veterans Medical Access and Education Scholarship Program (VHVMAESP). These programs will help address VA health care workforce needs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 84 FR 26936 on June 10, 2019, pages 26936 through 26938.

Affected Public: Individuals and households.

ESTIMATED ANNUAL BURDEN

VA forms	Number of respondents	× Number of responses	Equals	× Number of minutes	Equals (minutes)	÷ by 60 =	Number of hours
Visual Impairment and Orientation and Mobility Professionals Scholarship Program (VIOMPSP) Applicants							
10–0491g—Application	100	1	100	60	6,000		100
10–0491—Academic Verification	100	1	100	60	6,000		100
10–0491e—Evaluation & Recommendation	100	2	200	50	5,000		83.3
10–0491a—Addendum to Application	*30	1	30	10	300		5
Total							288.3
Applicants Selected To Receive a Scholarship							
10–0491l—Agreement for the VIOMPSP	10	1	10	15	150		2.5
10–0491m—VA Scholarship Mobility Agreement	10	1	10	10	100		1.7
10–0491k—VA Scholarship Offer Response	10	1	10	10	100		1.7
10–0491i—Notice of Change and/or Annual Academic Status Report.	10	1	10	20	200		3.3
10–0491h—Notice of Approaching Graduation	10	1	10	10	100		1.7
10–0491d—Education Program Completion Notice/Service Obligation Placement.	10	1	10	20	200		3.3
10–0491j—Request for Deferment for Advanced Education	2	1	2	10	20		.3
10–0491c—Annual VA Employment/Deferment Verification	10	1	10	10	100		1.7
Total							16.2
Grand Total for VIOMPSP							304.5
Health Professional Scholarship Program (HPSP) Applicants							
10–0491g—Application	1,700	1	1,700	60	102,000		1,700
10–0491—Academic Verification	1,700	1	1,700	60	102,000		1,700
10–0491e—Evaluation & Recommendation	1,700	2	3,400	50	170,000		2,833.3
10–0491a—Addendum to Application	*510	1	510	10	5,100		85
Total							6,318.3
Applicants Selected To Receive a Scholarship							
10–0491f—Agreement for the HPSP	160	1	160	15	2,400		40
10–0491n—Agreement for the VHVMAESP	20	1	20	15	300		5
10–0491m—Mobility Agreement	160	1	160	10	1,600		26.7
10–0491k—VA Scholarship Offer Response	160	1	160	10	1,600		26.7
10–0491i—Notice of Change and/or Annual Academic Status Report.	480	1	480	20	9,600		160
10–0491h—Notice of Approaching Graduation	160	1	160	10	1,600		26.7
10–0491d—Education Program Completion Notice/Service Obligation Placement.	160	1	160	20	3,200		53.3
10–0491j—Request for Deferment for Advanced Education	*48	1	48	10	480		8
10–0491c—Annual VA Employment/Deferment Verification	160	1	160	10	1,600		26.7
Total							373.1
Grand Total for HPSP							6,691.4
Grand Total for Both VIOMPSP and HPSP (6,691.4 + 304.5 = 6,995.9)							~ 6,996

*(30%).

Frequency of Response: Annually.

Estimated Number of Respondents: 1,800.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2019–17685 Filed 8–16–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: Environmental Hazards Registry (EHR) Worksheet (VA Form 10–10176)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 18, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Brian.McCarthy4@va.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

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, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA'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: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Environmental Hazards Registry (EHR) Worksheet (VA Form 10–10176).

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: Legal authority for this data collection is found under the following Congressional mandates that authorize the collection of data that will allow measurement and evaluation of the Department of Veterans Affairs Programs, the goal of which is improved health care for Veterans.

- *Agent Orange Registry:* Public Laws 102–4, 102–585 Section 703,100–687 and 38 United States Code (U.S.C.) 527, 38 U.S.C. 1116.
- *Gulf War Registry:* Public Laws 102–585, 103–446 and 38 U.S.C. 1117.
- *Ionizing Radiation:* Public Laws 102–585 Section 703, 100–687 and 38 U.S.C. 527, 38 U.S.C. 1116.

The new Environmental Health Registry (EHR) Worksheet, VA Form 10–10176, supersedes VA Form 10–9009 (June 2005), VA Form 10–9009A (March 2010) and VA Form 10–0020A (June 2005). Post Deployment Health Services (PDHS) plans to have this form electronically accessible to Environmental Health Coordinators and Clinicians once the EHR is in place. Until then, PDHS requests to consolidate 3 existing forms into one comprehensive form.

Currently, VA is exploring the performance of limited registry examinations via telemedicine, in order to reduce Veterans' need to travel and potentially reduce waiting times for exams. The form information would be the same, and otherwise the process to collect and put data into the registry database will not change. Once the exam template is available, it can be used to import information more seamlessly into the Veteran patient record.

VA Environmental Health Registry evaluations are free, voluntary medical assessments for Veterans who may have been exposed to certain environmental hazards during military service. Evaluations alert Veterans to possible long-term health problems that may be related to exposure specific to environmental hazards during their military service. The registry data may help VA understand and respond to these health problems more effectively and may be useful for research purposes.

Affected Public: Individuals and households.

Estimated Annual Burden: 20,000 hours.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 20,000.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2019–17675 Filed 8–16–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee: National Academic Affiliations Council, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of VA's National Academic Affiliations Council (NAAC) will be held September 4, 2019–September 5, 2019 at the Phoenix VA Health Care System (PVAHCS), 650 E Indian School Road, Phoenix, AZ 85012. The meetings are open to the public, except when the NAAC is conducting tours of VA facilities, and participating in off-site events. Tours of VA facilities are closed to protect Veterans' privacy and personal information, in accordance with 5 U.S.C Sec. 552b(c)(6).

The purpose of the NAAC or ''Council'' is to advise the Secretary on matters affecting partnerships between VA and its academic affiliates.

On September 4, 2019, the Council will convene an open session from 9:00 a.m. to 12:45 p.m. The agenda will include a presentation on Innovative Academic Relationships: A National Perspective. The Council will have a panel discussion on PVAHCS's educational innovations and academic affiliates; and receive updates from the Diversity and Inclusion Subcommittee, the Strategic Academic Advisory

Council (SAAC), and VA's Electronic Health Record Modernization Work Group as related to education and research. In the afternoon, the Council will begin the closed portion of the meeting from 12:45 p.m. to 4:00 p.m., as it tours the Phoenix VA Health Care System. Tours of VA facilities are closed to protect Veterans' privacy and personal information, in accordance with 5 U.S.C Sec. 552b(c)(6). The tour will end the first day.

On September 5, 2019, the Council will convene an open session and receive a presentation on VA Medical and Dental Education, and updates on the MISSION Act (Pub. L. 115–182) provisions related to health professions education. The Council will receive public comments from 11:30 a.m. to 11:45 a.m. and will adjourn the meeting at 12:00 p.m.

Interested persons may attend and present oral statements to the Council. A sign-in sheet for those who want to give comments will be available at the meeting. Individuals who speak are invited to submit a 1–2-page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Council prior to the meeting, or at any time via email to *Larissa.Emory@va.gov,* or by mail to Larissa Emory PMP, CBP, MS, Designated Federal Officer, Department of Veterans Affairs, Veterans Health Administration, Office of Academic Affiliations (10X1), 810 Vermont Avenue NW, Washington, DC 20420. Any member of the public wishing to attend or seeking additional information should contact Ms. Emory via email or by phone at (915) 269–0465. Because the meeting will be held in a Government building, anyone attending must be prepared to submit to security screening and present a valid photo I.D. Please allow at least 30 minutes prior to the meeting for this process.

Dated: August 14, 2019.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–17698 Filed 8–16–19; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Frameworks for Migratory Bird Hunting Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2018–0030; FF09M21200–189–FXMB1231099BPP0]

RIN 1018–BD10

Migratory Bird Hunting; Final Frameworks for Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) prescribes final frameworks from which States may select season dates, limits, and other options for the 2019–20 migratory bird hunting seasons. The effect of this final rule is to facilitate the States' selection of hunting seasons and to further the annual establishment of the migratory bird hunting regulations. We annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the number of birds that may be taken and possessed in hunting seasons. These frameworks are necessary to allow State selections of seasons and limits and to allow recreational harvest at levels compatible with population and habitat conditions.

DATES: This rule takes effect on August 19, 2019.

ADDRESSES: States should send their season selections to: Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803. You may inspect comments received on the migratory bird hunting regulations during normal business hours at the Service's office at 5275 Leesburg Pike, Falls Church, VA 22041–3803 or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2018–0030. You may obtain copies of referenced reports from the street address above, or from the Division of Migratory Bird Management's website at *http://www.fws.gov/migratorybirds/*, or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2018–0030.

FOR FURTHER INFORMATION CONTACT: Ken Richkus, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1780.

SUPPLEMENTARY INFORMATION:

New Process for the Annual Migratory Game Bird Hunting Regulations

As part of the Department of the Interior's retrospective regulatory review, 3 years ago we developed a schedule for migratory game bird hunting regulations that is more efficient and establishes hunting season dates earlier than was possible under the old process. Under the new process, we develop proposed hunting season frameworks for a given year in the fall of the prior year. We then finalize those frameworks a few months later, thereby enabling the State agencies to select and publish their season dates in early summer. We provided a detailed overview of the new process in the August 3, 2017, **Federal Register** (82 FR 36308). This final rule is the fourth in a series of proposed and final rules for the establishment of the 2019–20 hunting seasons.

Regulations Schedule for 2019

On June 14, 2018, we published a proposal to amend title 50 of the Code of Federal Regulations (CFR) at part 20 (83 FR 27836). The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2019–20 regulatory cycle relating to open public meetings and **Federal Register** notifications were illustrated in the diagram at the end of the June 14, 2018, proposed rule (83 FR 27836). Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. Those headings are:

1. Ducks
   A. General Harvest Strategy
   B. Regulatory Alternatives
   C. Zones and Split Seasons
   D. Special Seasons/Species Management
   i. September Teal Seasons
   ii. September Teal/Wood Duck Seasons
   iii. Black Ducks
   iv. Canvasbacks
   v. Pintails
   vi. Scaup
   vii. Mottled Ducks
   viii. Wood Ducks
   ix. Youth Hunt
   x. Mallard Management Units
   xi. Other
2. Sea Ducks
3. Mergansers
4. Canada Geese
   A. Special Early Seasons
   B. Regular Seasons
   C. Special Late Seasons
5. White-Fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-Tailed Pigeons
16. Doves
17. Alaska
18. Hawaii
19. Puerto Rico
20. Virgin Islands
21. Falconry
22. Other

Subsequent documents, including this document, refer only to numbered items requiring attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

The June 14 proposed rule also provided detailed information on the proposed 2019–20 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings. On September 21, 2018, we published in the **Federal Register** (83 FR 47868) a second document providing supplemental proposals for migratory bird hunting regulations. The September 21 supplement also provided detailed information on the 2019–20 regulatory schedule and re-announced the SRC and Flyway Council meetings. On October 16–17, 2018, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory game birds and developed recommendations for the 2019–20 regulations for these species.

On April 17, 2019, we published in the **Federal Register** (84 FR 16152) the proposed frameworks for the 2019–20 season migratory bird hunting regulations. This document establishes final frameworks for migratory bird hunting regulations for the 2019–20 season. There are no substantive changes from the April 17, 2019, proposed rule, with the exception of changes made in response to the John D. Dingell, Jr. Conservation, Management, and Recreation Act, which was signed into law on March 12, 2019 (Pub. L. 116–9), and amended the Migratory Bird Treaty Act; those changes are discussed below under Review of Public Comments and Flyway Council Recommendations. We will publish State selections in the **Federal Register** as amendments to §§ 20.101 through 20.107 and 20.109 of title 50 CFR part 20.

Population Status and Harvest

Each year we publish various species status reports that provide detailed information on the status and harvest of migratory game birds, including information on the methodologies and

results. These reports are available at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our website at *https://www.fws.gov/birds/surveys-and-data/reports-and-publications/population-status.php*.

We used the following reports: Adaptive Harvest Management, 2019 Hunting Season (September 2018); American Woodcock Population Status, 2018 (August 2018); Band-tailed Pigeon Population Status, 2018 (August 2018); Migratory Bird Hunting Activity and Harvest During the 2016–17 and 2017–18 Hunting Seasons (August 2018); Mourning Dove Population Status, 2018 (August 2018); Status and Harvests of Sandhill Cranes, Mid-continent, Rocky Mountain, Lower Colorado River Valley and Eastern Populations, 2018 (August 2018); and Waterfowl Population Status, 2018 (August 2018).

Review of Public Comments and Flyway Council Recommendations

The preliminary proposed rulemaking, which appeared in the June 14, 2018, **Federal Register**, opened the public comment period for migratory game bird hunting regulations and discussed the regulatory alternatives for the 2019–20 duck hunting season. Comments and recommendations are summarized below and numbered in the order used in the June 14, 2018, proposed rule.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below. We have included only the numbered items pertaining to issues for which we received recommendations. Consequently, the issues do not follow in successive numerical order.

General

Written Comments: Several commenters protested the entire migratory bird hunting regulations process, the killing of any migratory birds, and status and habitat data on which the migratory bird hunting regulations are based.

Several other commenters supported the overall migratory bird hunting regulatory process and supported the proposed regulations.

Service Response: Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we conclude that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. While there are problems inherent with any type of representative management of public-trust resources, we conclude that the Flyway Council system of migratory bird management has been a longstanding example of State-Federal cooperative management since its establishment in 1952. However, as always, we continue to seek new ways to streamline and improve the process.

1. Ducks

A. General Harvest Strategy

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended the adoption of the ''liberal'' regulatory alternative for their respective flyways.

The Mississippi Flyway Council recommended that regulation changes be restricted to one step per year, both when restricting as well as liberalizing hunting regulations.

Written Comments: An individual supported the new adaptive harvest management (AHM) protocol recently implemented for the Atlantic Flyway.

Service Response: As we stated in the June 14, 2018, and September 21, 2018, proposed rules, we intend to continue use of AHM to help determine appropriate duck-hunting regulations for the 2019–20 season. AHM is a tool that permits sound resource decisions in the face of uncertain regulatory impacts, as well as providing a mechanism for reducing that uncertainty over time. We use AHM to evaluate four alternative regulatory levels for duck hunting in the Mississippi, Central, and Pacific Flyways based on the population status of mallards (discussed below). We will use AHM based on the population status of a suite of four species in the Atlantic Flyway (discussed below). We have specific hunting strategies for species of special concern, such as black ducks, scaup, and pintails.

Mississippi, Central, and Pacific Flyways

The prescribed regulatory alternative for the Mississippi, Central, and Pacific Flyways is based on the status of mallard populations that contribute primarily to each Flyway. In the Central and Mississippi Flyways, we set hunting regulations based on the status and dynamics of mid-continent mallards. Mid-continent mallards are those breeding in central North America (Federal survey strata 13–18, 20–50, and 75–77, and State surveys in Minnesota, Wisconsin, and Michigan). In the Pacific Flyway, we set hunting regulations based on the status and dynamics of western mallards. Western mallards are those breeding in Alaska and the northern Yukon Territory (as based on Federal surveys in strata 1–12), and in California, Oregon, Washington, and British Columbia (as based on State- or Province-conducted surveys).

For the 2019–20 season, we will continue to use independent optimization to determine the optimal regulatory choice for each mallard stock. This means that we develop regulations for mid-continent mallards and western mallards independently, based upon the breeding stock that contributes primarily to each Flyway. We detailed implementation of this AHM decision framework for western and mid-continent mallards in the July 24, 2008, **Federal Register** (73 FR 43290).

The optimal AHM strategies for mid-continent and western mallards for the 2019–20 hunting season were calculated using: (1) Harvest-management objectives specific to each mallard stock; (2) the 2019–20 regulatory alternatives; and (3) current population models and associated weights. Based on ''liberal'' regulatory alternatives selected for the 2018–19 hunting season, the 2018 Waterfowl Breeding Population and Habitat Survey (WBPHS) results of 9.57 million mid-continent mallards, 3.66 million ponds in Prairie Canada, 1.03 million western mallards observed in Alaska (0.45 million) and the southern Pacific Flyway (0.57 million), the optimal regulatory choice for the three western Flyways is the ''liberal'' alternative. Therefore, we concur with the recommendations of the Mississippi, Central, and Pacific Flyway Councils regarding selection of the ''liberal'' regulatory alternative for the 2019–20 season and will adopt the ''liberal'' regulatory alternative, as described in the September 21, 2018, **Federal Register**, with one exception (see B. Regulatory Alternatives, below).

Atlantic Flyway

Since 2000, the Service has used an AHM protocol based on the status of eastern mallards to establish the annual framework regulations for duck hunting seasons in the Atlantic Flyway. This protocol assumes that the mallard is an appropriate surrogate for other duck species in the Atlantic Flyway. However, following a review of eastern mallard AHM conducted in 2013, the Atlantic Flyway Council determined that eastern mallards do not adequately represent duck harvest dynamics throughout the entire Flyway; they do not represent the breeding ecology and habitat requirements of other important Atlantic Flyway duck species because their breeding range does not overlap with that of other ducks that breed in the flyway; and their breeding and/or wintering habitat needs differ from many of the other duck species in the Flyway. Thus, although mallards comprise nearly 20 percent of the Atlantic Flyway's duck harvest, the status of eastern mallards does not necessarily reflect that of other Atlantic Flyway duck species. For example, mallards in eastern North America have declined at an average annual rate of 1 percent since 1998, whereas over the same time period all other duck species in eastern North America, for which robust population estimates are available, are stable or increasing.

The Atlantic Flyway Council decided that a decision framework based upon a suite of duck species that better represents the habitat needs and harvest distribution of ducks in the Atlantic Flyway would be superior to the current eastern mallard AHM framework, and we concur. Accordingly, the Service and the Atlantic Flyway began working in 2013 to develop a multi-stock AHM protocol for setting annual duck hunting season frameworks for the Atlantic Flyway.

The development of multi-stock protocols has now been completed, and we adopted multi-stock AHM as a replacement for eastern mallard AHM (September 21, 2018, **Federal Register**; 83 FR 47868). The protocols are based on a suite of four species that represents the dynamics of duck harvest in the Atlantic Flyway and the various habitat types used by waterfowl throughout the Atlantic Flyway: Green-winged teal (*Anas crecca*), common goldeneye (*Bucephala clangula*), ring-necked duck (*Aythya collaris*), and wood duck (*Aix sponsa*). These species comprise more than 40 percent of the Atlantic Flyway's total duck harvest, and they reflect regional variation in harvest composition. The selected species represent upland nesters in boreal and southern Canada (green-winged teal), over-water nesters in boreal Canada (ring-necked duck), cavity nesters in the United States and southern Canada (wood duck), and cavity nesters in boreal Canada (goldeneye). The most important winter waterfowl habitats in the Atlantic Flyway (salt marsh, freshwater marsh, tidal waters, freshwater ponds and lakes, rivers and streams) are important to at least one of these four species.

Species selection was also influenced by our need for sufficient time series of estimates of annual abundance and estimates of harvest rate or annual harvest. The protocol has a harvest objective of no more than 98 percent of maximum sustainable long-term yield for any of the four species. Regulatory alternatives are the same as those used in the eastern mallard AHM, except that the mallard bag limit is not prescribed by the optimal regulatory alternative as determined by the multi-stock AHM protocol. The mallard bag limit in the Atlantic Flyway is now based on a separate assessment of the harvest potential of eastern mallards (see xi. Other for further discussion on the mallard bag limit in the Atlantic Flyway).

The optimal AHM strategies for the Atlantic Flyway for the 2019–20 hunting season were calculated using: (1) Harvest-management objectives specific to each stock; (2) the 2019–20 regulatory alternatives; and (3) current population models and associated weights. Based on the ''liberal'' regulatory alternative selected for the 2018–19 duck hunting season, the 2018 WBPHS results of 0.35 million American green-winged teal, 1.12 million wood ducks, 0.63 million ring-necked ducks, and 0.49 million goldeneyes in the eastern survey area and Atlantic Flyway, the optimal regulatory choice for the Atlantic Flyway is the ''liberal'' alternative. Therefore, we concur with the recommendation of the Atlantic Flyway Council regarding selection of the ''liberal'' regulatory alternative for the 2019–20 season and will adopt the ''liberal'' regulatory alternative, as described in the September 21, 2018, **Federal Register**.

Further details on biological models used in the protocol, data sources, optimization methods, and simulation results are available at *http://www.regulations.gov* and on our website at *https://www.fws.gov/birds/surveys-and-data/reports-and-publications.php*.

Other Issues

Regarding the Mississippi Flyway Council recommendation to limit regulatory changes to one step per year, we recognize the longstanding interest by the Council to impose a one-step constraint on regulatory changes. In the September 21, 2018, **Federal Register**, we noted that the Central and Mississippi Flyways have worked with Service staff during the past 3 years to revisit the AHM protocol for managing harvest of mid-continent mallards. This effort has included a discussion of appropriate management objectives, regulatory packages, and management of non-mallard stocks. We continue to support that these discussions are the appropriate venue to discuss what role, if any, a one-step constraint might play in management of waterfowl in the Central and Mississippi Flyways. Such discussions should include the potential impact of a one-step constraint on the frequency of when the liberal, moderate, and restrictive packages would be recommended. On a final note, while we recognize the Council's concern about potentially communicating a large regulatory change to hunters, we have concerns about the appropriateness of a one-step constraint in situations when the status of the waterfowl resource may warrant a regulatory change larger than one step. Furthermore, it is unclear how the AHM protocol can accommodate a one-step constraint in the Mississippi Flyway if the same constraint is not imposed in the Central Flyway. Technical work on the AHM revision process tentatively should be completed by summer 2019, with any potential changes to regulatory packages and the harvest strategy approved in October 2019 for the 2021–22 season. We look forward to continued work with the Flyway Councils on this issue.

B. Regulatory Alternatives

Council Recommendations: The Mississippi Flyway Council recommended that the framework closing date be modified from the last Sunday in January to January 31 for both the ''liberal'' and ''moderate'' AHM packages.

Service Response: We support the Mississippi Flyway's recommendation for a closing date of January 31 for the 2019–20 midcontinent duck seasons. Although we recognize that this issue is currently being discussed as part of the AHM revision process, we understand that there is agreement among the Mississippi and Central Flyways and the Service's Migratory Bird Management staff that the new forthcoming regulatory alternatives will

contain an ending framework date of January 31 for at least the ''liberal'' regulatory alternative. Thus, adopting the Mississippi Flyway Council's proposed closing date for the 2019–20 seasons is acceptable at this time for both the Mississippi and Central flyways. Further, the Atlantic Flyway currently also has a closing duck framework date of January 31. Therefore, we proposed a January 31 closing date for duck frameworks for all four flyways during the 2019–20 hunting seasons. The additional few days will have no measurable impact on duck harvests, and satisfies the desires of the Flyway Councils and hunters.

Subsequent to our proposed rule, the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Act), signed into law on March 12, 2019 (Pub. L. 116–9), amended the Migratory Bird Treaty Act to specify that the framework closing date for hunting ducks, mergansers, and coots ''shall not be later than January 31 of each year.'' The Act also states that, with regard to these species, the Secretary shall ''adopt the recommendation of each respective flyway council (as defined in section 20.152 of title 50, Code of Federal Regulations) for the Federal framework if the Secretary determines that the recommendation is consistent with science-based and sustainable harvest management.'' Thus, as directed by the Act, we have adopted January 31 as the framework closing date for all four Flyways.

C. Zones and Split Seasons

Written Comments: A commenter from Pennsylvania requested changes to the duck hunting zones in Pennsylvania. Several individuals from Louisiana were unhappy with the hunting dates selected by Louisiana.

Service Response: Zones and split seasons are special regulations designed to distribute hunting opportunities and harvests according to temporal, geographic, and demographic variability in waterfowl and other migratory game bird populations. States have been allowed the option of dividing their allotted duck hunting days into two (or in some cases three) segments (splits) to take advantage of species-specific peaks of abundance or to satisfy hunters in different areas who want to hunt during the peak of waterfowl abundance in their area. States also have the option to establish independent duck seasons in up to four zones within States for the purpose of providing more equitable distribution of harvest opportunity for hunters throughout the State.

The guidelines were first established in 1978, with the current guidelines finalized in 2011 (76 FR 53536; August 26, 2011). Every 5 years, States are afforded the opportunity to change the zoning and split-season configuration within which they set their annual duck hunting regulations. The next regularly scheduled open season for changes to zone and split-season configurations will be in 2020, for use during the 2021–25 period.

Lastly, we note that duck hunting zones are established at the State level by the State based on the above referenced guidelines. The selection of season hunting dates is specifically a State decision based on the overall frameworks for each species.

D. Special Seasons/Species Management

i. September Teal Seasons

Council Recommendations: The Atlantic Flyway Council requested that Florida be allowed to hold an experimental September teal-only season for an additional year (2019), to allow sufficient time to evaluate impacts to non-target species.

Service Response: For the 2019–20 season, we will utilize the 2018 breeding population estimate of 6.45 million blue-winged teal from the traditional survey area and the criteria developed for the teal season guidelines. Thus, a 16-day September teal season in the Atlantic, Central, and Mississippi Flyways is appropriate for the 2019–20 season.

We agree with the Atlantic Flyway Council's request to extend Florida's experimental teal-only season through 2019. The additional year will allow Florida to collect additional data to meet experimental sample size criteria and study impacts to non-target species.

iii. Black Ducks

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that the Service continue to follow the International Black Duck AHM Strategy for the 2019–20 season.

Service Response: In 2012, we adopted the International Black Duck AHM Strategy (77 FR 49868; August 17, 2012). The formal strategy is the result of 14 years of technical and policy decisions developed and agreed upon by both Canadian and U.S. agencies and waterfowl managers. The strategy clarifies what harvest levels each country will manage for and reduces conflicts over country-specific regulatory policies. Further, the strategy allows for attainment of fundamental objectives of black duck management: Resource conservation; perpetuation of hunting tradition; and equitable access to the black duck resource between Canada and the United States while accommodating the fundamental sources of uncertainty (partial controllability and partial observability, structural uncertainty, and environmental variation).

For the 2019–20 season, the optimal country-specific regulatory strategies were calculated using: (1) The black duck harvest objective (98 percent of long-term cumulative harvest); (2) 2019–20 country-specific regulatory alternatives; (3) current parameter estimates for mallard competition and additive mortality; and (4) 2018 survey results of 0.53 million breeding black ducks and 0.40 million breeding mallards in the core survey area. The optimal regulatory choices for the 2019–20 season are the ''liberal'' package in Canada and the ''moderate'' package in the United States.

iv. Canvasbacks

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for canvasbacks with a 2-bird daily bag limit. Season lengths would be 60 days in the Atlantic and Mississippi Flyways, 74 days in the Central Flyway, and 107 days in the Pacific Flyway.

Service Response: As we discussed in the March 28, 2016, final rule (81 FR 17302), the canvasback harvest strategy that we had relied on until 2015 was not viable under our new regulatory process because it required biological information that was not yet available at the time a decision on season structure needed to be made. We do not yet have a new harvest strategy to propose for use in guiding canvasback harvest management in the future. However, we have worked with technical staff of the four Flyway Councils to develop a decision framework (hereafter, decision support tool) that relies on the best biological information available to develop recommendations for annual canvasback harvest regulations. The decision support tool used available information (1994–2014) on canvasback population size, growth rate, survival, and harvest and a discrete logistic growth model to derive an optimal harvest policy with an objective of maximum sustained yield. The decision support tool calls for a closed season when the observed population is below 460,000, a 1-bird daily bag limit when the observed breeding population is between 460,000 and 480,000, and a 2-bird daily bag limit when the observed population is greater than 480,000. Given that the 2018 canvasback

breeding population estimate from the WBPHS was 686,000 birds, we support the Flyway Councils' recommendations for a 2-canvasback daily bag limit for the 2019–20 season.

v. Pintails

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for pintails, consisting of a 1-bird daily bag limit and a 60-day season in the Atlantic and Mississippi Flyways, a 74-day season in the Central Flyway, and a 107-day season in the Pacific Flyway.

Service Response: The current derived pintail harvest strategy was adopted by the Service and Flyway Councils in 2010 (75 FR 44856; July 29, 2010). For the 2019–20 season, an optimal regulatory strategy for pintails was calculated with: (1) An objective of maximizing long-term cumulative harvest, including a closed-season constraint of 1.75 million birds; (2) the regulatory alternatives and associated predicted harvest; and (3) current population models and their relative weights. Based on a ''liberal'' regulatory alternative with a 2-bird daily bag limit for the 2018–19 season, and the 2018 WBPHS survey results of 2.37 million pintails observed at a mean latitude of 56.1 degrees, the optimal regulatory choice for all four Flyways for the 2019–20 hunting season is the ''liberal'' alternative with a 1-bird daily bag limit.

vi. Scaup

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended use of the ''moderate'' regulation package, consisting of a 60-day season with a 2-bird daily bag in the Atlantic Flyway and a 3-bird daily bag in the Mississippi Flyway, a 74-day season with a 3-bird daily bag limit in the Central Flyway, and an 86-day season with a 3-bird daily bag limit in the Pacific Flyway.

Service Response: In 2008, we adopted and implemented a new scaup harvest strategy (73 FR 43290 on July 24, 2008, and 73 FR 51124 on August 29, 2008) with initial ''restrictive,'' ''moderate,'' and ''liberal'' regulatory packages adopted for each Flyway.

For scaup, optimal regulatory strategies for the 2019–20 season were calculated using: (1) An objective to achieve 95 percent of long-term cumulative harvest; (2) current scaup regulatory alternatives; and (3) updated model parameters and weights. Based on a ''moderate'' regulatory alternative selected in 2018, and the 2018 WBPHS survey results of 3.99 million scaup, the optimal regulatory choice for the 2019–20 season for all four Flyways is the ''moderate'' regulatory alternative.

ix. Youth Hunt

Council Recommendations: The Pacific Flyway Council recommended replacing tundra swan with swan in the bag limits for the Special Youth Waterfowl Hunting Days.

Service Response: We agree with the Pacific Flyway Council's recommendation to replace tundra swan with swan in the bag limits for the Special Youth Waterfowl Hunting Days. The change is intended to allow the take of any swan species in the Pacific Flyway (currently applicable to only Montana, Utah, and Nevada) consistent with the swan hunting framework that has existed in the Pacific Flyway since 1995. Swans may only be taken by participants possessing applicable swan hunting permits. This will not change the number of swan hunting permits available in any State, but will provide an opportunity for youths with a swan hunting permit to hunt swans during the Special Youth Waterfowl Hunting Days in addition to the regular swan season. Youth hunters in other flyways with a tundra swan hunting permit would continue to be able to hunt tundra swans during the Special Youth Waterfowl Hunting Days. The expected additional harvest from this change is negligible because we anticipate that few youths will apply and successfully draw the limited number of swan hunting permits in the Pacific Flyway, and any issued swan hunting permit may otherwise be filled during the regular swan hunting season. Hunting during the Special Youth Waterfowl Hunting Days in the Pacific Flyway is expected to result in the same ratio of take between trumpeter and tundra swans as occurs in the regular season.

Subsequent to our proposed rule, the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Act), signed into law on March 12, 2019 (Pub. L. 116–9), amended the Migratory Bird Treaty Act to codify the 2 additional hunting days we currently have for youth hunters and to specifically add 2 additional hunting days for veterans and active military personnel. The Act states that ''the Secretary shall allow States to select 2 days for youths and 2 days for veterans (as defined in section 101 of title 38, United States Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), to hunt eligible ducks, geese, swans, mergansers, coots, moorhens, and gallinules, if the Secretary determines that the addition of those days is consistent with science-based and sustainable harvest management. Such days shall be treated as separate from, and in addition to, the annual Federal framework hunting season lengths.'' The Act also states that States may combine the 2 days allowed for youths with the 2 days allowed for veterans and members of the Armed Forces on active duty, but that no State may have more than a total of 4 additional days added to its regular hunting season. Thus, as directed by the Act, we have adopted the inclusion of the 2 additional days for veterans and active military personnel into the final frameworks for the 2019–20 hunting season.

xi. Other

Council Recommendations: The Atlantic Flyway Council recommended use of the Eastern Mallard Prescribed Take Level (PTL) analysis for setting mallard bag limits at two (2) birds per day in the Atlantic Flyway until a formal harvest strategy can be developed in conjunction with the Service. Further, they recommended adopting a restriction of no more than one (1) hen mallard per day in conjunction with reducing the mallard bag limit for the 2019–20 hunting season.

Written Comments: An individual from South Carolina questioned proposed mallard bag restrictions in South Carolina given his interpretation of band return data indicating most mallards harvested in South Carolina originate in the Great Lake States and southern Ontario rather than the northeastern States. As such, he believed South Carolina regulations should be based on mid-continent mallards rather than eastern mallards.

Service Response: The Atlantic Flyway Council's multi-stock harvest strategy (see above) did not specifically address bag limits for mallards. The number of breeding mallards in northeastern United States (about two-thirds of the eastern mallard population in 1998) has decreased by about 38 percent since 1998, and the overall population has declined by about 1 percent per year during that time period. This has resulted in reduced harvest potential for that population. The Service conducted a PTL analysis to estimate the allowable take (kill rate) for eastern mallards, and compared that with the expected kill rate under the most liberal season length (60 days) being considered as part of the multi-stock framework's regulatory alternatives.

PTL requires an estimate of the maximum population growth rate (r_{max})

in the absence of harvest and density dependence. That estimate is then used to calculate the allowable rate of take as $(r_{max}/2)F$, where F is a variable that reflects management objectives. Using contemporary data and assuming a management objective of maximum sustained yield, the PTL analysis estimated an allowable take rate of 0.194–0.198. The expected take (kill) rate for eastern mallards under a 60-day season and a 2-mallard daily bag limit in the U.S. portion of the Atlantic Flyway was 0.193 (SE = 0.016), which is slightly below (but not statistically different from) the point estimate of allowable take (PTL) at maximum sustained yield. This indicates that a 2-bird daily bag limit is sustainable at this time. Thus, we agree with the Atlantic Flyway Council's recommendation of a 2-bird daily bag limit for mallards, of which only one may be a hen. We expect that the hen restriction will help conserve the population's breeding stock. Further details on the PTL analysis are available at *http://www.regulations.gov* and on our website at *https://www.fws.gov/birds/surveys-and-data/reports-and-publications.php*.

Regarding the mallard bag restrictions in South Carolina and the origin of stocks, we have a long-standing policy of setting duck hunting regulations by flyway, for both biological and administrative purposes. Furthermore, we note that the proportion of the southern Atlantic Flyway mallard harvest that originates in the mid-continent region has declined significantly since the 1970s and 1980s, while that from eastern North America has increased. A 2012 report (Arnold and de Sobrino) indicated that 53 percent of the mallard harvest in North Carolina, South Carolina, Georgia, and Florida during 1995–2009 was derived from mallards of eastern origin, either eastern Canada (33 percent) or eastern United States north of North Carolina (20 percent). Harvest of locally produced mallards likely would increase this percentage further. Because a majority of birds harvested in the southeastern states in the Atlantic Flyway are derived from eastern stocks, we do not agree with the implication that South Carolina's mallard bag limit should be based on the status of mid-continent mallards.

4. Canada Geese

B. Regular Seasons

Council Recommendations: The Atlantic Flyway Council made several recommendations concerning Canada goose regular seasons. Specifically, they recommended:

- Allow Maine to designate their Coastal Zone as a low harvest North Atlantic Population (NAP) Zone for an experimental 3-year period (2019–21);
- Implement the ''restrictive'' season option (30-day season with a daily bag limit of two (2) geese in the New England [Connecticut, Massachusetts, and Vermont] and Mid-Atlantic [New Jersey, New York, and Pennsylvania] Regions and one (1) goose in the Chesapeake Region [Delaware, Maryland, and Virginia]) for Atlantic Population (AP) harvest areas in the Atlantic Flyway in 2019–20;
- Allow Connecticut to modify the boundary between the Atlantic Flyway Resident Population (AFRP) zone and NAP zone;
- Allow New Jersey to change the designation of their Coastal Zone from an AFRP to a NAP Canada goose high harvest area beginning in 2019; and
- Modify the New York AFRP Canada Goose Areas to no more than 80 days, starting no earlier than the fourth Saturday in October and ending no later than the last day of February.

Service Response: We agree with all of the Atlantic Flyway Council's recommendations concerning Canada geese. First, allowing Maine to change the designation of their Coastal Zone to a low harvest NAP Zone for an experimental 3-year period (2019–21) should allow for the harvest of more AFRP geese with the longer season length and higher bag limit. While some additional harvest of NAP Canada geese may occur, the Coastal Zone currently meets the criteria as a low harvest zone under the current NAP harvest strategy.

Second, while we note that the current AP harvest strategy indicates that a continuation of the ''moderate'' season may be considered given the current population abundance, moving to a ''restrictive'' season in the AP harvest strategy is the more prudent choice. The breeding pair estimate (the primary metric used to inform AP harvest management decisions) has declined sharply the past 2 years, and although the 3-year running average of total indicated pairs (154,969) remains above the harvest strategy threshold (150,000 pairs) for consideration of a moderate season, the 2018 single-year estimate (112,235 pairs) is 25 percent below that level. Further, the total population index has declined by approximately one-third since 2009. The Atlantic Flyway Council notes that this decline, which is only now showing up in the breeding pair estimate, likely reflects an extended period (2009–16) of average or below-average production years. Additionally, gosling production, as indexed by age ratios at banding, was virtually nonexistent in 2018. This is unprecedented in the 22 years this metric has been monitored. Lastly, given current population trends and the poor 2018 production, the harvest strategy is highly likely to prescribe a ''restrictive'' season in 2020–21. The Atlantic Flyway Council notes that reductions in harvest achieved by implementing a restrictive season 1 year earlier should slow the rate of population decline, and in turn reduce the likelihood of the population declining to a level (60,000 pairs) at which a closed season would be prescribed.

Third, the recommended changes to zone boundaries (Connecticut), zone designation (New Jersey), and framework dates (New York) are all the result of a recent Atlantic Flyway Council assessment of migrant Canada goose harvest in AFRP zones. The assessment indicated that migrant Canada goose harvest in AFRP zones in those States exceeded the level allowed by the Atlantic Flyway Council's established criteria. The Council's recommended changes will reduce migrant Canada goose harvest in AFRP zones in those States and bring them back into compliance with AFRP zone criteria. Thus, we agree that all three changes are appropriate, and we commend the Atlantic Flyway Council's continuing commitment to sustainable harvest of migrant Canada geese.

6. Brant

Council Recommendations: The Atlantic Flyway Council recommended that the 2019–20 season for Atlantic brant follow the Atlantic Flyway Council's brant harvest strategy pending the results of the 2019 Atlantic Flyway Mid-winter Waterfowl Survey (MWS). The Council also recommended that if results of the 2019 MWS are not available, then results of the most recent MWS should be used.

The Pacific Flyway Council recommended that the 2019–20 brant season frameworks be determined based on the harvest strategy in the Council's management plan for the Pacific population of brant pending results of the 2019 Winter Brant Survey (WBS). If results of the 2019 WBS are not available, results of the most recent WBS should be used.

Service Response: As we discussed in the March 28, 2016, final rule (81 FR 17302), the current harvest strategy used to determine the Atlantic brant season frameworks does not fit well within the new regulatory process, similar to the Rocky Mountain Population (RMP) sandhill crane issue discussed below under 9. Sandhill Cranes. In developing the annual proposed frameworks for

Atlantic brant in the past, the Atlantic Flyway Council and the Service used the number of brant counted during the MWS in the Atlantic Flyway, and took into consideration the brant population's expected productivity that summer. The MWS is conducted each January, and expected brant productivity is based on early-summer observations of breeding habitat conditions and nesting effort in important brant nesting areas. Thus, the data under consideration were available before the annual Flyway and SRC decision-making meetings took place in late July. Although the former regulatory alternatives for Atlantic brant were developed by factoring together long-term productivity rates (observed during November and December productivity surveys) with estimated observed harvest under different framework regulations, the primary decision-making criterion for selecting the annual frameworks was the MWS count.

Under the new regulatory schedule, neither the expected brant production information nor the MWS count for the current year is yet available at the time the proposed frameworks are published. However, the MWS is typically completed, and winter brant data are available, by the expected publication of the final frameworks. Therefore, in the September 24, 2015, **Federal Register** (80 FR 57664), we adopted the Atlantic Flyway Council's changes to the then-current Atlantic brant hunt plan strategy. The current harvest strategy for Atlantic brant is as follows:

- If the MWS count is <100,000 Atlantic brant, the season would be closed.
- If the MWS count is between 100,000 and 115,000 brant, States could select a 30-day season with a 1-bird daily bag limit.
- If the MWS count is between 115,000 and 130,000 brant, States could select a 30-day season with a 2-bird daily bag limit.
- If the MWS count is between 130,000 and 150,000 brant, States could select a 50-day season with a 2-bird daily bag limit.
- If the MWS count is between 150,000 and 200,000 brant, States could select a 60-day season with a 2-bird daily bag limit.
- If the MWS count is >200,000 brant, States could select a 60-day season with a 3-bird daily bag limit.

Under all the above open-season alternatives, seasons would be between the Saturday nearest September 24 and January 31. Further, States could split their seasons into 2 segments.

The 2019 MWS Atlantic brant count was 120,109 brant. Thus, utilizing the above Atlantic brant hunt strategies, the appropriate Atlantic brant hunting season for the 2019–20 season is a 30-day season with a 2-bird daily bag limit.

As with the case for Atlantic brant, we also agree with the Pacific Flyway Council's recommendation that the 2019–20 Pacific brant season frameworks be determined by the harvest strategy in the Council's management plan for the Pacific population of brant pending results of the 2019 WBS. Similarly, the harvest strategy used to determine the Pacific brant season frameworks does not fit well within the new regulatory process. In developing the annual proposed frameworks for Pacific brant, the Pacific Flyway Council and the Service use the 3-year average number of brant counted during the WBS in the Pacific Flyway to determine annual allowable season length and daily bag limits. The WBS is conducted each January (that is, after the date that the proposed frameworks are formulated in the regulatory process) in coastal areas of western Mexico, the United States, and Canada. However, the data are typically available by the expected publication of these final frameworks. When we acquire the survey data, we select the appropriate frameworks for the Pacific brant season according to the harvest strategy in the Pacific Flyway Council's management plan for Pacific brant and publish the result in the final frameworks rule. The current harvest strategy for Pacific brant is as follows:

- If the WBS index is <102,000 brant, then the brant season is closed, and the season may not reopen until the 3-year average WBS index exceeds 112,000 brant.
- If the WBS index is between 102,000 and 122,000 brant, then Alaska may select a 51-day season with a 2-bird daily bag limit, and California, Oregon, and Washington may select a 16-day season with a 2-bird daily bag limit.
- If the WBS index is between 122,001 and 147,000 brant, then Alaska may select a 107-day season with a 2-bird daily bag limit, and California, Oregon, and Washington may select a 27-day season with a 2-brant daily bag limit.
- If the WBS index is greater than 147,000 brant, then Alaska may select a 107-day season with a 4-bird daily bag limit, and California, Oregon, and Washington may select a 37-day season with a 2-bird daily bag limit.

Under all the above open-season alternatives, the outside framework season dates are September 1 through January 26 in Alaska, the Saturday closest to September 24 through December 15 in California and Oregon, and the Saturday closest to September 24 through the last Sunday in January in Washington.

The recent 3-year average (2017–2019) WBS count of Pacific brant was 149,647. Using the above harvest strategy, the appropriate season length and daily bag limit framework for Pacific brant in the 2019–20 season is a 107-day season with a 4-bird daily bag limit in Alaska, and a 37-day season with a 2-bird daily bag limit in California, Oregon, and Washington.

8. Swans

Council Recommendations: The Atlantic Flyway Council recommended that the allocation of tundra swan hunt permits in the Atlantic Flyway be based on the proportion of tundra swans counted on the Mid-Winter Survey (MWS) in each State that hunts swans. Permit allocation would be re-evaluated every 3 years based on the past 3-year MWS average in each State that allows swan hunting. Permit allocation for the 2019–20 through the 2021–22 seasons will be 6,115 permits in North Carolina, 801 permits in Virginia, and 84 permits in Delaware (for a total of 7,000 in the Atlantic Flyway). If the number of permits available to the Atlantic Flyway should change or if additional States initiate tundra swan hunting seasons, the Council recommends that permit allocation be adjusted based on the proportion of tundra swans counted in each State.

The Pacific Flyway Council recommended several changes to the swan season frameworks. Specifically, the Council recommended:

(1) Extending outside dates to the Saturday nearest September 24 (currently the Saturday nearest October 1) and closing consistent with the duck season framework of January 31 (currently varies by State from December 1 to the Sunday following January 1);

(2) Extending the maximum season length to 107 days (currently varies by State from 64 to 100 days), subject to season closure rules (see below);

(3) Allowing youths with a swan hunting permit to hunt swans during federal Special Youth Waterfowl Hunting Days;

(4) Removing State requirements to monitor and report on swan populations within designated hunt areas;

(5) Increasing the trumpeter swan quota from 5 to 10 in Nevada;

(6) Increasing the trumpeter swan quota from 10 to 20 in Utah;

(7) Increasing permits from 2,000 to 2,750 in Utah; and

(8) Increasing the hunt area in Utah (for clearer boundaries).

Written Comments: The North Dakota Game and Fish Department (North Dakota) and the South Dakota Department of Game, Fish, and Parks (South Dakota) have proposed to temporarily transfer 200 tundra swan permits from South Dakota to North Dakota.

Six individuals from Nevada and Utah supported the Pacific Flyway's recommendations regarding proposed changes to swan seasons in Nevada and Utah.

Service Response: Recently, we supported the establishment of an experimental tundra swan season in Delaware beginning with the 2019–20 season (83 FR 47868; September 21, 2018). The proposed hunting season followed the guidelines provided in the Atlantic Flyway Council's Eastern Population Tundra Swan Hunt Plan and is not expected to increase the overall harvest of tundra swans. At that time, we stated that the existing allowable harvest would be reallocated among the States that hunt them. The Atlantic Flyway Council's recommendation accomplishes that objective and does not affect permit allocation in any other Flyway. Thus, we agree.

We also agree with the temporary transfer of 200 tundra swan permits from South Dakota to North Dakota. The original agreement between the States was reached in 2003, and approved by the Central Flyway Council in 2003, and recently was reaffirmed by North Dakota and South Dakota. Further, the current Eastern Population Tundra Swan Hunt Plan allows the transfer of unused portions or permits for temporary redistribution to other participating States.

In the Pacific Flyway, we authorized an experimental general swan hunting season (hereafter, swan season) within the Pacific Flyway south of Alaska (parts of Montana, Utah, and Nevada) in 1995, which became operational in 2003. We addressed impacts of the swan season in a sequence of environmental assessments and findings of no significant impact (1995, 2000, 2001, 2003). Two native swan species occur in the contiguous United States: Tundra swan (*Cygnus columbianus*) and trumpeter swan (*C. buccinator*). Only the Western Population (WP) of tundra swans and Rocky Mountain Population (RMP) of trumpeter swans are subjected to harvest during the swan hunting season in the Pacific Flyway.

Regarding WP tundra swans, the recent 3-year (2016–2018) mean abundance index during spring was 133,340 (95 percent confidence interval (CI) = 83,962–182,719) swans, and exceeded the Pacific Flyway Council's population objective of 60,000 swans. Regarding RMP trumpeter swans, the recent (2015) fall count was 11,271 white swans (*i.e.,* adult and subadult birds), and exceeded the Pacific Flyway Council's population objective of 10,000 white swans. The Council also has an objective for the U.S. breeding segment of RMP trumpeter swans. The recent (2018) fall count was 810 white swans, and exceeded the Council's current population objective of 718 white swans. The recent 3-year (2016–2018) average count was 774 white swans.

The 2003 environmental assessment specified the swan season framework cannot be more liberal until the 3-year average number of trumpeter swans in the RMP U.S. breeding segment was ≥90 percent of the original (*i.e.,* from an earlier management plan) goal of 614 white swans (*i.e.,* threshold of 553 white swans). This threshold was exceeded in 2015, when the 3-year (2013–2015) average fall count was 563 white swans.

Gower *et al.* (2018) wrote a white paper on the Pacific Flyway swan season. The purpose was to review data (status, distribution, and harvest) associated with the swan season framework since implementation 23 years ago, and to consider the success of the swan season framework in reconciling two potentially conflicting swan management objectives: Tundra swan hunting and trumpeter swan population restoration. The data provide strong evidence the swan season framework in the Pacific Flyway has been successful in the simultaneous achievement of initial objectives for tundra swan hunting opportunity and trumpeter swan population restoration. The white paper provides justification for the Pacific Flyway Council's proposed changes to the swan season framework, particularly the increase in trumpeter swan quotas to rebalance tradeoffs between potentially conflicting swan management objectives. The white paper is available at *https://www.fws.gov/birds/surveys-and-data/reports-and-publications.php*.

Regarding the Pacific Flyway Council's recommendations, we agree with the recommendations for opening and closing dates, season length, and youth waterfowl hunting days. These are all adjustments to realign the swan season framework in the Pacific Flyway with changes to the general duck and goose season frameworks that have occurred since 1995, when the swan season framework was established. This will allow States to simplify their waterfowl seasons by having one season for ducks, geese, and swans, and allow youth hunters with a swan hunting permit to hunt swans during the Federal youth waterfowl hunting days. Broadening the opening and closing dates, extending the season length, and allowing take of swans during the two youth waterfowl hunting days may increase swan harvest, but not in significant numbers because few swans are available to hunters outside of the swan winter migration period. Most tundra and trumpeter swans migrate through Montana, Nevada, and Utah from mid-October through the end of November. Also, there is additional harvest opportunity for tundra swans because the population is currently more than two times the Council's population objective. Despite these liberalizations, adequate protection still exists for trumpeter swans because trumpeter swan harvest is capped at the quota for each State regardless of season length, and the swan season ends in a State upon reaching the trumpeter swan quota in that State.

We also agree with the Council's recommendation to remove State requirements to monitor and report on swan abundance within designated hunting areas. This does not affect the requirement that each State that allows swan hunting must evaluate hunter participation, species-specific swan harvest, and hunter compliance in complying with State hunter participation and harvest monitoring programs. Each State has monitored swan abundance during the swan hunting season since about 1995. However, the monitoring that has been done is limited to counts of swans with no distinction between tundra and trumpeter swans, and therefore has limited usefulness for informing us about swan population status. Further, swan migration routes and timing of swan migration through each State are now well established, and both tundra swan and trumpeter swan populations are monitored via cooperative State-Federal surveys, which are better tools for assessing swan population status than the aforementioned surveys.

We agree with the Council's recommendation to increase the trumpeter swan quotas from 5 to 10 in Nevada and from 10 to 20 in Utah. The swan hunting season must close in a State upon reaching the trumpeter swan quota in that State regardless of the scheduled season closing date. The quotas (5 and 10 swans) have not been reached in any year since swan hunting was initiated in 1995, except that in Nevada in 2017, the 5-swan quota was reached on the last day of the swan season. Trumpeter swans have increased in abundance since 1995; however, the number allowed to be taken has not increased. The possibility

of an early swan-season closure has increased with trumpeter swan abundance increasing at a higher rate than tundra swan abundance. The most recent abundance estimates indicate RMP trumpeter swans have increased 644 percent (1,820 to 11,721 white swans) since 1995, and the U.S. breeding segment has increased 241 percent (427 to 1,029 total swans). Tundra swans have increased 126 percent (120,528 to 152,099) since 1995. The increased quotas in Nevada and Utah are commensurate with the change in trumpeter swan population status since the quotas were negotiated in 1995 and 2000 (*i.e.,* increased 200 percent). Also, these increases are consistent with an assessment of the harvest potential of RMP trumpeter swans and U.S. breeding segment based on their observed growth rates and a conservative recovery factor of 0.5 considering that trumpeter swans are of management concern but neither endangered nor threatened (see the swan hunting white paper (Gower *et al.* 2018) for more assessment details). Using a conservative maximum allowable take estimate of trumpeter swans in Utah and Nevada of 30 swans combined and accounting for population segment composition (6.1 percent U.S. breeding), the expected harvest of trumpeter swans from the U.S. breeding segment, which is of greater concern than the Canada breeding segment, should not exceed about 2 swans (30×0.061), or about 0.2 percent (2 of 1,029 total swans) of the population segment annually.

We also agree with the Council's recommendation to increase the number of hunting permits from 2,000 to 2,750 in Utah. Swan harvest will likely increase with the increase in the number of swan hunting permits, but is expected to be within allowable limits and consistent with the Council's swan management objectives. Tundra swans are currently more than 2 times the Council's population objective, and trumpeter swan harvest is capped at the quota for each State. Since 2000, when about 2,000 swan hunting permits were issued per year, the average estimated harvest was 734 swans. Thus, increasing the number of hunting permits by 750 is estimated to increase the average harvest by 275 swans (to about 1,009 swans in total). Utah issued 2,750 permits during 1995–2000, and at that time the average tundra swan harvest was 1,444 swans per year. The number of permits was reduced in 2000, to reduce the probability of trumpeter swan harvest. The harvest of trumpeter swans is limited to a sustainable quota. However, the average trumpeter swan harvest in Utah since 2000 has been 2.1 swans per year, well below the quota. We estimate that increasing the tundra swan permits by 750 will result in less than 1 additional trumpeter swan harvested per year on average. Thus, the average trumpeter swan harvest per year is expected to remain well below Utah's trumpeter swan quota.

We also agree with the Council's recommendation to increase the hunting area in Utah. This involves a small change to help clarify the hunting area boundary through the Bear River National Wildlife Refuge and adjacent private lands currently along property or imaginary lines that are not marked by roads or other well-defined geographic features or landmarks. This segment of the hunting area boundary will be moved to the nearest road, which is north to State Route 83. The new boundary will be more identifiable for hunters and law enforcement. The additional area included in the hunting area boundary is 124 square miles and represents an increase of 1.75 percent of the current hunting area. The additional area is comprised of agriculture lands, wetlands, and urban areas; approximately 30 percent is swan habitat. The swan hunting boundary will continue to exclude areas where trumpeter swans have been consistently observed for the last 5 years in Utah (northern Box Elder County, Cache County, Rich County, and Daggett County).

Finally, we recognize that there are a number of changes that could cumulatively increase trumpeter swan harvest, but we do not expect the harvest to exceed the quotas established in Utah and Nevada. Tundra and trumpeter swan populations will continue to be monitored via cooperative Federal-State surveys, and States offering a swan season will continue to be required to carefully monitor swan hunter participation and species-specific swan harvest.

Thus, the Service and States are committed to monitoring population abundance and harvest, and any increase in trumpeter swan harvest or decrease in swan abundance of concern will be reviewed and adjustments made accordingly.

9. Sandhill Cranes

Council Recommendations: The Mississippi Flyway Council recommended that Alabama be allowed a 3-year experimental sandhill crane hunting season beginning in 2019, consistent with the guidelines in the Eastern Population of Sandhill Cranes Management Plan (EP Plan). The experimental season would include up to 60 days and 1,200 harvest tags.

The Central Flyway Council recommended an expansion of the areas open to Mid-continent Population sandhill crane hunting in South Dakota.

The Central and Pacific Flyway Councils recommended the establishment of a new hunting area for Rocky Mountain Population (RMP) sandhill cranes in Arizona beginning with the 2019–20 season, and that allowable harvest of RMP cranes be determined based on the formula described in the Pacific and Central Flyway Management Plan for RMP cranes.

Service Response: We agree with the Mississippi Flyway Council's recommendation to establish an experimental season in Alabama. A management plan for the Eastern Population of sandhill cranes was approved by the Atlantic and Mississippi Flyway Councils in 2010. The plan contained provisions and guidelines for establishing hunting seasons in the Mississippi and Atlantic Flyway States if the fall population was above a minimum threshold of 30,000 cranes. The management plan also set an overall harvest objective of no more than 10 percent of the 5-year average peak population estimate for each State. Alabama's 5-year average peak population count is 14,104 cranes, setting the State's maximum allowable harvest under the plan at 1,410 birds. Alabama's proposal for an experimental season of 1,200 tags meets this provision. Further, Alabama's experimental season would limit the number of crane hunters to 400 (with each getting 3 harvest tags).

The Council further notes that the management plan has the following thresholds for permit allocation among the States:

- When the 3-year fall survey average is ≥30,000, maximum permit allocation will be 10 percent of the 3-year fall survey average; and
- When the 3-year fall survey average is >60,000, the maximum permit allocation will be 12 percent of the 3-year fall survey average.

The latest fall survey 3-year average of the Eastern Population of sandhill cranes is 91,250 cranes, which would allow a maximum harvest of up to 10,950 cranes under the current management plan. Currently, only Kentucky, Tennessee, and now Alabama have seasons for Eastern Population sandhill cranes. Including this new proposal for Alabama, the combined number of harvest permits in all three States would allow the take of 5,424 cranes, well below the maximum

allowable harvest. Thus, we support the creation and implementation of an experimental crane season in Alabama. As with all experimental seasons, we will implement a memorandum of agreement with Alabama to cover the experimental period, which will describe each entities' responsibilities during the experiment.

The Service agrees with the Central Flyway Council's proposal to modify the eastern boundary for Mid-continent Population sandhill crane hunting in South Dakota. Information suggests few hunters will take advantage of this change, and any increase in harvest will be small.

We also agree with the recommendations to create a new hunting area for RMP cranes in Arizona. The new hunting area is consistent with the hunting area requirements in the Pacific and Central Flyway Council's RMP crane management plan.

Regarding RMP crane harvest, as we discussed in the March 28, 2016, final rule (81 FR 17302), the current harvest strategy used to calculate the allowable harvest of RMP cranes does not fit well within the new regulatory process, similar to the brant issue discussed above under 6. Brant. Results of the fall abundance and recruitment surveys of RMP cranes, which are used in the calculation of the annual allowable harvest, will continue to be released between December 1 and January 31 each year, which is after the date proposed frameworks are formulated in the new regulatory process. If we were to propose regulations at this point in time, data 2 to 4 years old would be used to determine the annual allowable harvest and State harvest allocations for RMP cranes. We agree that relying on data that are 2 to 4 years old is not ideal due to the variability in fall abundance and recruitment for this population, and the significance of these data in determining the annual harvest allocations. Thus, we agree that the formula to determine the annual allowable harvest for RMP cranes published in the March 28, 2016, final rule should be used under the new regulatory schedule.

The 2018 fall RMP sandhill crane abundance estimate was 21,801 cranes, resulting in a 3-year (2016–18) average of 21,219 cranes, about 850 birds less than the previous 3-year average, which was 22,062 cranes. The RMP crane recruitment estimate was 7.90 percent young in the fall population, resulting in a 3-year (2016–18) average of 8.22 percent, a decrease from the previous 3-year average, which was 9.37 percent. Using the above formula and the above most recent 3-year average abundance and recruitment estimates, the allowable harvest for the 2019–20 season is 1,628 cranes.

14. Woodcock

Council Recommendations: The Atlantic, Mississippi, and Central Flyway Councils recommended use of the ''moderate'' season framework for the 2019–20 season.

The Mississippi Flyway Council recommended that the framework opening date for the Central Management Region be changed from the Saturday nearest September 22 to a fixed date of September 13.

Service Response: In 2011, we implemented a harvest strategy for woodcock (76 FR 19876; April 8, 2011). The harvest strategy provides a transparent framework for making regulatory decisions for woodcock season length and bag limits while we work to improve monitoring and assessment protocols for this species. Utilizing the criteria developed for the strategy, the 3-year average for the Singing Ground Survey indices and associated confidence intervals fall within the ''moderate package'' for both the Eastern and Central Management Regions. As such, a ''moderate season'' for both management regions for the 2019–20 season is appropriate.

We do not support the Mississippi Flyway Council's recommendation to change the woodcock opening framework date to September 13. As we stated earlier this year regarding the recommendation to change the woodcock harvest threshold for the liberal regulatory alternative and framework dates, we recommend that the Woodcock Harvest Strategy Working Group be reconvened to discuss and evaluate any proposed changes to the American Woodcock harvest strategy. We understand that this group has already met and started this work.

16. Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the ''standard'' season framework comprised of a 90-day season and 15-bird daily bag limit for States within the Eastern Management Unit. The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination.

The Mississippi and Central Flyway Councils recommended the use of the ''standard'' season package of a 90-day season and 15-bird daily bag limit for States within the Central Management Unit.

The Pacific Flyway Council recommended use of the ''standard'' season framework with a 60-day season and 15-bird daily bag limit for States in the Western Management Unit.

Service Response: Based on the harvest strategies and current population status, we agree with the recommended selection of the ''standard'' season frameworks for doves in the Eastern, Central, and Western Management Units for the 2019–20 season.

Required Determinations

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This action is not subject to the requirements of Executive Order (E.O.) 13771 (82 FR 9339, February 3, 2017) because it establishes annual harvest limits related to routine hunting or fishing.

National Environmental Policy Act (NEPA) Consideration

The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being ''Duck Hunting Regulations for 2019–20,'' with its corresponding June 2019, finding of no significant impact. The programmatic document, as well as the separate environmental assessment, is available on our website at *https://www.fws.gov/birds/index.php,* or from the address indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), provides that the Secretary shall insure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat. Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued

existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks reflect any such modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection at the address indicated under **ADDRESSES**.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has reviewed this rule and has determined that this rule is significant because it will have an annual effect of $100 million or more on the economy.

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

An economic analysis was prepared for the 2019–20 season. This analysis was based on data from the 2011 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion under Regulatory Flexibility Act, below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2018–19 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2018–19 season. For the 2019–20 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of $334–$440 million with a mid-point estimate of $387 million. We also chose alternative 3 for the 2009–10 through 2018–19 seasons. The 2019–20 analysis is part of the record for this rule and is available at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2018–0030.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990 through 1995. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, 2008, 2013, 2018, and 2019. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is generally conducted at 5-year intervals. The 2019 Analysis is based on the 2011 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.5 billion at small businesses in 2019. Copies of the analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2018–0030.

Small Business Regulatory Enforcement Fairness Act

This final rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule will have an annual effect on the economy of $100 million or more. However, because this rule establishes frameworks for hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

This rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with migratory bird surveys and the procedures for establishing annual migratory bird hunting seasons under the following OMB control numbers:

- 1018–0019, ''North American Woodcock Singing Ground Survey'' (expires 6/30/2021).
- 1018–0023, ''Migratory Bird Surveys, 50 CFR 20.20'' (expires 8/31/2020). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.
- 1018–0171, ''Establishment of Annual Migratory Bird Hunting Seasons, 50 CFR part 20'' (expires 06/30/2021).

You may view the information collection request(s) at *http://www.reginfo.gov/public/do/PRAMain.* An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Takings Implication Assessment

In accordance with E.O. 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule will allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under E.O. 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore,

this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. We have consulted with Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with E.O. 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Regulations Promulgation

The rulemaking process for migratory game bird hunting, by its nature, operates under a time constraint as seasons must be established each year or hunting seasons remain closed. However, we intend that the public be provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements. Thus, when the preliminary proposed rulemaking was published, we established what we concluded were the longest periods possible for public comment and the most opportunities for public involvement. We also provided notification of our participation in multiple Flyway Council meetings, opportunities for additional public review and comment on all Flyway Council proposals for regulatory change, and opportunities for additional public review during the SRC meeting. Therefore, sufficient public notice and opportunity for involvement have been given to affected persons regarding the migratory bird hunting frameworks for the 2019–20 hunting seasons. Further, after establishment of the final frameworks, States need sufficient time to conduct their own public processes to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. Thus, if there were a delay in the effective date of these regulations after this final rulemaking, States might not be able to meet their own administrative needs and requirements.

For the reasons cited above, we find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will take effect immediately upon publication.

Therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), we prescribe final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials will select hunting season dates and other options. Upon receipt of season selections from these officials, we will publish a final rulemaking amending 50 CFR part 20 to reflect seasons, limits, and shooting hours for the United States for the 2019–20 seasons. The rules that eventually will be promulgated for the 2019–20 hunting season are authorized under 16 U.S.C. 703–712 and 742a–j.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: July 1, 2019.

Karen Budd-Falen,

Deputy Solicitor for Parks and Wildlife, Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks.

Final Regulations Frameworks for 2019–20 Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting migratory game birds between the dates of September 1, 2019, and March 10, 2020. These frameworks are summarized below.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are three times the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by hunters, or both. In these cases, the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway: Includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Duck Management Units

High Plains Mallard Management Unit: Roughly defined as that portion of the Central Flyway that lies west of the 100th meridian. See Area, Unit, and Zone Descriptions, *Ducks (Including Mergansers) and Coots* for specific boundaries in each State.

Columbia Basin Mallard Management Unit: In Washington, all areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County; and in Oregon, the counties of Gilliam, Morrow, and Umatilla.

Mourning Dove Management Units

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region: Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Other geographic descriptions are contained in a later portion of this document.

Definitions

For the purpose of the hunting regulations listed below, the collective terms ''dark'' and ''light'' geese include the following species:

Dark geese: Canada geese (including cackling geese [*Branta hutchinsii*]), white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

Light geese: Snow (including blue) geese and Ross's geese.

Area, Zone, and Unit Descriptions: Geographic descriptions related to regulations are contained in a later portion of this document.

Area-Specific Provisions: Frameworks for open seasons, season lengths, bag and possession limits, and other special provisions are listed below by Flyway.

Migratory Game Bird Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to the take of all migratory game birds.

Special Youth, Veteran, and Active Military Personnel Waterfowl Hunting Days

Outside Dates: States may select 2 days per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' and 2 days per duck-hunting zone, designated as ''Veterans and Active Military Personnel Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days may be held concurrently. The Youth Waterfowl Hunting Days must be held outside any regular duck season on weekends, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. Both sets of days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions for Youth Waterfowl Hunting Days: States may use their established definition of age for youth hunters. However, youth hunters must be under the age of 18. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Youth hunters 16 years of age and older must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). Swans may only be taken by participants possessing applicable swan permits.

Participation Restrictions for Veterans and Active Military Personnel Waterfowl Hunting Days: Veterans (as defined in section 101 of title 38, United States Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. All hunters must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). Swans may only be taken by participants possessing applicable swan permits.

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Colorado (part), Kansas, Nebraska, New Mexico (part), Oklahoma, and Texas.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 6 teal.

Shooting Hours

Atlantic Flyway: One-half hour before sunrise to sunset, except in South Carolina, where the hours are from sunrise to sunset.

Mississippi and Central Flyways: One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Iowa, Michigan,

Minnesota, Missouri, Ohio, and Wisconsin, where the hours are from sunrise to sunset.

Special September Duck Seasons

Florida, Kentucky, and Tennessee: In lieu of a special September teal season, a 5-consecutive-day teal/wood duck season may be selected in September. The daily bag limit may not exceed 6 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks. In addition, a 4-consecutive-day teal-only season may be selected in September either immediately before or immediately after the 5-consecutive-day teal/wood duck season. The daily bag limit is 6 teal. The teal-only season in Florida is experimental.

Waterfowl

Atlantic Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 21) and January 31.

Hunting Seasons and Duck Limits: 60 days. The daily bag limit is 6 ducks, including no more than 2 mallards (no more than 1 of which can be female), 2 black ducks, 1 pintail, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 2 scaup, 2 canvasbacks, 4 scoters, 4 eiders, and 4 long-tailed ducks.

Closures: The season on harlequin ducks is closed.

Merganser Limits: The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Lake Champlain Zone, New York: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Lake Champlain Zone of Vermont.

Connecticut River Zone, Vermont: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Inland Zone of New Hampshire.

Zoning and Split Seasons: Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, and West Virginia may split their seasons into 3 segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont may select hunting seasons by zones and may split their seasons into two segments in each zone.

Scoters, Eiders, and Long-Tailed Ducks

Special Sea Duck Seasons

Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia may select a Special Sea Duck Season in designated Special Sea Duck Areas. If a Special Sea Duck Season is selected, scoters, eiders, and long-tailed ducks may be taken in the designated Special Sea Duck Area(s) only during the Special Sea Duck Season dates; scoters, eiders, and long-tailed ducks may be taken outside of Special Sea Duck Area(s) during the regular duck season, in accordance with the frameworks for ducks, mergansers, and coots specified above.

Outside Dates: Between September 15 and January 31.

Special Sea Duck Seasons and Daily Bag Limits: 60 consecutive hunting days, or 60 days that are concurrent with the regular duck season, with a daily bag limit of 5, of the listed sea duck species, including no more than 4 scoters, 4 eiders, and 4 long-tailed ducks. Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters, 4 eiders, and 4 long-tailed ducks) and possession limits.

Special Sea Duck Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in New Jersey, all coastal waters seaward from the International Regulations for Preventing Collisions at Sea (COLREGS) Demarcation Lines shown on National Oceanic and Atmospheric Administration (NOAA) Nautical Charts and further described in 33 CFR 80.165, 80.501, 80.502, and 80.503; in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in South Carolina and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

Canada Geese

Special Early Canada Goose Seasons

A Canada goose season of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during any special early Canada goose season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Regular Canada Goose Seasons

Season Lengths, Outside Dates, and Limits: Specific regulations for Canada geese are shown below by State. These seasons may also include white-fronted geese in an aggregate daily bag limit. Unless specified otherwise, seasons may be split into two segments.

Connecticut

North Atlantic Population (NAP) Zone: Between October 1 and January 31, a 60-day season may be held with a 2-bird daily bag limit.

Atlantic Population (AP) Zone: A 30-day season may be held between October 10 and February 5, with a 2-bird daily bag limit.

South Zone: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit.

Resident Population (RP) Zone: An 80-day season may be held between October 1 and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Delaware

A 30-day season may be held between November 15 and February 5, with a 1-bird daily bag limit.

Florida

An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Georgia

An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Maine

North and South NAP–H Zones: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit.

Coastal NAP–L Zone: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit.

Maryland

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 30-day season may be held between November 15 and February 5, with a 1-bird daily bag limit.

Massachusetts

NAP Zone: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit. Additionally, a special season may be held from January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 30-day season may be held between October 10 and February 5, with a 2-bird daily bag limit.

New Hampshire

A 60-day season may be held Statewide between October 1 and January 31 with a 2-bird daily bag limit.

New Jersey

AP Zone: A 30-day season may be held between the fourth Saturday in October (October 26) and February 5, with a 2-bird daily bag limit.

NAP Zone: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit.

Special Late Goose Season Area: A special season may be held in designated areas of North and South New Jersey from January 15 to February 15, with a 5-bird daily bag limit.

New York

NAP Zone: Between October 1 and January 31, a 60-day season may be held, with a 2-bird daily bag limit in the High Harvest areas; and between October 1 and February 15, a 70-day season may be held, with a 3-bird daily bag limit in the Low Harvest areas.

AP Zone: A 30-day season may be held between the fourth Saturday in October (October 26), except in the Lake Champlain Area where the opening date is October 10, through February 5, with a 2-bird daily bag limit.

Western Long Island RP Zone: A 107-day season may be held between the Saturday nearest September 24 (September 21) and the last day of February, with an 8-bird daily bag limit. The season may be split into 3 segments.

Rest of State RP Zone: An 80-day season may be held between the fourth Saturday in October (October 26) and the last day of February, with a 5-bird daily bag limit. The season may be split into 3 segments.

North Carolina

RP Zone: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Northeast Hunt Unit: A 14-day season may be held between the Saturday prior to December 25 (December 21) and January 31, with a 1-bird daily bag limit.

Pennsylvania

SJBP Zone: A 78-day season may be held between the first Saturday in October (October 5) and February 15, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 26) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 30-day season may be held between the fourth Saturday in October (October 26) and February 5, with a 2-bird daily bag limit.

Rhode Island

A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit. A special late season may be held in designated areas from January 15 to February 15, with a 5-bird daily bag limit.

South Carolina

In designated areas, an 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Vermont

Lake Champlain Zone and Interior Zone: A 30-day season may be held between October 10 and February 5, with a 2-bird daily bag limit.

Connecticut River Zone: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit.

Virginia

SJBP Zone: A 40-day season may be held between November 15 and January 14, with a 3-bird daily bag limit. Additionally, a special late season may be held between January 15 and February 15, with a 5-bird daily bag limit.

AP Zone: A 30-day season may be held between November 15 and February 5, with a 1-bird daily bag limit.

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

West Virginia

An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments in each zone.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107-day season between October 1 and March 10, with a 25-bird daily bag limit and no possession limit. States may split their seasons into 3 segments.

Brant

Season Lengths, Outside Dates, and Limits: States may select a 30–day season between the Saturday nearest September 24 (September 21) and January 31, with a 2-bird daily bag limit. States may split their seasons into two segments.

Mississippi Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 21) and January 31.

Hunting Seasons and Duck Limits: The season may not exceed 60 days, with a daily bag limit of 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 2 black ducks, 1 pintail, 3 wood ducks, 2 canvasbacks, 3 scaup, and 2 redheads.

Merganser Limits: The daily bag limit is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons by zones.

In Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, the season may be split into two segments in each zone.

In Alabama, Arkansas, and Mississippi, the season may be split into 3 segments.

Geese

Season Lengths, Outside Dates, and Limits

Canada Geese: States may select seasons for Canada geese not to exceed 107 days with a 5-bird daily bag limit during September 1–30, and a 3-bird daily bag limit for the remainder of the season. Seasons may be held between September 1 and February 15, and may be split into 4 segments.

White-fronted Geese and Brant: Arkansas, Illinois, Louisiana, Kentucky, Missouri, Mississippi, and Tennessee may select a season for white-fronted geese not to exceed 74 days with 3 geese daily, or 88 days with 2 geese daily, or 107 days with 1 goose daily between September 1 and February 15; Alabama, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin may select a season for white-fronted geese not to exceed 107 days with 5 geese daily, in aggregate with dark geese between September 1 and February 15. States may select a season for brant not to exceed 70 days with 2 brant daily, or 107 days with 1 brant daily with outside dates the same as for Canada geese; alternately, States may include brant in an aggregate goose bag limit with either Canada geese, white-fronted geese, or dark geese.

Light Geese: States may select seasons for light geese not to exceed 107 days, with 20 geese daily between September 1 and February 15. There is no possession limit for light geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset for Canada geese if all other waterfowl and crane seasons are closed in the specific applicable area.

Split Seasons: Seasons for geese may be split into four segments unless otherwise indicated.

Central Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 21) and January 31.

Hunting Seasons

High Plains Mallard Management Unit (roughly defined as that portion of the Central Flyway that lies west of the 100th meridian): 97 days. The last 23 days must run consecutively and may start no earlier than the Saturday nearest December 10 (December 7).

Remainder of the Central Flyway: 74 days.

Duck Limits: The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 3 scaup, 2 redheads, 3 wood ducks, 1 pintail, and 2 canvasbacks. In Texas, the daily bag limit on mottled ducks is 1, except that no mottled ducks may be taken during the first 5 days of the season. In addition to the daily limits listed above, the States of Montana, North Dakota, South Dakota, and Wyoming, in lieu of selecting an experimental September teal season, may include an additional daily bag and possession limit of 2 and 6 blue-winged teal, respectively, during the first 16 days of the regular duck season in each respective duck hunting zone. These extra limits are in addition to the regular duck bag and possession limits.

Merganser Limits: The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. In States that include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Colorado, Kansas (Low Plains portion), Montana, Nebraska, New Mexico, Oklahoma (Low Plains portion), South Dakota (Low Plains portion), Texas (Low Plains portion), and Wyoming may select hunting seasons by zones.

In Colorado, Kansas, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, the regular season may be split into two segments.

Geese

Special Early Canada Goose Seasons: In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, Canada goose seasons of up to 30 days during September 1–30 may be selected. In Colorado, New Mexico, Montana, and Wyoming, Canada goose seasons of up to 15 days during September 1–15 may be selected. In North Dakota, Canada goose seasons of up to 22 days during September 1–22 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Kansas, Nebraska, and Oklahoma, where the daily bag limit may not exceed 8 Canada geese, and in North Dakota and South Dakota, where the daily bag limit may not exceed 15 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Regular Goose Seasons

Split Seasons: Seasons for geese may be split into 3 segments. Three-way split seasons for Canada geese require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

Outside Dates: For dark geese, seasons may be selected between the outside dates of the Saturday nearest September 24 (September 21) and the Sunday nearest February 15 (February 16). For light geese, outside dates for seasons may be selected between the Saturday nearest September 24 (September 21) and March 10. In the Rainwater Basin Light Goose Area (East and West) of Nebraska, temporal and spatial restrictions that are consistent with the late-winter snow goose hunting strategy cooperatively developed by the Central Flyway Council and the Service are required.

Season Lengths and Limits

Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 50 with no possession limit.

Dark Geese: In Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and the Eastern Goose Zone of Texas, States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 8. For white-fronted geese, these States may select either a season of 74 days with a bag limit of 3, or an 88-day season with a bag limit of 2, or a season of 107 days with a bag limit of 1.

In Colorado, Montana, New Mexico, and Wyoming, States may select seasons not to exceed 107 days. The daily bag limit for dark geese is 5 in the aggregate.

In the Western Goose Zone of Texas, the season may not exceed 95 days. The daily bag limit for Canada geese (or any other dark goose species except white-fronted geese) is 5. The daily bag limit for white-fronted geese is 2.

Pacific Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 21) and January 31.

Hunting Seasons and Duck and Merganser Limits: 107 days. The daily bag limit is 7 ducks and mergansers, including no more than 2 female mallards, 1 pintail, 2 canvasbacks, 3 scaup, and 2 redheads. For scaup, the season length is 86 days, which may be split according to applicable zones and split duck hunting configurations approved for each State.

Coot, Common Moorhen, and Purple Gallinule Limits: The daily bag limit of coots, common moorhens, and purple gallinules is 25, singly or in the aggregate.

Zoning and Split Seasons: Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may select hunting seasons by zones and may split their seasons into 2 segments.

Montana and New Mexico may split their seasons into 3 segments.

Colorado River Zone, California: Seasons and limits should be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

Geese

Special Early Canada Goose Seasons

A Canada goose season of up to 15 days during September 1–20 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Pacific County, Washington, where the daily bag limit may not exceed 15 Canada geese. Areas open to hunting of Canada geese in each State must be described, delineated, and designated as such in each State's hunting regulations.

Regular Goose Seasons

Season Lengths, Outside Dates, and Limits

Canada Geese and Brant: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 21) and the last Sunday in January (January 26). In Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, the daily bag limit is 4 Canada geese and brant in the aggregate. In California, Oregon, and Washington, the daily bag limit is 4 Canada geese. For brant, in California, Oregon and Washington, a 37-day season may be selected. Days must be consecutive. Washington and California may select hunting seasons for up to 2 zones. The daily bag limit is 2 brant and is in addition to other goose limits. In Oregon and California, the brant season must end no later than December 15.

White-fronted Geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. The daily bag limit is 10.

Light Geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. The daily bag limit is 20.

Split Seasons: Unless otherwise specified, seasons for geese may be split into up to 3 segments. Three-way split seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

California

The daily bag limit for Canada geese is 10.

Balance of State Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. In the Sacramento Valley Special Management Area, the season on white-fronted geese must end on or before December 28, and the daily bag limit is 3 white-fronted geese. In the North Coast Special Management Area, hunting days that occur after the last Sunday in January (January 26) should be concurrent with Oregon's South Coast Zone.

Northeastern Zone: The white-fronted goose season may be split into 3 segments.

Oregon

The daily bag limit for light geese is 6 on or before the last Sunday in January (January 26).

Harney and Lake County Zone: For Lake County only, the daily white-fronted goose bag limit is 1.

Northwest Permit Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. Goose seasons may be split into 3 segments. The daily bag limits of Canada geese and light geese are 6 each. In the Tillamook County Management Area, the hunting season is closed on geese.

South Coast Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. The daily bag limit of Canada geese is 6. Hunting days that occur after the last Sunday in January (January 26) should be concurrent with California's North Coast Special Management Area. Goose seasons may be split into 3 segments.

Utah

A Canada goose and brant season may be selected in the Wasatch Front Zone with outside dates between the Saturday nearest September 24 (September 21) and the first Sunday in February (February 2).

Washington

The daily bag limit for light geese is 6.

Areas 2 Inland and 2 Coastal (Southwest Permit Zone): A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. Goose seasons may be split into 3 segments.

Area 4: Goose seasons may be split into 3 segments.

Permit Zones

In Oregon and Washington permit zones, the hunting season is closed on dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value 5 or less) with a bill length between 40 and 50 millimeters. Hunting of geese will only be by hunters possessing a State-issued permit authorizing them to do so. Shooting hours for geese may begin no earlier than sunrise. Regular Canada goose seasons in the permit zones of Oregon and Washington remain subject to the Memorandum of Understanding entered into with the Service regarding monitoring the impacts of take during the regular Canada goose season on the dusky Canada goose population.

Swans

In portions of the Pacific Flyway (Montana, Nevada, and Utah), an open season for taking a limited number of swans may be selected. These seasons are also subject to the following conditions:

Outside Dates: Between the Saturday nearest September 24 (September 21) and January 31.

Hunting Seasons: Seasons may not exceed 107 days.

Permits: Swan hunting is by permit only. Permits will be issued by the State and will authorize each permittee to take no more than 1 swan per season with each permit. Only 1 permit may be issued per hunter in Montana and Utah, 2 permits may be issued per hunter in Nevada. The total number of permits issued may not exceed 500 in Montana, 2,750 in Utah, and 650 in Nevada.

Quotas: The swan season in the respective State must end upon attainment of the following reported harvest of trumpeter swans: 20 in Utah and 10 in Nevada. There is no quota in Montana.

Monitoring: Each State must evaluate hunter participation, species-specific swan harvest, and hunter compliance in providing either species-determinant parts (at least the intact head) or bill measurements (bill length from tip to posterior edge of the nares opening, and presence or absence of yellow lore spots on the bill in front of the eyes) of harvested swans for species identification. Each State should use

appropriate measures to maximize hunter compliance with the State's program for swan harvest reporting. Each State must achieve a hunter compliance of at least 80 percent in providing species-determinant parts or bill measurements of harvested swans for species identification or subsequent permits will be reduced by 10 percent in the respective State. Each State must provide to the Service by June 30 following the swan season a report detailing hunter participation, species-specific swan harvest, and hunter compliance in reporting harvest. In Montana, all hunters that harvest a swan must complete and submit a reporting card (bill card) with the bill measurement and color information from the harvested swan within 72 hours of harvest for species determination. In Utah and Nevada, all hunters that harvest a swan must have the swan or species-determinant parts examined by a State or Federal biologist within 72 hours of harvest for species determination.

Other Provisions: In Utah, the season is subject to the terms of the Memorandum of Agreement entered into with the Service in July 2019, regarding harvest monitoring, season closure procedures, and education requirements to minimize take of trumpeter swans during the swan season.

Tundra Swans

In portions of the Atlantic Flyway (Delaware, North Carolina, and Virginia) and the Central Flyway (North Dakota, South Dakota [east of the Missouri River], and that portion of Montana in the Central Flyway), an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States that authorize the take of no more than 1 tundra swan per permit. A second permit may be issued to hunters from unused permits remaining after the first drawing. The States must obtain harvest and hunter participation data. These seasons are also subject to the following conditions:

In the Atlantic Flyway

—The season may be 90 days, between October 1 and January 31.

—In Delaware, no more than 84 permits may be issued. The season is experimental.

—In North Carolina, no more than 6,115 permits may be issued.

—In Virginia, no more than 801 permits may be issued.

In the Central Flyway

—The season may be 107 days, between the Saturday nearest October 1 (September 28) and January 31.

—In the Central Flyway portion of Montana, no more than 625 permits may be issued.

—In North Dakota, no more than 2,700 permits may be issued.

—In South Dakota, no more than 1,675 permits may be issued.

Sandhill Cranes

Regular Seasons in the Mississippi Flyway

Outside Dates: Between September 1 and February 28 in Minnesota, and between September 1 and January 31 in Alabama, Kentucky, and Tennessee.

Hunting Seasons: A season not to exceed 37 consecutive days may be selected in the designated portion of northwestern Minnesota (Northwest Goose Zone), and a season not to exceed 60 consecutive days in Alabama, Kentucky, and Tennessee. The season in Alabama is experimental.

Daily Bag Limit: 1 sandhill crane in Minnesota, 2 sandhill cranes in Kentucky, and 3 sandhill cranes in Alabama and Tennessee. In Alabama, Kentucky, and Tennessee, the seasonal bag limit is 3 sandhill cranes.

Permits: Each person participating in the regular sandhill crane seasons must have a valid Federal or State sandhill crane hunting permit.

Other Provisions: The number of permits (where applicable), open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plans and approved by the Mississippi Flyway Council.

Regular Seasons in the Central Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: Seasons not to exceed 37 consecutive days may be selected in designated portions of Texas (Area 2). Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 sandhill cranes, except 2 sandhill cranes in designated portions of North Dakota (Area 2) and Texas (Area 2).

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Special Seasons in the Central and Pacific Flyways

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (RMP) of sandhill cranes subject to the following conditions:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: The season in any State or zone may not exceed 60 days, and may be split into no more than 3 segments.

Bag limits: Not to exceed 3 daily and 9 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

A. In Utah, 100 percent of the harvest will be assigned to the RMP crane quota;

B. In Arizona, monitoring the racial composition of the harvest must be conducted at 3-year intervals unless 100 percent of the harvest will be assigned to the RMP crane quota;

C. In Idaho, 100 percent of the harvest will be assigned to the RMP crane quota; and

D. In New Mexico, the season in the Estancia Valley is experimental, with a requirement to monitor the level and racial composition of the harvest; greater sandhill cranes in the harvest will be assigned to the RMP crane quota.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and the last Sunday in January (January 26) in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway may select their hunting seasons between the outside dates for the season on ducks, mergansers, and coots; therefore, Pacific Flyway frameworks for common moorhens and purple gallinules are included with the duck, merganser, and coot frameworks.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 26) on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits

Clapper and King Rails: In Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, 10, singly or in the aggregate of the two species. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails: In the Atlantic, Mississippi, and Central Flyways and the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 rails, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Snipe

Outside Dates: Between September 1 and February 28, except in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into 2 segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 21) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 45 days in the Eastern and Central Regions. The daily bag limit is 3. Seasons may be split into 2 segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 36 days.

Band-Tailed Pigeons

Pacific Coast States (California, Oregon, Washington, and Nevada)

Outside Dates: Between September 15 and January 1.

Hunting Seasons and Daily Bag Limits: Not more than 9 consecutive days, with a daily bag limit of 2.

Zoning: California may select hunting seasons not to exceed 9 consecutive days in each of 2 zones. The season in the North Zone must close by October 3.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

Outside Dates: Between September 1 and November 30.

Hunting Seasons and Daily Bag Limits: Not more than 14 consecutive days, with a daily bag limit of 2.

Zoning: New Mexico may select hunting seasons not to exceed 14 consecutive days in each of 2 zones. The season in the South Zone may not open until October 1.

Doves

Outside Dates: Between September 1 and January 31 in the Eastern Management Unit, and between September 1 and January 15 in the Central and Western Management Units, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of 2 zones. The season within each zone may be split into not more than 3 segments. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit

For All States Except Texas

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of 2 zones. The season within each zone may be split into not more than 3 segments.

Texas

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves.

Zoning and Split Seasons: Texas may select hunting seasons for each of 3 zones subject to the following conditions:

A. The hunting season may be split into not more than 2 segments, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited take of mourning and white-tipped doves may also occur during that special season (see Special White-winged Dove Area in Texas).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between September 14 and January 25.

C. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Special White-Winged Dove Area in Texas

In addition, Texas may select a hunting season of not more than 4 days for the Special White-winged Dove Area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 15 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and no more than 2 may be white-tipped doves.

Western Management Unit

Hunting Seasons and Daily Bag Limits

Idaho, Nevada, Oregon, Utah, and Washington: Not more than 60 days, which may be split between 2 segments. The daily bag limit is 15 mourning and white-winged doves in the aggregate.

Arizona and California: Not more than 60 days, which may be split between 2 segments, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit is 15 mourning doves. In California, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

Alaska

Outside Dates: Between September 1 and January 26.

Hunting Seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe concurrent in each of 5 zones. For brant, the season may be split without penalty in the Kodiak Zone.

Closures: The hunting season is closed on spectacled eiders and Steller's eiders.

Daily Bag and Possession Limits

Ducks: Except as noted, a basic daily bag limit of 7 ducks. Daily bag limits in the North Zone are 10, and in the Gulf Coast Zone, they are 8. The basic limits may include no more than 2 canvasbacks daily and may not include sea ducks.

In addition to the basic duck limits, Alaska may select sea duck limits of 10 daily, singly or in the aggregate, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers.

Light Geese: The daily bag limit is 6.

Canada Geese: The daily bag limit is 4 with the following exceptions:

A. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16.

B. On Middleton Island in Unit 6, a special, permit-only Canada goose season may be offered. A mandatory goose identification class is required. Hunters must check in and check out. The bag limit is 1 daily and 1 in possession. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value 5 or less) with a bill length between 40 and 50 millimeters.

C. In Units 9, 10, 17, and 18, the daily bag limit is 6 Canada geese.

White-fronted Geese: The daily bag limit is 4 with the following exceptions:

A. In Units 9, 10, and 17, the daily bag limit is 6 white-fronted geese.

B. In Unit 18, the daily bag limit is 10 white-fronted geese.

Emperor Geese: Open seasons for emperor geese may be selected subject to the following conditions:

A. All seasons are by permit only.

B. No more than 1 emperor goose may be harvested per hunter per season.

C. Total harvest may not exceed 1,000 emperor geese.

D. In State Game Management Unit 8, the Kodiak Island Road Area is closed to hunting. The Kodiak Island Road Area consists of all lands and water (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest, for example: Woody, Long, Gull, and Puffin islands.

Brant: The daily bag limit is 4.

Snipe: The daily bag limit is 8.

Sandhill Cranes: The daily bag limit is 2 in the Southeast, Gulf Coast, Kodiak, and Aleutian Zones, and Unit 17 in the North Zone. In the remainder of the North Zone (outside Unit 17), the daily bag limit is 3.

Tundra Swans: Open seasons for tundra swans may be selected subject to the following conditions:

A. All seasons are by permit only.

B. All season framework dates are September 1–October 31.

C. In Unit 17, no more than 200 permits may be issued during this operational season. No more than 3 tundra swans may be authorized per permit, with no more than 1 permit issued per hunter per season.

D. In Unit 18, no more than 500 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

E. In Unit 22, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

F. In Unit 23, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

Hawaii

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 20 Zenaida, mourning, and white-winged doves in the aggregate, of which not more than 10 may be Zenaida doves and 3 may be mourning doves. Not to exceed 5 scaly-naped pigeons.

Closed Seasons: The season is closed on the white-crowned pigeon and the plain pigeon, which are protected by the Commonwealth of Puerto Rico.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Ducks, Coots, Moorhens, Gallinules, and Snipe

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into 2 segments.

Daily Bag Limits

Ducks: Not to exceed 6 ducks.

Common Moorhens: Not to exceed 6 moorhens.

Common Snipe: Not to exceed 8 snipe.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 consecutive days.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves or pigeons.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds: Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Ducks

Outside Dates: Between December 1 and January 31.

Hunting Seasons: Not more than 55 consecutive days.

Daily Bag Limits: Not to exceed 6 ducks.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked

pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

Special Falconry Regulations

In accordance with 50 CFR 21.29, falconry is a permitted means of taking migratory game birds in any State except for Hawaii. States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag Limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Area, Unit, and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: Remainder of the State.

Maine

North Zone: That portion north of the line extending east along Maine State Highway 110 from the New Hampshire-Maine State line to the intersection of Maine State Highway 11 in Newfield; then north and east along Route 11 to the intersection of U.S. Route 202 in Auburn; then north and east on Route 202 to the intersection of I–95 in Augusta; then north and east along I–95 to Route 15 in Bangor; then east along Route 15 to Route 9; then east along Route 9 to Stony Brook in Baileyville; then east along Stony Brook to the U.S. border.

Coastal Zone: That portion south of a line extending east from the Maine-New Brunswick border in Calais at the Route 1 Bridge; then south along Route 1 to the Maine-New Hampshire border in Kittery.

South Zone: Remainder of the State.

Maryland

Special Teal Season Area: Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State Line.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont State line on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut State line.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire State line on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island State line; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.–Elm St. bridge shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Northern Zone: That portion of the State east and north of the Inland Zone beginning at the Jct. of Rte. 10 and Rte. 25–A in Orford, east on Rte. 25–A to Rte. 25 in Wentworth, southeast on Rte. 25 to Exit 26 of Rte. I–93 in Plymouth, south on Rte. I–93 to Rte. 3 at Exit 24 of Rte. I–93 in Ashland, northeast on Rte. 3 to Rte. 113 in Holderness, north on Rte. 113 to Rte. 113–A in Sandwich, north on Rte. 113–A to Rte. 113 in Tamworth, east on Rte. 113 to Rte. 16 in Chocorua, north on Rte. 16 to Rte. 302 in Conway, east on Rte. 302 to the Maine-New Hampshire border.

Inland Zone: That portion of the State south and west of the Northern Zone, west of the Coastal Zone, and includes the area of Vermont and New Hampshire as described for hunting reciprocity. A person holding a New Hampshire hunting license that allows the taking of migratory waterfowl or a person holding a Vermont resident hunting license that allows the taking of migratory waterfowl may take migratory waterfowl and coots from the following designated area of the Inland Zone: The State of Vermont east of Rte. I–91 at the Massachusetts border, north on Rte. I–91 to Rte. 2, north on Rte. 2 to Rte. 102, north on Rte. 102 to Rte. 253, and north on Rte. 253 to the border with Canada and the area of New Hampshire west of Rte. 63 at the Massachusetts border, north on Rte. 63 to Rte. 12, north on Rte. 12 to Rte. 12–A, north on Rte. 12–A to Rte 10, north on Rte. 10 to Rte. 135, north on Rte. 135 to Rte. 3, north on Rte. 3 to the intersection with the Connecticut River.

Coastal Zone: That portion of the State east of a line beginning at the Maine-New Hampshire border in Rollinsford, then extending to Rte. 4 west to the city of Dover, south to the intersection of Rte. 108, south along Rte. 108 through Madbury, Durham, and Newmarket to the junction of Rte. 85 in Newfields, south to Rte. 101 in Exeter, east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts border.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York State line in Raritan Bay and extending west along the New York State line to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State Parkway to NJ 109; south on NJ 109 to Cape May County Route 633 (Lafayette Street); south on Lafayette Street to Jackson Street; south on Jackson Street to the shoreline at Cape May; west along the shoreline of Cape May beach to COLREGS Demarcation Line 80.503 at Cape May Point; south along COLREGS Demarcation Line 80.503 to the Delaware State line in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania State line in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: That area east and north of a continuous line extending along U.S. 11 from the New York-Canada International boundary south to NY 9B, south along NY 9B to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and

around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont State line.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania State line.

Northeastern Zone: That area north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 31, east along NY 31 to NY 13, north along NY 13 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to NY 22, north along NY 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone: That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to U.S. 2; east along U.S. 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone: The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Peotone–Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington–Peotone Road, west along Wilmington-Peotone Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff-Lorenzo Road, west along Pine Bluff-Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Duck Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's Road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N Reed Station Road, south on N Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central Zone: The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

Indiana

North Zone: That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along State Road 5; and east along State Road 124 to the Ohio border.

Central Zone: That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone: That part of Indiana south of a line extending east from the Illinois border along I–70; east along National Ave.; east along U.S. 150; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone: That portion of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, and along U.S. Highway 30 to the Illinois border.

Missouri River Zone: That portion of Iowa west of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, and west along State Highway 175 to the Iowa-Nebraska border.

South Zone: The remainder of Iowa.

Kentucky

West Zone: All counties west of and including Butler, Daviess, Ohio, Simpson, and Warren Counties.

East Zone: The remainder of Kentucky.

Louisiana

East Zone: That area of the State between the Mississippi State line and a line going south on Highway (Hwy) 79 from the Arkansas border to Homer, then south on Hwy 9 to Arcadia, then south on Hwy 147 to Hodge, then south on Hwy 167 to Turkey Creek, then south on Hwy 13 to Eunice, then west on Hwy 190 to Kinder, then south on Hwy 165

to Iowa, then west on I–10 to its junction with Hwy 14 at Lake Charles, then south and east on Hwy 14 to its junction with Hwy 90 in New Iberia, then east on Hwy 90 to the Mississippi State line.

West Zone: That area between the Texas State line and a line going east on I–10 from the Texas border to Hwy 165 at Iowa, then north on Hwy 165 to Kinder, then east on Hwy 190 to Eunice, then north on Hwy 13 to Turkey Creek, then north on Hwy 167 to Hodge, then north on Hwy 147 to Arcadia, then north on Hwy 9 to Homer, then north on Hwy 79 to the Arkansas border.

Coastal Zone: Remainder of the State.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin State line in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, easterly along U.S. 10 BR to U.S. 10, easterly along U.S. 10 to Interstate Highway 75/U.S. Highway 23, northerly along I–75/U.S. 23 to the U.S. 23 exit at Standish, easterly along U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

South Zone: The remainder of Michigan.

Minnesota

North Duck Zone: That portion of the State north of a line extending east from the North Dakota State line along State Highway 210 to State Highway 23 and east to State Highway 39 and east to the Wisconsin State line at the Oliver Bridge.

South Duck Zone: The portion of the State south of a line extending east from the South Dakota State line along U.S. Highway 212 to Interstate 494 and east to Interstate 94 and east to the Wisconsin State line.

Central Duck Zone: The remainder of the State.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy N to MO Hwy 79; south on MO Hwy 79 to MO Hwy 47; west on MO Hwy 47 to I–70; west on I–70 to the Kansas border.

Middle Zone: The remainder of Missouri not included in other zones.

South Zone: That portion of Missouri south of a line running west from the Illinois border on MO Hwy 74 to MO Hwy 25; south on MO Hwy 25 to U.S. Hwy 62; west on U.S. Hwy. 62 to MO Hwy 53; north on MO Hwy 53 to MO Hwy 51; north on MO Hwy 51 to U.S. Hwy 60; west on U.S. Hwy 60 to MO Hwy 21; north on MO Hwy 21 to MO Hwy 72; west on MO Hwy 72 to MO Hwy 32; west on MO Hwy 32 to U.S. Hwy 65; north on U.S. Hwy 65 to U.S. Hwy 54; west on U.S. Hwy 54 to U.S. Hwy 71; south on U.S. Hwy 71 to Jasper County Hwy M (Base Line Blvd.); west on Jasper County Hwy M (Base Line Blvd.) to CRD 40 (Base Line Blvd.); west on CRD 40 (Base Line Blvd.) to the Kansas border.

Ohio

Lake Erie Marsh Zone: Includes all land and water within the boundaries of the area bordered by a line beginning at the intersection of Interstate 75 at the Ohio-Michigan State line and continuing south to Interstate 280, then south on I–280 to the Ohio Turnpike (I–80/I–90), then east on the Ohio Turnpike to the Erie-Lorain County line, then north to Lake Erie, then following the Lake Erie shoreline at a distance of 200 yards offshore, then following the shoreline west toward and around the northern tip of Cedar Point Amusement Park, then continuing from the westernmost point of Cedar Point toward the southernmost tip of the sand bar at the mouth of Sandusky Bay and out into Lake Erie at a distance of 200 yards offshore continuing parallel to the Lake Erie shoreline north and west toward the northernmost tip of Cedar Point National Wildlife Refuge, then following a direct line toward the southernmost tip of Wood Tick Peninsula in Michigan to a point that intersects the Ohio-Michigan State line, then following the State line back to the point of the beginning.

North Zone: That portion of the State, excluding the Lake Erie Marsh Zone, north of a line extending east from the Indiana State line along U.S. Highway (U.S.) 33 to State Route (SR) 127, then south along SR 127 to SR 703, then south along SR 703 and including all lands within the Mercer Wildlife Area to SR 219, then east along SR 219 to SR 364, then north along SR 364 and including all lands within the St. Mary's Fish Hatchery to SR 703, then east along SR 703 to SR 66, then north along SR 66 to U.S. 33, then east along U.S. 33 to SR 385, then east along SR 385 to SR 117, then south along SR 117 to SR 273, then east along SR 273 to SR 31, then south along SR 31 to SR 739, then east along SR 739 to SR 4, then north along SR 4 to SR 95, then east along SR 95 to SR 13, then southeast along SR 13 to SR 3, then northeast along SR 3 to SR 60, then north along SR 60 to U.S. 30, then east along U.S. 30 to SR 3, then south along SR 3 to SR 226, then south along SR 226 to SR 514, then southwest along SR 514 to SR 754, then south along SR 754 to SR 39/60, then east along SR 39/60 to SR 241, then north along SR 241 to U.S. 30, then east along U.S. 30 to SR 39, then east along SR 39 to the Pennsylvania State line.

South Zone: The remainder of Ohio not included in the Lake Erie Marsh Zone or the North Zone.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

Remainder of State: That portion of Tennessee outside of the Reelfoot Zone.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 into Portage County to County Highway HH, east on County Highway HH to State Highway 66 and then east on State Highway 66 to U.S. Highway 10, continuing east on U.S. Highway 10 to U.S. Highway 41, then north on U.S. Highway 41 to the Michigan State line.

Mississippi River Zone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

South Zone: The remainder of Wisconsin.

Central Flyway

Colorado (Central Flyway Portion)

Special Teal Season Area: Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Northeast Zone: All areas east of Interstate 25 and north of Interstate 70.

Southeast Zone: All areas east of Interstate 25 and south of Interstate 70, and all of El Paso, Pueblo, Huerfano, and Las Animas Counties.

Mountain/Foothills Zone: All areas west of Interstate 25 and east of the Continental Divide, except El Paso,

Pueblo, Huerfano, and Las Animas Counties.

Kansas

High Plains Zone: That portion of the State west of U.S. 283.

Low Plains Early Zone: That part of Kansas bounded by a line from the Federal highway U.S.–283 and State highway 96 junction, then east on State highway 96 to its junction with Federal highway U.S.–183, then north on Federal highway U.S.–183 to its junction with Federal highway U.S.–24, then east on Federal highway U.S.–24 to its junction with Federal highway U.S.–281, then north on Federal highway U.S.–281 to its junction with Federal highway U.S.–36, then east on Federal highway U.S.–36 to its junction with State highway K–199, then south on State highway K–199 to its junction with Republic County 30th Road, then south on Republic County 30th Road to its junction with State highway K–148, then east on State highway K–148 to its junction with Republic County 50th Road, then south on Republic County 50th Road to its junction with Cloud County 40th Road, then south on Cloud County 40th Road to its junction with State highway K–9, then west on State highway K–9 to its junction with Federal highway U.S.–24, then west on Federal highway U.S.–24 to its junction with Federal highway U.S.–181, then south on Federal highway U.S.–181 to its junction with State highway K–18, then west on State highway K–18 to its junction with Federal highway U.S.–281, then south on Federal highway U.S.–281 to its junction with State highway K–4, then east on State highway K–4 to its junction with interstate highway I–135, then south on interstate highway I–135 to its junction with State highway K–61, then southwest on State highway K–61 to its junction with McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with McPherson County Arapaho Rd, then west on McPherson County Arapaho Rd to its junction with State highway K–61, then southwest on State highway K–61 to its junction with State highway K–96, then northwest on State highway K–96 to its junction with Federal highway U.S.–56, then southwest on Federal highway U.S.–56 to its junction with State highway K–19, then east on State highway K–19 to its junction with Federal highway U.S.–281, then south on Federal highway U.S.–281 to its junction with Federal highway U.S.–54, then west on Federal highway U.S.–54 to its junction with Federal highway U.S.–183, then north on Federal highway U.S.–183 to its junction with Federal highway U.S.–56, then southwest on Federal highway U.S.–56 to its junction with North Main Street in Spearville, then south on North Main Street to Davis Street, then east on Davis Street to Ford County Road 126 (South Stafford Street), then south on Ford County Road 126 to Garnett Road, then east on Garnett Road to Ford County Road 126, then south on Ford County Road 126 to Ford Spearville Road, then west on Ford Spearville Road to its junction with Federal highway U.S.–400, then northwest on Federal highway U.S.–400 to its junction with Federal highway U.S.–283, and then north on Federal highway U.S.–283 to its junction with Federal highway U.S.–96.

Low Plains Late Zone: That part of Kansas bounded by a line from the Federal highway U.S.–283 and State highway 96 junction, then north on Federal highway U.S.–283 to the Kansas-Nebraska State line, then east along the Kansas-Nebraska State line to its junction with the Kansas-Missouri State line, then southeast along the Kansas-Missouri State line to its junction with State highway K–68, then west on State highway K–68 to its junction with interstate highway I–35, then southwest on interstate highway I–35 to its junction with Butler County NE 150th Street, then west on Butler County NE 150th Street to its junction with Federal highway U.S.–77, then south on Federal highway U.S.–77 to its junction with the Kansas-Oklahoma State line, then west along the Kansas-Oklahoma State line to its junction with Federal highway U.S.–283, then north on Federal highway U.S.–283 to its junction with Federal highway U.S.–400, then east on Federal highway U.S.–400 to its junction with Ford Spearville Road, then east on Ford Spearville Road to Ford County Road 126 (South Stafford Street), then north on Ford County Road 126 to Garnett Road, then west on Garnett Road to Ford County Road 126, then north on Ford County Road 126 to Davis Street, then west on Davis Street to North Main Street, then north on North Main Street to its junction with Federal highway U.S.–56, then east on Federal highway U.S.–56 to its junction with Federal highway U.S.–183, then south on Federal highway U.S.–183 to its junction with Federal highway U.S.–54, then east on Federal highway U.S.–54 to its junction with Federal highway U.S.–281, then north on Federal highway U.S.–281 to its junction with State highway K–19, then west on State highway K–19 to its junction with Federal highway U.S.–56, then east on Federal highway U.S.–56 to its junction with State highway K–96, then southeast on State highway K–96 to its junction with State highway K–61, then northeast on State highway K–61 to its junction with McPherson County Arapaho Road, then east on McPherson County Arapaho Road to its junction with McPherson County 14th Avenue, then north on McPherson County 14th Avenue to its junction with State highway K–61, then east on State highway K–61 to its junction with interstate highway I–135, then north on interstate highway I–135 to its junction with State highway K–4, then west on State highway K–4 to its junction with Federal highway U.S.–281, then north on Federal highway U.S.–281 to its junction with State highway K–18, then east on State highway K–18 to its junction with Federal highway U.S.–181, then north on Federal highway U.S.–181 to its junction with Federal highway U.S.–24, then east on Federal highway U.S.–24 to its junction with State highway K–9, then east on State highway K–9 to its junction with Cloud County 40th Road, then north on Cloud County 40th Road to its junction with Republic County 50th Road, then north on Republic County 50th Road to its junction with State highway K–148, then west on State highway K–148 to its junction with Republic County 30th Road, then north on Republic County 30th Road to its junction with State highway K–199, then north on State highway K–199 to its junction with Federal highway U.S.–36, then west on Federal highway U.S.–36 to its junction with Federal highway U.S.–281, then south on Federal highway U.S.–281 to its junction with Federal highway U.S.–24, then west on Federal highway U.S.–24 to its junction with Federal highway U.S.–183, then south on Federal highway U.S.–183 to its junction with Federal highway U.S.–96, and then west on Federal highway U.S.–96 to its junction with Federal highway U.S.–283.

Southeast Zone: That part of Kansas bounded by a line from the Missouri-Kansas State line west on K–68 to its junction with I–35, then southwest on I–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street to its junction with Federal highway U.S.–77, then south on Federal highway U.S.–77 to the Oklahoma-Kansas State line, then east along the Kansas-Oklahoma State line to its junction with the Kansas-Missouri State line, then north along the Kansas-Missouri State line to its junction with State highway K–68.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carter, Daniels, Dawson, Fallon, Fergus,

Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, and Wibaux.

Zone 2: The Counties of Big Horn, Carbon, Custer, Prairie, Rosebud, Treasure, and Yellowstone.

Nebraska

High Plains: That portion of Nebraska lying west of a line beginning at the South Dakota-Nebraska border on U.S. Hwy 183; south on U.S. Hwy 183 to U.S. Hwy 20; west on U.S. Hwy 20 to NE Hwy 7; south on NE Hwy 7 to NE Hwy 91; southwest on NE Hwy 91 to NE Hwy 2; southeast on NE Hwy 2 to NE Hwy 92; west on NE Hwy 92 to NE Hwy 40; south on NE Hwy 40 to NE Hwy 47; south on NE Hwy 47 to NE Hwy 23; east on NE Hwy 23 to U.S. Hwy 283; and south on U.S. Hwy 283 to the Kansas-Nebraska border.

Zone 1: Area bounded by designated Federal and State highways and political boundaries beginning at the South Dakota-Nebraska border west of NE Hwy 26E Spur and north of NE Hwy 12; those portions of Dixon, Cedar, and Knox Counties north of NE Hwy 12; that portion of Keya Paha County east of U.S. Hwy 183; and all of Boyd County. Both banks of the Niobrara River in Keya Paha and Boyd Counties east of U.S. Hwy 183 shall be included in Zone 1.

Zone 2: The area south of Zone 1 and north of Zone 3.

Zone 3: Area bounded by designated Federal and State highways, County roads, and political boundaries beginning at the Wyoming-Nebraska border at the intersection of the Interstate Canal; east along northern borders of Scotts Bluff and Morrill Counties to Broadwater Road; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; southeast to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to County Rd 167; south to U.S. Hwy 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy 97; south to U.S. Hwy 83; south to E Hall School Rd; east to N Airport Road; south to U.S. Hwy 30; east to NE Hwy 47; north to Dawson County Rd 769; east to County Rd 423; south to County Rd 766; east to County Rd 428; south to County Rd 763; east to NE Hwy 21 (Adams Street); south to County Rd 761; east to the Dawson County Canal; south and east along the Dawson County Canal to County Rd 444; south to U.S. Hwy 30; east to U.S. Hwy 183; north to Buffalo County Rd 100; east to 46th Avenue; north to NE Hwy 40; south and east to NE Hwy 10; north to Buffalo County Rd 220 and Hall County Husker Hwy; east to Hall County Rd 70; north to NE Hwy 2; east to U.S. Hwy 281; north to Chapman Rd; east to 7th Rd; south to U.S. Hwy 30; east to Merrick County Rd 13; north to County Rd O; east to NE Hwy 14; north to NE Hwy 52; west and north to NE Hwy 91; west to U.S. Hwy 281; south to NE Hwy 22; west to NE Hwy 11; northwest to NE Hwy 91; west to U.S. Hwy 183; south to Round Valley Rd; west to Sargent River Rd; west to Drive 443; north to Sargent Rd; west to NE Hwy S21A; west to NE Hwy 2; west and north to NE Hwy 91; north and east to North Loup Spur Rd; north to North Loup River Rd; east to Pleasant Valley/Worth Rd; east to Loup County line; north to Loup-Brown County line; east along northern boundaries of Loup and Garfield Counties to Cedar River Rd; south to NE Hwy 70; east to U.S. Hwy 281; north to NE Hwy 70; east to NE Hwy 14; south to NE Hwy 39; southeast to NE Hwy 22; east to U.S. Hwy 81; southeast to U.S. Hwy 30; east to U.S. Hwy 75; north to the Washington County line; east to the Iowa-Nebraska border; south to the Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to Colorado-Nebraska border; north and west to Wyoming-Nebraska border; north to intersection of Interstate Canal; and excluding that area in Zone 4.

Zone 4: Area encompassed by designated Federal and State highways and County roads beginning at the intersection of NE Hwy 8 and U.S. Hwy 75; north to U.S. Hwy 136; east to the intersection of U.S. Hwy 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with Nemaha County Rd 643A; south to the Trace; north along the Trace/Burlington Northern Railroad right-of-way to NE Hwy 2; west to U.S. Hwy 75; north to NE Hwy 2; west to NE Hwy 50; north to U.S. Hwy 34; west to NE Hwy 63; north to NE Hwy 66; north and west to U.S. Hwy 77; north to NE Hwy 92; west to NE Hwy Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy 15; north to County Rd 34; west to County Rd H; south to NE Hwy 92; west to U.S. Hwy 81; south to NE Hwy 66; west to Polk County Rd C; north to NE Hwy 92; west to U.S. Hwy 30; west to Merrick County Rd 17; south to Hordlake Road; southeast to Prairie Island Road; southeast to Hamilton County Rd T; south to NE Hwy 66; west to NE Hwy 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy 34; west to NE Hwy 2; south to U.S. Hwy I–80; west to Gunbarrel Rd (Hall/Hamilton County line); south to Giltner Rd; west to U.S. Hwy 281; south to Lochland Rd; west to Holstein Avenue; south to U.S. Hwy 34; west to NE Hwy 10; north to Kearney County Rd R and Phelps County Rd 742; west to U.S. Hwy 283; south to U.S. Hwy 34; east to U.S. Hwy 136; east to U.S. Hwy 183; north to NE Hwy 4; east to NE Hwy 10; south to U.S. Hwy 136; east to NE Hwy 14; south to NE Hwy 8; east to U.S. Hwy 81; north to NE Hwy 4; east to NE Hwy 15; south to U.S. Hwy 136; east to Jefferson County Rd 578 Avenue; south to PWF Rd; east to NE Hwy 103; south to NE Hwy 8; east to U.S. Hwy 75.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I–40 and U.S. 54.

South Zone: The remainder of New Mexico.

North Dakota

High Plains Unit: That portion of the State south and west of a line beginning at the junction of U.S. Hwy 83 and the South Dakota State line, then north along U.S. Hwy 83 and I–94 to ND Hwy 41, then north on ND Hwy 41 to ND Hwy 53, then west on ND Hwy 53 to U.S. Hwy 83, then north on U.S. Hwy 83 to U.S. Hwy 2, then west on U.S. Hwy 2 to the Williams County line, then north and west along the Williams and Divide County lines to the Canadian border.

Low Plains Unit: The remainder of North Dakota.

Oklahoma

High Plains Zone: The Counties of Beaver, Cimarron, and Texas.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north of a line extending east from the Texas State line along OK 33 to OK 47, east along OK 47 to U.S. 183, south along U.S. 183 to I–40, east along I–40 to U.S. 177, north along U.S. 177 to OK 33, east along OK 33 to OK 18, north along OK 18 to OK 51, west along OK 51 to I–35, north along I–35 to U.S. 412, west along U.S. 412 to OK 132, then north along OK 132 to the Kansas State line.

Low Plains Zone 2: The remainder of Oklahoma.

South Dakota

High Plains Zone: That portion of the State west of a line beginning at the North Dakota State line and extending south along U.S. 83 to U.S. 14, east on U.S. 14 to Blunt, south on the Blunt-Canning Rd to SD 34, east and south on SD 34 to SD 50 at Lee's Corner, south on SD 50 to I–90, east on I–90 to SD 50, south on SD 50 to SD 44, west on SD 44 across the Platte-Winner bridge to SD 47, south on SD 47 to U.S. 18, east on U.S. 18 to SD 47, south on SD 47 to the Nebraska State line.

North Zone: That portion of northeastern South Dakota east of the High Plains Unit and north of a line extending east along U.S. 212 to the Minnesota State line.

South Zone: That portion of Gregory County east of SD 47 and south of SD 44; Charles Mix County south of SD 44 to the Douglas County line; south on SD 50 to Geddes; east on the Geddes Highway to U.S. 281; south on U.S. 281 and U.S. 18 to SD 50; south and east on SD 50 to the Bon Homme County line; the Counties of Bon Homme, Yankton, and Clay south of SD 50; and Union County south and west of SD 50 and I–29.

Middle Zone: The remainder of South Dakota.

Texas

High Plains Zone: That portion of the State west of a line extending south from the Oklahoma State line along U.S. 183 to Vernon, south along U.S. 283 to Albany, south along TX 6 to TX 351 to Abilene, south along U.S. 277 to Del Rio, then south along the Del Rio International Toll Bridge access road to the Mexico border.

Low Plains North Zone: That portion of northeastern Texas east of the High Plains Zone and north of a line beginning at the International Toll Bridge south of Del Rio, then extending east on U.S. 90 to San Antonio, then continuing east on I–10 to the Louisiana State line at Orange, Texas.

Low Plains South Zone: The remainder of Texas.

Wyoming (Central Flyway Portion)

Zone C1: Big Horn, Converse, Goshen, Hot Springs, Natrona, Park, Platte, and Washakie Counties; and Fremont County excluding the portions west or south of the Continental Divide.

Zone C2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone C3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

North Zone: Game Management Units 1–5, those portions of Game Management Units 6 and 8 within Coconino County, and Game Management Units 7, 9, and 12A.

South Zone: Those portions of Game Management Units 6 and 8 in Yavapai County, and Game Management Units 10 and 12B–45.

California

Northeastern Zone: That portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines; west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line from the intersection of Highway 95 with the California-Nevada State line; south on Highway 95 through the junction with Highway 40; south on Highway 95 to Vidal Junction; south through the town of Rice to the San Bernardino-Riverside County line on a road known as ''Aqueduct Road'' also known as Highway 62 in San Bernardino County; southwest on Highway 62 to Desert Center Rice Road; south on Desert Center Rice Road/Highway 177 to the town of Desert Center; east 31 miles on Interstate 10 to its intersection with Wiley Well Road; south on Wiley Well Road to Wiley Well; southeast on Milpitas Wash Road to the Blythe, Brawley, Davis Lake intersections; south on Blythe Ogilby Road also known as County Highway 34 to its intersection with Ogilby Road; south on Ogilby Road to its intersection with Interstate 8; east 7 miles on Interstate 8 to its intersection with the Andrade-Algodones Road/Highway 186; south on Highway 186 to its intersection with the U.S. Mexico border at Los Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River zone) south and east of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; east along the Santa Maria River to where it crosses Highway 101–166 near the City of Santa Maria; north on Highway 101–166; east on Highway 166 to the junction with Highway 99; south on Highway 99 to the junction of Interstate 5; south on Interstate 5 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to where it intersects Highway 178 at Walker Pass; east on Highway 178 to the junction of Highway 395 at the town of Inyokern; south on Highway 395 to the junction of Highway 58; east on Highway 58 to the junction of Interstate 15; east on Interstate 15 to the junction with Highway 127; north on Highway 127 to the point of intersection with the California-Nevada State line.

Southern San Joaquin Valley Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance of State Zone: The remainder of California not included in the Northeastern, Colorado River, Southern, and the Southern San Joaquin Valley Zones.

Colorado (Pacific Flyway Portion)

Eastern Zone: Routt, Grand, Summit, Eagle, and Pitkin Counties, those portions of Saguache, San Juan, Hinsdale, and Mineral Counties west of the Continental Divide, those portions of Gunnison County except the North Fork of the Gunnison River Valley (Game Management Units 521, 53, and 63), and that portion of Moffat County east of the northern intersection of Moffat County Road 29 with the Moffat-Routt County line, south along Moffat County Road 29 to the intersection of Moffat County Road 29 with the Moffat-Routt County line (Elkhead Reservoir State Park).

Western Zone: All areas west of the Continental Divide not included in the Eastern Zone.

Idaho

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 3: Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Shoshone, Twin Falls, and Washington Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Valley County.

Nevada

Northeast Zone: Elko and White Pine Counties.

Northwest Zone: Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: Clark and Lincoln Counties.

Moapa Valley Special Management Area: That portion of Clark County including the Moapa Valley to the confluence of the Muddy and Virgin Rivers.

Oregon

Zone 1: Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Gilliam, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington, and Yamhill, Counties.

Zone 2: The remainder of Oregon not included in Zone 1.

Utah

Northern Zone: Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Uintah, Utah, Wasatch, and Weber Counties, and that part of Toole County north of I–80.

Southern Zone: The remainder of Utah not included in Zone 1.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

West Zone: The remainder of Washington not included in the East Zone.

Wyoming (Pacific Flyway Portion)

Snake River Zone: Beginning at the south boundary of Yellowstone National Park and the Continental Divide; south along the Continental Divide to Union Pass and the Union Pass Road (U.S.F.S. Road 600); west and south along the Union Pass Road to U.S.F.S. Road 605; south along U.S.F.S. Road 605 to the Bridger-Teton National Forest boundary; along the national forest boundary to the Idaho State line; north along the Idaho State line to the south boundary of Yellowstone National Park; east along the Yellowstone National Park boundary to the Continental Divide.

Balance of State Zone: The remainder of the Pacific Flyway portion of Wyoming not included in the Snake River Zone.

Geese

Atlantic Flyway

Connecticut

Early Canada Goose Seasons

South Zone: Same as for ducks.

North Zone: Same as for ducks.

Regular Seasons

AP Unit: Litchfield County and the portion of Hartford County west of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with I–91 in Hartford, and then extending south along I–91 to its intersection with the Hartford-Middlesex County line.

NAP H–Unit: That part of the State east of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with I–91 in Hartford and then extending south along I–91 to State Street in New Haven; then south on State Street to Route 34, west on Route 34 to Route 8, south along Route 8 to Route 110, south along Route 110 to Route 15, north along Route 15 to the Milford Parkway, south along the Milford Parkway to I–95, north along I–95 to the intersection with the east shore of the Quinnipiac River, south to the mouth of the Quinnipiac River, and then south along the eastern shore of New Haven Harbor to the Long Island Sound.

Atlantic Flyway Resident Population (AFRP) Unit: Remainder of the State not included in AP and NAP Units.

South Zone: Same as for ducks.

Maine

North NAP–H Zone: Same as North Zone for ducks.

Coastal NAP–L Zone: Same as Coastal Zone for ducks.

South NAP–H Zone: Same as South Zone for ducks.

Maryland

Early Canada Goose Seasons

Eastern Unit: Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; and that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State line.

Western Unit: Allegany, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties and that part of Anne Arundel County west of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County west of Route 3 and Route 301; and that part of Charles County west of Route 301 to the Virginia State line.

Regular Seasons

Resident Population (RP) Zone: Allegany, Frederick, Garrett, Montgomery, and Washington Counties; that portion of Prince George's County west of Route 3 and Route 301; that portion of Charles County west of Route 301 to the Virginia State line; and that portion of Carroll County west of Route 31 to the intersection of Route 97, and west of Route 97 to the Pennsylvania State line.

AP Zone: Remainder of the State.

Massachusetts

NAP Zone: Central and Coastal Zones (see duck zones).

AP Zone: The Western Zone (see duck zones).

Special Late Season Area: The Central Zone and that portion of the Coastal Zone (see duck zones) that lies north of the Cape Cod Canal, north to the New Hampshire State line.

New Hampshire

Same zones as for ducks.

New Jersey

AP Zone: North and South Zones (see duck zones).

NAP Zone: The Coastal Zone (see duck zones).

Special Late Season Area: In northern New Jersey, that portion of the State within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with Route 287; then west

along Route 287 to its intersection with Route 206 in Bedminster (Exit 18); then north along Route 206 to its intersection with Route 94; then west along Route 94 to the toll bridge in Columbia; then north along the Pennsylvania State boundary in the Delaware River to the beginning point. In southern New Jersey, that portion of the State within a continuous line that runs west from the Atlantic Ocean at Ship Bottom along Route 72 to Route 70; then west along Route 70 to Route 206; then south along Route 206 to Route 536; then west along Route 536 to Route 322; then west along Route 322 to Route 55; then south along Route 55 to Route 553 (Buck Road); then south along Route 553 to Route 40; then east along Route 40 to route 55; then south along Route 55 to Route 552 (Sherman Avenue); then west along Route 552 to Carmel Road; then south along Carmel Road to Route 49; then east along Route 49 to Route 555; then south along Route 555 to Route 553; then east along Route 553 to Route 649; then north along Route 649 to Route 670; then east along Route 670 to Route 47; then north along Route 47 to Route 548; then east along Route 548 to Route 49; then east along Route 49 to Route 50; then south along Route 50 to Route 9; then south along Route 9 to Route 625 (Sea Isle City Boulevard); then east along Route 625 to the Atlantic Ocean; then north to the beginning point.

New York

Lake Champlain Goose Area: The same as the Lake Champlain Waterfowl Hunting Zone, which is that area of New York State lying east and north of a continuous line extending along Route 11 from the New York-Canada International boundary south to Route 9B, south along Route 9B to Route 9, south along Route 9 to Route 22 south of Keeseville, south along Route 22 to the west shore of South Bay along and around the shoreline of South Bay to Route 22 on the east shore of South Bay, southeast along Route 22 to Route 4, northeast along Route 4 to the New York-Vermont boundary.

Northeast Goose Area: The same as the Northeastern Waterfowl Hunting Zone, which is that area of New York State lying north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to Interstate 81, south along Interstate 81 to Route 31, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 22 at Greenwich Junction, north along Route 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

East Central Goose Area: That area of New York State lying inside of a continuous line extending from Interstate Route 81 in Cicero, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, west along Route 146 to Albany County Route 252, northwest along Route 252 to Schenectady County Route 131, north along Route 131 to Route 7, west along Route 7 to Route 10 at Richmondville, south on Route 10 to Route 23 at Stamford, west along Route 23 to Route 7 in Oneonta, southwest along Route 7 to Route 79 to Interstate Route 88 near Harpursville, west along Route 88 to Interstate Route 81, north along Route 81 to the point of beginning.

West Central Goose Area: That area of New York State lying within a continuous line beginning at the point where the northerly extension of Route 269 (County Line Road on the Niagara-Orleans County boundary) meets the International boundary with Canada, south to the shore of Lake Ontario at the eastern boundary of Golden Hill State Park, south along the extension of Route 269 and Route 269 to Route 104 at Jeddo, west along Route 104 to Niagara County Route 271, south along Route 271 to Route 31E at Middleport, south along Route 31E to Route 31, west along Route 31 to Griswold Street, south along Griswold Street to Ditch Road, south along Ditch Road to Foot Road, south along Foot Road to the north bank of Tonawanda Creek, west along the north bank of Tonawanda Creek to Route 93, south along Route 93 to Route 5, east along Route 5 to Crittenden-Murrays Corners Road, south on Crittenden-Murrays Corners Road to the NYS Thruway, east along the Thruway 90 to Route 98 (at Thruway Exit 48) in Batavia, south along Route 98 to Route 20, east along Route 20 to Route 19 in Pavilion Center, south along Route 19 to Route 63, southeast along Route 63 to Route 246, south along Route 246 to Route 39 in Perry, northeast along Route 39 to Route 20A, northeast along Route 20A to Route 20, east along Route 20 to Route 364 (near Canandaigua), south and east along Route 364 to Yates County Route 18 (Italy Valley Road), southwest along Route 18 to Yates County Route 34, east along Route 34 to Yates County Route 32, south along Route 32 to Steuben County Route 122, south along Route 122 to Route 53, south along Route 53 to Steuben County Route 74, east along Route 74 to Route 54A (near Pulteney), south along Route 54A to Steuben County Route 87, east along Route 87 to Steuben County Route 96, east along Route 96 to Steuben County Route 114, east along Route 114 to Schuyler County Route 23, east and southeast along Route 23 to Schuyler County Route 28, southeast along Route 28 to Route 409 at Watkins Glen, south along Route 409 to Route 14, south along Route 14 to Route 224 at Montour Falls, east along Route 224 to Route 228 in Odessa, north along Route 228 to Route 79 in Mecklenburg, east along Route 79 to Route 366 in Ithaca, northeast along Route 366 to Route 13, northeast along Route 13 to Interstate Route 81 in Cortland, north along Route 81 to the north shore of the Salmon River to shore of Lake Ontario, extending generally northwest in a straight line to the nearest point of the international boundary with Canada, south and west along the international boundary to the point of beginning.

Hudson Valley Goose Area: That area of New York State lying within a continuous line extending from Route 4 at the New York-Vermont boundary, west and south along Route 4 to Route 149 at Fort Ann, west on Route 149 to Route 9, south along Route 9 to Interstate Route 87 (at Exit 20 in Glens Falls), south along Route 87 to Route 29, west along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to

Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, southeast along Route 146 to Main Street in Altamont, west along Main Street to Route 156, southeast along Route 156 to Albany County Route 307, southeast along Route 307 to Route 85A, southwest along Route 85A to Route 85, south along Route 85 to Route 443, southeast along Route 443 to Albany County Route 301 at Clarksville, southeast along Route 301 to Route 32, south along Route 32 to Route 23 at Cairo, west along Route 23 to Joseph Chadderdon Road, southeast along Joseph Chadderdon Road to Hearts Content Road (Greene County Route 31), southeast along Route 31 to Route 32, south along Route 32 to Greene County Route 23A, east along Route 23A to Interstate Route 87 (the NYS Thruway), south along Route 87 to Route 28 (Exit 19) near Kingston, northwest on Route 28 to Route 209, southwest on Route 209 to the New York-Pennsylvania boundary, southeast along the New York-Pennsylvania boundary to the New York-New Jersey boundary, southeast along the New York-New Jersey boundary to Route 210 near Greenwood Lake, northeast along Route 210 to Orange County Route 5, northeast along Orange County Route 5 to Route 105 in the Village of Monroe, east and north along Route 105 to Route 32, northeast along Route 32 to Orange County Route 107 (Quaker Avenue), east along Route 107 to Route 9W, north along Route 9W to the south bank of Moodna Creek, southeast along the south bank of Moodna Creek to the New Windsor-Cornwall town boundary, northeast along the New Windsor-Cornwall town boundary to the Orange-Dutchess County boundary (middle of the Hudson River), north along the county boundary to Interstate Route 84, east along Route 84 to the Dutchess-Putnam County boundary, east along the county boundary to the New York-Connecticut boundary, north along the New York-Connecticut boundary to the New York-Massachusetts boundary, north along the New York-Massachusetts boundary to the New York-Vermont boundary, north to the point of beginning.

Eastern Long Island Goose Area (NAP High Harvest Area): That area of Suffolk County lying east of a continuous line extending due south from the New York–Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (RP Area): That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Sound Road (just east of Wading River Marsh); then south on Sound Road to North Country Road; then west on North Country Road to Randall Road; then south on Randall Road to Route 25A, then west on Route 25A to the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area): That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

South Goose Area: The remainder of New York State, excluding New York City.

North Carolina

Northeast Hunt Unit: Includes the following counties or portions of counties: Bertie (that portion north and east of a line formed by NC 45 at the Washington County line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford County line), Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

RP Hunt Zone: Remainder of the State.

Pennsylvania

Resident Canada Goose Zone: All of Pennsylvania except for SJBP Zone and the area east of route SR 97 from the Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, and south of I–80 to the New Jersey State line.

SJBP Zone: The area north of I–80 and west of I–79 including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

AP Zone: The area east of route SR 97 from Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, south of I–80 to New Jersey State line.

Rhode Island

Special Area for Canada Geese: Kent and Providence Counties and portions of the towns of Exeter and North Kingston within Washington County (see State regulations for detailed descriptions).

South Carolina

Canada Goose Area: Statewide except for the following area:

East of U.S. 301: That portion of Clarendon County bounded to the north by S–14–25, to the east by Hwy 260, and to the south by the markers delineating the channel of the Santee River.

West of U.S. 301: That portion of Clarendon County bounded on the north by S–14–26 extending southward to that portion of Orangeburg County bordered by Hwy 6.

Vermont

Same zones as for ducks.

Virginia

AP Zone: The area east and south of the following line—the Stafford County line from the Potomac River west to Interstate 95 at Fredericksburg, then south along Interstate 95 to Petersburg, then Route 460 (SE) to City of Suffolk, then south along Route 32 to the North Carolina line.

SJBP Zone: The area to the west of the AP Zone boundary and east of the following line: the ''Blue Ridge'' (mountain spine) at the West Virginia-Virginia Border (Loudoun County–Clarke County line) south to Interstate 64 (the Blue Ridge line follows county borders along the western edge of Loudoun-Fauquier-Rappahannock-Madison-Greene-Albemarle and into Nelson Counties), then east along Interstate Rte. 64 to Route 15, then south along Rte. 15 to the North Carolina line.

RP Zone: The remainder of the State west of the SJBP Zone.

Mississippi Flyway

Arkansas

Northwest Zone: Baxter, Benton, Boone, Carroll, Conway, Crawford, Faulkner, Franklin, Johnson, Logan, Madison, Marion, Newton, Perry, Pope, Pulaski, Searcy, Sebastian, Scott, Van Buren, Washington, and Yell Counties.

Remainder of State: That portion of the State outside of the Northwest Zone.

Illinois

Early Canada Goose Seasons

North September Canada Goose Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central September Canada Goose Zone: That portion of the State south of the North September Canada Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South September Canada Goose Zone: That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central September Canada Goose Zone: The remainder of the State between the south border of the Central September Canada Goose Zone and the north border of the South September Canada Goose Zone.

Regular Seasons

North Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: Same zone as for ducks.

South Central Zone: Same zone as for ducks.

Indiana

Same zones as for ducks.

Iowa

Early Canada Goose Seasons

Cedar Rapids/Iowa City Goose Zone: Includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; then south and east along County Road E2W to Highway 920; then north along Highway 920 to County Road E16; then east along County Road E16 to County Road W58; then south along County Road W58 to County Road E34; then east along County Road E34 to Highway 13; then south along Highway 13 to Highway 30; then east along Highway 30 to Highway 1; then south along Highway 1 to Morse Road in Johnson County; then east along Morse Road to Wapsi Avenue; then south along Wapsi Avenue to Lower West Branch Road; then west along Lower West Branch Road to Taft Avenue; then south along Taft Avenue to County Road F62; then west along County Road F62 to Kansas Avenue; then north along Kansas Avenue to Black Diamond Road; then west on Black Diamond Road to Jasper Avenue; then north along Jasper Avenue to Rohert Road; then west along Rohert Road to Ivy Avenue; then north along Ivy Avenue to 340th Street; then west along 340th Street to Half Moon Avenue; then north along Half Moon Avenue to Highway 6; then west along Highway 6 to Echo Avenue; then north along Echo Avenue to 250th Street; then east on 250th Street to Green Castle Avenue; then north along Green Castle Avenue to County Road F12; then west along County Road F12 to County Road W30; then north along County Road W30 to Highway 151; then north along the Linn-Benton County line to the point of beginning.

Des Moines Goose Zone: Includes those portions of Polk, Warren, Madison, and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; then south along R38 to Northwest 142nd Avenue; then east along Northwest 142nd Avenue to Northeast 126th Avenue; then east along Northeast 126th Avenue to Northeast 46th Street; then south along Northeast 46th Street to Highway 931; then east along Highway 931 to Northeast 80th Street; then south along Northeast 80th Street to Southeast 6th Avenue; then west along Southeast 6th Avenue to Highway 65; then south and west along Highway 65 to Highway 69 in Warren County; then south along Highway 69 to County Road G24; then west along County Road G24 to Highway 28; then southwest along Highway 28 to 43rd Avenue; then north along 43rd Avenue to Ford Street; then west along Ford Street to Filmore Street; then west along Filmore Street to 10th Avenue; then south along 10th Avenue to 155th Street in Madison County; then west along 155th Street to Cumming Road; then north along Cumming Road to Badger Creek Avenue; then north along Badger Creek Avenue to County Road F90 in Dallas County; then east along County Road F90 to County Road R22; then north along County Road R22 to Highway 44; then east along Highway 44 to County Road R30; then north along County Road R30 to County Road F31; then east along County Road F31 to Highway 17; then north along Highway 17 to Highway 415 in Polk County; then east along Highway 415 to Northwest 158th Avenue; then east along Northwest 158th Avenue to the point of beginning.

Cedar Falls/Waterloo Goose Zone: Includes those portions of Black Hawk

County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, then south along County Road V49 to County Road D38, then west along County Road D38 to State Highway 21, then south along State Highway 21 to County Road D35, then west along County Road D35 to Grundy Road, then north along Grundy Road to County Road D19, then west along County Road D19 to Butler Road, then north along Butler Road to County Road C57, then north and east along County Road C57 to U.S. Highway 63, then south along U.S. Highway 63 to County Road C66, then east along County Road C66 to the point of beginning.

Regular Seasons

Same zones as for ducks.

Louisiana

North Zone: That portion of the State north of the line from the Texas border at Hwy 190/12 east to Hwy 49, then south on Hwy 49 to I–10, then east on I–10 to I–12, then east on I–12 to I–10, then east on I–10 to the Mississippi State line.

South Zone: Remainder of the State.

Michigan

North Zone: Same as North duck zone.

Middle Zone: Same as Middle duck zone.

South Zone: Same as South duck zone.

Allegan County Game Management Unit (GMU): That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Minnesota

Same zones as for ducks.

Missouri

Same zones as for ducks.

Ohio

Same zones as for ducks.

Tennessee

Reelfoot Zone: The lands and waters within the boundaries of Reelfoot Lake WMA only.

Remainder of State: The remainder of the State.

Wisconsin

Early Canada Goose Seasons

Early-Season Subzone A: That portion of the State encompassed by a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State 60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

Early-Season Subzone B: The remainder of the State.

Regular Seasons

Same zones as for ducks.

Central Flyway

Colorado (Central Flyway Portion)

Northern Front Range Area: All areas in Boulder, Larimer, and Weld Counties from the Continental Divide east along the Wyoming border to U.S. 85, south on U.S. 85 to the Adams County line, and all lands in Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin, and Jefferson Counties.

North Park Area: Jackson County.

South Park Area: Chaffee, Custer, Fremont, Lake, Park, and Teller Counties.

San Luis Valley Area: All of Alamosa, Conejos, Costilla, and Rio Grande Counties, and those portions of Saguache, Mineral, and Hinsdale Counties east of the Continental Divide.

Remainder: Remainder of the Central Flyway portion of Colorado.

Eastern Colorado Late Light Goose Area: That portion of the State east of Interstate Highway 25.

Montana (Central Flyway Portion)

Zone 1: Same as Zone 1 for ducks and coots.

Zone 2: Same as Zone 2 for ducks and coots.

Nebraska

Dark Geese

Niobrara Unit: That area contained within and bounded by the intersection of the South Dakota State line and the eastern Cherry County line, south along the Cherry County line to the Niobrara River, east to the Norden Road, south on the Norden Road to U.S. Hwy 20, east along U.S. Hwy 20 to NE Hwy 14, north along NE Hwy 14 to NE Hwy 59 and County Road 872, west along County Road 872 to the Knox County Line, north along the Knox County Line to the South Dakota State line. Where the Niobrara River forms the boundary, both banks of the river are included in the Niobrara Unit.

East Unit: That area north and east of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, east to U.S. 275, south to U.S. 77, south to NE 91, east to U.S. 30, east to the Nebraska-Iowa State line.

Platte River Unit: That area north and west of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, west along NE 91 to NE 11, north to the Holt County line, west along the northern border of Garfield, Loup, Blaine, and Thomas Counties to the Hooker County line, south along the Thomas-Hooker County lines to the McPherson County line, east along the south border of Thomas County to the western line of Custer County, south along the Custer-Logan County line to NE 92, west to U.S. 83, north to NE 92, west to NE 61, south along NE 61 to NE 92, west along NE 92 to U.S. Hwy 26, south along U.S. Hwy 26 to Keith County Line, south along Keith County Line to the Colorado State line.

Panhandle Unit: That area north and west of Keith-Deuel County Line at the Nebraska-Colorado State line, north along the Keith County Line to U.S. Hwy 26, west to NE Hwy 92, east to NE Hwy 61, north along NE Hwy 61 to NE Hwy 2, west along NE 2 to the corner formed by Garden-Grant-Sheridan Counties, west along the north border of Garden, Morrill, and Scotts Bluff Counties to the intersection of the Interstate Canal, west to the Wyoming State line.

North-Central Unit: The remainder of the State.

Light Geese

Rainwater Basin Light Goose Area: The area bounded by the junction of NE Hwy 92 and NE Hwy 15, south along NE Hwy 15 to NE Hwy 4, west along NE Hwy 4 to U.S. Hwy 34, west along U.S. Hwy 34 to U.S. Hwy 283, north along U.S. Hwy 283 to U.S. Hwy 30, east along

U.S. Hwy 30 to NE Hwy 92, east along NE Hwy 92 to the beginning.

Remainder of State: The remainder of Nebraska.

New Mexico (Central Flyway Portion)

Dark Geese

Middle Rio Grande Valley Unit: Sierra, Socorro, and Valencia Counties.

Remainder: The remainder of the Central Flyway portion of New Mexico.

North Dakota

Missouri River Canada Goose Zone: The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; then north on ND Hwy 6 to I–94; then west on I–94 to ND Hwy 49; then north on ND Hwy 49 to ND Hwy 200; then west on ND Hwy 200; then north on ND Hwy 8 to the Mercer/McLean County line; then east following the county line until it turns south toward Garrison Dam; then east along a line (including Mallard Island) of Lake Sakakawea to U.S. Hwy 83; then south on U.S. Hwy 83 to ND Hwy 200; then east on ND Hwy 200 to ND Hwy 41; then south on ND Hwy 41 to U.S. Hwy 83; then south on U.S. Hwy 83 to I–94; then east on I–94 to U.S. Hwy 83; then south on U.S. Hwy 83 to the South Dakota border; then west along the South Dakota border to ND Hwy 6.

Western North Dakota Canada Goose Zone: Same as the High Plains Unit for ducks, mergansers and coots, excluding the Missouri River Canada Goose Zone.

Rest of State: Remainder of North Dakota.

South Dakota

Early Canada Goose Seasons

Special Early Canada Goose Unit: The Counties of Campbell, Clark, Codington, Day, Deuel, Grant, Hamlin, Marshall, Roberts, Walworth; that portion of Perkins County west of State Highway 75 and south of State Highway 20; that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction; that portion of Potter County east of U.S. Highway 83; that portion of Sully County east of U.S. Highway 83; portions of Hyde, Buffalo, Brule, and Charles Mix Counties north and east of a line beginning at the Hughes–Hyde County line on State Highway 34, east to Lees Boulevard, southeast to State Highway 34, east 7 miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, and north on U.S. Highway 281 to the Charles Mix-Douglas County boundary; that portion of Bon Homme County north of State Highway 50; those portions of Yankton and Clay Counties north of a line beginning at the junction of State Highway 50 and 306th Street/County Highway 585 in Bon Homme County, east to U.S. Highway 81, then north on U.S. Highway 81 to 303rd Street, then east on 303rd Street to 444th Avenue, then south on 444th Avenue to 305th Street, then east on 305th Street/Bluff Road to State Highway 19, then south to State Highway 50 and east to the Clay/Union County Line; Aurora, Beadle, Brookings, Brown, Butte, Corson, Davison, Douglas, Edmunds, Faulk, Haakon, Hand, Hanson, Harding, Hutchinson, Jackson, Jerauld, Jones, Kingsbury, Lake, McCook, McPherson, Meade, Mellette, Miner, Moody, Oglala Lakota (formerly Shannon), Sanborn, Spink, Todd, Turner, and Ziebach Counties; and those portions of Minnehaha and Lincoln Counties outside of an area bounded by a line beginning at the junction of the South Dakota-Minnesota State line and Minnehaha County Highway 122 (254th Street) west to its junction with Minnehaha County Highway 149 (464th Avenue), south on Minnehaha County Highway 149 (464th Avenue) to Hartford, then south on Minnehaha County Highway 151 (463rd Avenue) to State Highway 42, east on State Highway 42 to State Highway 17, south on State Highway 17 to its junction with Lincoln County Highway 116 (Klondike Road), and east on Lincoln County Highway 116 (Klondike Road) to the South Dakota-Iowa State line, then north along the South Dakota-Iowa and South Dakota-Minnesota border to the junction of the South Dakota-Minnesota State line and Minnehaha County Highway 122 (254th Street).

Regular Seasons

Unit 1: Same as that for the September Canada goose season.

Unit 2: Remainder of South Dakota.

Unit 3: Bennett County.

Texas

Northeast Goose Zone: That portion of Texas lying east and north of a line beginning at the Texas-Oklahoma border at U.S. 81, then continuing south to Bowie and then southeasterly along U.S. 81 and U.S. 287 to I–35W and I–35 to the juncture with I–10 in San Antonio, then east on I–10 to the Texas-Louisiana border.

Southeast Goose Zone: That portion of Texas lying east and south of a line beginning at the International Toll Bridge at Laredo, then continuing north following I–35 to the juncture with I–10 in San Antonio, then easterly along I–10 to the Texas-Louisiana border.

West Goose Zone: The remainder of the State.

Wyoming (Central Flyway Portion)

Dark Geese

Zone G1: Big Horn, Converse, Hot Springs, Natrona, Park, and Washakie Counties.

Zone G1A: Goshen and Platte Counties.

Zone G2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone G3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Zone G4: Fremont County excluding those portions south or west of the Continental Divide.

Pacific Flyway

Arizona

Same zones as for ducks.

California

Northeastern Zone: That portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to main street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Klamath Basin Special Management Area: Beginning at the intersection of Highway 161 and Highway 97; east on Highway 161 to Hill Road; south on Hill Road to N Dike Road West Side; east on N Dike Road West Side until the junction of the Lost River; north on N Dike Road West Side until the Volcanic

Legacy Scenic Byway; east on Volcanic Legacy Scenic Byway until N Dike Road East Side; south on the N Dike Road East Side; continue east on N Dike Road East Side to Highway 111; south on Highway 111/Great Northern Road to Highway 120/Highway 124; west on Highway 120/Highway 124 to Hill Road; south on Hill Road until Lairds Camp Road; west on Lairds Camp Road until Willow Creek; west and south on Willow Creek to Red Rock Road; west on Red Rock Road until Meiss Lake Road/Old State Highway; north on Meiss Lake Road/Old State Highway to Highway 97; north on Highway 97 to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line from the intersection of Highway 95 with the California-Nevada State line; south on Highway 95 through the junction with Highway 40; south on Highway 95 to Vidal Junction; south through the town of Rice to the San Bernardino-Riverside County line on a road known as ''Aqueduct Road'' also known as Highway 62 in San Bernardino County; southwest on Highway 62 to Desert Center Rice Road; south on Desert Center Rice Road/Highway 177 to the town of Desert Center; east 31 miles on Interstate 10 to its intersection with Wiley Well Road; south on Wiley Well Road to Wiley Well; southeast on Milpitas Wash Road to the Blythe, Brawley, Davis Lake intersections; south on Blythe Ogilby Road also known as County Highway 34 to its intersection with Ogilby Road; south on Ogilby Road to its intersection with Interstate 8; east 7 miles on Interstate 8 to its intersection with the Andrade-Algodones Road/Highway 186; south on Highway 186 to its intersection with the U.S.-Mexico border at Los Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River zone) south and east of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; east along the Santa Maria River to where it crosses Highway 101–166 near the City of Santa Maria; north on Highway 101–166; east on Highway 166 to the junction with Highway 99; south on Highway 99 to the junction of Interstate 5; south on Interstate 5 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to where it intersects Highway 178 at Walker Pass; east on Highway 178 to the junction of Highway 395 at the town of Inyokern; south on Highway 395 to the junction of Highway 58; east on Highway 58 to the junction of Interstate 15; east on Interstate 15 to the junction with Highway 127; north on Highway 127 to the point of intersection with the California-Nevada State line.

Imperial County Special Management Area: The area bounded by a line beginning at Highway 86 and the Navy Test Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Road; north on Weist Road to Flowing Wells Road; northeast on Flowing Wells Road to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Road; south on Frink Road to Highway 111; north on Highway 111 to Niland Marina Road; southwest on Niland Marina Road to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

Balance of State Zone: The remainder of California not included in the Northeastern, Colorado River, and Southern Zones.

North Coast Special Management Area: Del Norte and Humboldt Counties.

Sacramento Valley Special Management Area: That area bounded by a line beginning at Willows south on I–5 to Hahn Road; easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes; northerly on CA 45 to the junction with CA 162; northerly on CA 45/162 to Glenn; and westerly on CA 162 to the point of beginning in Willows.

Colorado (Pacific Flyway Portion)

Same zones as for ducks.

Idaho

Canada Geese and Brant

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties.

Zone 3: Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Shoshone, Twin Falls, and Washington Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Bear Lake County; Bingham County within the Blackfoot Reservoir drainage; and Caribou County, except that portion within the Fort Hall Indian Reservation.

Zone 5: Valley County.

White-Fronted Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 3: Adams, Benewah, Blaine, Bonner, Boundary, Camas, Clearwater, Custer, Franklin, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Oneida, and Shoshone Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 5: Valley County.

Light Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County east of the west bank of the Snake River, west of the McTucker boat ramp access road, and east of the American Falls Reservoir bluff, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County below the American Falls Reservoir bluff, and within the Fort Hall Indian Reservation.

Zone 2: Franklin and Oneida Counties; Bingham County west of the west bank of the Snake River, east of the McTucker boat ramp access road, and west of the American Falls Reservoir bluff; Power County, except below the American Falls Reservoir bluff and those lands and waters within the Fort Hall Indian Reservation.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Adams, Benewah, Blaine, Bonner, Boundary, Camas, Clearwater,

Custer, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, and Shoshone Counties.

Zone 5: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 6: Valley County.

Nevada

Same zones as for ducks.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific Flyway portion of New Mexico located north of I–40.

South Zone: The Pacific Flyway portion of New Mexico located south of I–40.

Oregon

Northwest Permit Zone: Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

Lower Columbia/N. Willamette Valley Management Area: Those portions of Clatsop, Columbia, Multnomah, and Washington Counties within the Northwest Special Permit Zone.

Tillamook County Management Area: That portion of Tillamook County beginning at the point where Old Woods Road crosses the south shores of Horn Creek, north on Old Woods Road to Sand Lake Road at Woods, north on Sand Lake Road to the intersection with McPhillips Drive, due west (~200 yards) from the intersection to the Pacific coastline, south along the Pacific coastline to a point due west of the western end of Pacific Avenue in Pacific City, east from this point (~250 yards) to Pacific Avenue, east on Pacific Avenue to Brooten Road, south and then east on Brooten Road to Highway 101, north on Highway 101 to Resort Drive, north on Resort Drive to a point due west of the south shores of Horn Creek at its confluence with the Nestucca River, due east (~80 yards) across the Nestucca River to the south shores of Horn Creek, east along the south shores of Horn Creek to the point of beginning.

Southwest Zone: Those portions of Douglas, Coos, and Curry Counties east of Highway 101, and Josephine and Jackson Counties.

South Coast Zone: Those portions of Douglas, Coos, and Curry Counties west of Highway 101.

Eastern Zone: Baker, Crook, Deschutes, Gilliam, Grant, Hood River, Jefferson, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties.

Klamath County Zone: Klamath County.

Harney and Lake County Zone: Harney and Lake Counties.

Malheur County Zone: Malheur County.

Utah

East Box Elder County Zone: Boundary begins at the intersection of the eastern boundary of Public Shooting Grounds Waterfowl Management Area and SR–83 (Promontory Road); east along SR–83 to I–15; south on I–15 to the Perry access road; southwest along this road to the Bear River Bird Refuge boundary; west, north, and then east along the refuge boundary until it intersects the Public Shooting Grounds Waterfowl Management Area boundary; east and north along the Public Shooting Grounds Waterfowl Management Area boundary to SR–83.

Wasatch Front Zone: Boundary begins at the Weber–Box Elder County line at I–15; east along Weber County line to U.S.–89; south on U.S.–89 to I–84; east and south on I–84 to I–80; south on I–80 to U.S.–189; south and west on U.S.–189 to the Utah County line; southeast and then west along this line to the Tooele County line; north along the Tooele County line to I–80; east on I–80 to Exit 99; north from Exit 99 along a direct line to the southern tip of Promontory Point and Promontory Road; east and north along this road to the causeway separating Bear River Bay from Ogden Bay; east on this causeway to the southwest corner of Great Salt Lake Mineral Corporations (GSLMC) west impoundment; north and east along GSLMC's west impoundment to the northwest corner of the impoundment; north from this point along a direct line to the southern boundary of Bear River Migratory Bird Refuge; east along this southern boundary to the Perry access road; northeast along this road to I–15; south along I–15 to the Weber–Box Elder County line.

Northern Zone: The remainder of Utah not included in the East Box Elder County, Wasatch Front, and Southern Zones.

Southern Zone: Boundary includes Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Washington, and Wayne Counties, and that part of Tooele County south of I–80.

Washington

Area 1: Skagit, Island, and Snohomish Counties.

Area 2 Inland (Southwest Permit Zone): Clark, Cowlitz, and Wahkiakum Counties, and that portion of Grays Harbor County east of Highway 101

Area 2 Coastal (Southwest Permit Zone): Pacific County and that portion of Grays Harbor County west of Highway 101.

Area 3: All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5: All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Brant

Pacific Flyway

California

Northern Zone: Del Norte, Humboldt, and Mendocino Counties.

Balance of State Zone: The remainder of the State not included in the Northern Zone.

Washington

Puget Sound Zone: Clallam, Skagit, and Whatcom Counties.

Coastal Zone: Pacific County.

Swans

Central Flyway

South Dakota: Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Campbell, Clark, Codington, Davison, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Kingsbury, Lake, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, and Walworth Counties.

Pacific Flyway

Montana (Pacific Flyway Portion)

Open Area: Cascade, Chouteau, Hill, Liberty, and Toole Counties and those portions of Pondera and Teton Counties lying east of U.S. 287–89.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

Utah

Open Area: Begins at I–15 and Exit 365 (SR 13/83); west and north on SR–83 to I–84; west on I–84 to SR–30; southwest on SR–30 to the Nevada-Utah state line; south on this state line to I–80; east on I–80 to I–15; north on I–15 to Exit 365 (SR 13/83).

Doves

Alabama

South Zone: Baldwin, Barbour, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone: Remainder of the State.

Florida

Northwest Zone: The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone: The remainder of the State.

Louisiana

North Zone: That portion of the State north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. 190 to Interstate Highway 12, east along Interstate Highway 12 to Interstate Highway 10, then east along Interstate Highway 10 to the Mississippi border.

South Zone: The remainder of the State.

Mississippi

North Zone: That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone: The remainder of Mississippi.

Texas

North Zone: That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas-Arkansas State line.

Central Zone: That portion of the State lying between the North and South Zones.

South Zone: That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to I–10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area in the South Zone: Same as the South Zone.

Band-Tailed Pigeons

California

North Zone: Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone: The remainder of the State not included in the North Zone.

New Mexico

North Zone: North of a line following U.S. 60 from the Arizona State line east to I–25 at Socorro and then south along I–25 from Socorro to the Texas State line.

South Zone: The remainder of the State not included in the North Zone.

Washington

Western Washington: The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Woodcock

New Jersey

North Zone: That portion of the State north of NJ 70.

South Zone: The remainder of the State.

Sandhill Cranes

Mississippi Flyway

Alabama

Hunting Zone: That area north of Interstate 20 from the Georgia State line to the interchange with Interstate 65, then east of Interstate 65 to the interchange with Interstate 22, then north of Interstate 22 to the Mississippi State line.

Non-Hunting Zone: Remainder of the State.

Minnesota

Northwest Zone: That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Tennessee

Southeast Crane Zone: That portion of the State south of Interstate 40 and east of State Highway 56.

Remainder of State: That portion of Tennessee outside of the Southeast Crane Zone.

Central Flyway

Colorado

Open Area: The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas

Open Area: That portion of the State west of a line beginning at the Oklahoma border, north on I–35 to Wichita, north on I–135 to Salina, and north on U.S. 81 to the Nebraska border.

Montana

Regular Season Open Area: The Central Flyway portion of the State except for that area south and west of Interstate 90, which is closed to sandhill crane hunting.

Special Season Open Area: Carbon County.

New Mexico

Regular-Season Open Area: Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Special Season Open Areas

Middle Rio Grande Valley Area: The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area: Those portions of Santa Fe, Torrance, and Bernallilo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone: Area bounded on the south by the New Mexico-Mexico border; on the west by the New Mexico-Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to NM 26, east to NM 27, north to NM 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna County line, and south to the New Mexico-Mexico border.

North Dakota

Area 1: That portion of the State west of U.S. 281.

Area 2: That portion of the State east of U.S. 281.

Oklahoma

Open Area: That portion of the State west of I–35.

South Dakota

Open Area: That portion of the State lying west of a line beginning at the South Dakota-North Dakota border and State Highway 25, south on State Highway 25 to its junction with State Highway 34, east on State Highway 34 to its junction with U.S. Highway 81, then south on U.S. Highway 81 to the South Dakota-Nebraska border.

Texas

Zone A: That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, then northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, then north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line.

Zone B: That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in the town of Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line, then south along the Texas-Oklahoma State line to the south bank of the Red River, then eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C: The remainder of the State, except for the closed areas.

Closed areas:

A. That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with I–35W in Fort Worth, then southwest along I–35 to its junction with U.S. Highway 290 East in Austin, then east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, then south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, then south on Interstate Highway 45 to State Highway 342, then to the shore of the Gulf of Mexico, and then north and east along the shore of the Gulf of Mexico to the Texas-Louisiana State line.

B. That portion of the State lying within the boundaries of a line beginning at the Kleberg-Nueces County line and the shore of the Gulf of Mexico, then west along the County line to Park Road 22 in Nueces County, then north and west along Park Road 22 to its junction with State Highway 358 in Corpus Christi, then west and north along State Highway 358 to its junction with State Highway 286, then north along State Highway 286 to its junction with Interstate Highway 37, then east along Interstate Highway 37 to its junction with U.S. Highway 181, then north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, then north and east along U.S. Highway 77 to its junction with U.S. Highway 87 in Victoria, then south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, then north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, then south and east along the shore of Lavaca Bay to its junction with the Port Lavaca Ship Channel, then south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and then south and west along the shore of the Gulf of Mexico to the Kleberg-Nueces County line.

Wyoming

Area 7: Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties.

Area 4: All lands within the Bureau of Reclamation's Riverton and Boysen Unit boundaries; those lands within Boysen State Park south of Cottonwood Creek, west of Boysen Reservoir, and south of U.S. Highway 20–26; and all non-Indian owned fee title lands within the exterior boundaries of the Wind River Reservation, excluding those lands within Hot Springs County.

Area 6: Big Horn, Hot Springs, Park, and Washakie Counties.

Area 8: Johnson, Natrona, and Sheridan Counties.

Pacific Flyway

Arizona

Zone 1: Beginning at the junction of the New Mexico State line and U.S. Hwy 80; south along the State line to the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to the junction with Arizona Hwy 77; northerly along Arizona Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I–10; east on I–10 to Bowie-Apache Pass Road; southerly on the Bowie-Apache Pass Road to Arizona Hwy 186; southeasterly on Arizona Hwy 186 to Arizona Hwy 181; south on Arizona Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Road; easterly on Rucker Canyon Road to the Tex Canyon Road; southerly on Tex Canyon Road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico State line.

Zone 2: Beginning at I–10 and the New Mexico State line; north along the State line to Arizona Hwy 78; southwest on Arizona Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Lower Eagle Creek Road (Pump Station Road) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I–10; easterly on I–10 to the New Mexico State line.

Zone 3: Beginning on I–10 at the New Mexico State line; westerly on I–10 to the Bowie-Apache Pass Road; southerly on the Bowie-Apache Pass Road to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Road; easterly on the Rucker Canyon Road to Tex Canyon Road; southerly on Tex Canyon Road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico State line; north along the State line to I–10.

Idaho

Area 1: All of Bear Lake County and all of Caribou County except that portion lying within the Grays Lake Basin.

Area 2: All of Teton County except that portion lying west of State Highway 33 and south of Packsaddle Road (West 400 North) and north of the North Cedron Road (West 600 South) and east of the west bank of the Teton River.

Area 3: All of Fremont County except the Chester Wetlands Wildlife Management Area.

Area 4: All of Jefferson County.

Area 5: All of Bannock County east of Interstate 15 and south of U.S. Highway 30; and all of Franklin County.

Area 6: That portion of Oneida County within the boundary beginning at the intersection of the Idaho-Utah border and Old Highway 191, then north on Old Highway 191 to 1500 S, then west on 1500 S to Highway 38, then west on Highway 38 to 5400 W, then south on 5400 W to Pocatello Valley Road, then west and south on Pocatello Valley Road to 10000 W, then south on 10000 W to the Idaho-Utah border, then east along the Idaho-Utah border to the beginning point.

Montana

Zone 1: Those portions of Deer Lodge County lying within the following described boundary: Beginning at the intersection of I–90 and Highway 273, then westerly along Highway 273 to the junction of Highway 1, then southeast along said highway to Highway 275 at Opportunity, then east along said highway to East Side County road, then north along said road to Perkins Lane, then west on said lane to I–90, then north on said interstate to the junction of Highway 273, the point of beginning. Except for sections 13 and 24, T5N, R10W; and Warm Springs Pond number 3.

Zone 2: That portion of the Pacific Flyway, located in Powell County lying within the following described boundary: Beginning at the junction of State Routes 141 and 200, then west along Route 200 to its intersection with the Blackfoot River at Russell Gates Fishing Access Site (Powell-Missoula County line), then southeast along said river to its intersection with the Ovando-Helmville Road (County Road 104) at Cedar Meadows Fishing Access Site, then south and east along said road to its junction with State Route 141, then north along said route to its junction with State Route 200, the point of beginning.

Zone 3: Beaverhead, Gallatin, Jefferson, and Madison Counties.

Zone 4: Broadwater County.

Utah

Cache County: Cache County.

East Box Elder County: That portion of Box Elder County beginning on the Utah-Idaho State line at the Box Elder-Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder-Weber County line; east on the Box Elder-Weber County line to the Box Elder-Cache County line; north on the Box Elder-Cache County line to the Utah–Idaho State line.

Rich County: Rich County.

Uintah County: Uintah County.

Wyoming

Area 1: All of the Bear River and Ham's Fork River drainages in Lincoln County.

Area 2: All of the Salt River drainage in Lincoln County south of the McCoy Creek Road.

Area 3: All lands within the Bureau of Reclamation's Eden Project in Sweetwater County.

Area 5: Uinta County.

All Migratory Game Birds in Alaska

North Zone: State Game Management Units 11–13 and 17–26.

Gulf Coast Zone: State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone: State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone: State Game Management Unit 10 (except Unimak Island).

Kodiak Zone: State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area: The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area: All of the municipality of Culebra.

Desecheo Island Closure Area: All of Desecheo Island.

Mona Island Closure Area: All of Mona Island.

El Verde Closure Area: Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas: All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

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FEDERAL REGISTER

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No. 160 August 19, 2019

Part III

The President

Presidential Determination No. 2019–21 of July 31, 2019—Designation of the Federative Republic of Brazil as a Major Non-NATO Ally

Federal Register
Vol. 84, No. 160
Monday, August 19, 2019

Presidential Documents

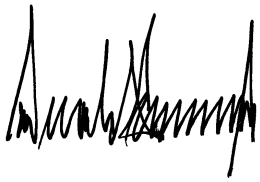
Presidential Determination No. 2019–21 of July 31, 2019

Designation of the Federative Republic of Brazil as a Major Non-NATO Ally

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, and by section 517 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2321k) (the ''Act''), I hereby designate the Federative Republic of Brazil as a major Non-NATO Ally of the United States for the purposes of the Act and the Arms Export Control Act (22 U.S.C. 2751 *et seq.*)

You are authorized and directed to publish this determination in the *Federal Register.*



THE WHITE HOUSE,
Washington, July 31, 2019

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