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Contents

Federal Register

Vol. 84, No. 177

Thursday, September 12, 2019

Agriculture Department
See Animal and Plant Health Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48101

Animal and Plant Health Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Importation of Table Eggs From Regions Where Newcastle Disease Exists and Exportation of Poultry and Hatching Eggs, 48101–48102

Arctic Research Commission
NOTICES
Meetings:
112th Commission, 48102

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48145–48148

Civil Rights Commission
NOTICES
Meetings:
Delaware Advisory Committee, 48102–48103
Utah Advisory Committee, 48103–48104

Coast Guard
RULES
Safety Zone:
Cape Fear River, Wilmington, NC, 48059–48062
Fireworks Display, Indian River Bay, DE, 48064–48066
New Jersey Intracoastal Waterway, Atlantic City, NJ, 48066–48068
Security Zone:
Inner Harbor, Baltimore, MD, 48062–48064
Special Local Regulations:
Marine Events within the Fifth Coast Guard District, 48059

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Charter Renewal:
Travel and Tourism Advisory Board, 48104
Request for Applications:
Corporation for Travel Promotion Board of Directors, 48104–48105

Defense Department
See Engineers Corps

Drug Enforcement Administration
NOTICES
Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances:
Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2020, 48170–48177

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
Fusion Energy Sciences Advisory Committee, 48132–48133

Engineers Corps
PROPOSED RULES
Restricted Area:
Washington Channel, Fort McNair, Washington, DC, 48090
NOTICES
Environmental Impact Statements; Availability, etc.:
Wilmington Harbor Navigation Improvement Project Integrated Feasibility Study and Environmental Report, New Hanover and Brunswick Counties, NC, 48131–48132

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
New Hampshire; Reasonably Available Control Technology Orders, 48068–48071
National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List:
Deletion of the Electro-Coatings, Inc. Superfund Site, 48077
Pesticide Tolerances:
Pyraflufen-ethyl, 48071–48077

Equal Employment Opportunity Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48138–48142

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus SAS Airplanes, 48047–48050
Bombardier, Inc., Airplanes, 48050–48052
The Boeing Company Airplanes, 48045–48047
Amendment of Class D Airspace:
New Iberia, LA, 48052–48054
IFR Altitudes; Miscellaneous Amendments, 48054–48059
PROPOSED RULES
Airworthiness Directives:
Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes, 48083–48085
Amendment and Removal of Air Traffic Service Routes:
Southeastern United States, 48086–48090
Revocation of Class E Airspace:
Marshalltown, IA: Withdrawal, 48085–48086
NOTICES
Petitions for Exemptions; Summaries:
Wing Aviation, LLC; Correction, 48206–48207

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48142–48143

Federal Deposit Insurance Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Prize Competition Participation, 48143–48145

Federal Emergency Management Agency
NOTICES
Flood Hazard Determinations; Changes, 48158–48162

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48137–48138
Combined Filings, 48136–48137
Environmental Impact Statements; Availability, etc.:
Port Arthur Pipeline, LLC, Louisiana Connector Extension Project, 48133–48135
Request Under Blanket Authorization:
Spire Storage West LLC, 48135–48136

Federal Highway Administration
NOTICES
Federal Agency Actions:
Van Wyck Expressway Capacity and Access Improvements to JFK Airport Project, Queens County, NY, 48207–48208

Federal Maritime Commission
NOTICES
Agreements Filed, 48145

Federal Motor Carrier Safety Administration
RULES
Hours of Service of Drivers—Restart provisions, 48077–48081

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 48145

Fiscal Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Direct Deposit, Go Direct, and Direct Express Sign-Up Forms, 48213
Meetings:
Electronic Funds Transfer Market Research Study, 48213–48214
Management of Federal Agency Disbursements, 48212–48213

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
Status for Graham's Beardtongue (Penstemon grahamii) and White River Beardtongue (Penstemon scariosus var. albifluvis); Designation of Critical Habitat for Graham's Beardtongue and White River Beardtongue, 48090–48094
NOTICES
Permit Application:
Incidental Take; Proposed Habitat Conservation Plan for the Scrub-Jay, Volusia County, FL; Categorical Exclusion, 48168–48169

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48151–48152
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Center for Tobacco Products, Food and Drug Administration Funded Trainee/Scholar Survey, 48148–48149
Meetings:
Endocrinologic and Metabolic Drugs Advisory Committee, 48152–48153
Science Board to the Food and Drug Administration Advisory Committee, 48150
Transit Times to Slaughter Facilities, Milking Frequency, and Interpretation of Zero-Day Withdrawal Periods and Zero-Day Milk Discard Times Assigned to New Animal Drugs; Extension of Comment Period, 48150–48151

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 48214

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Health Resources and Services Administration
NOTICES
Meetings:
CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment, 48154

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
RULES
Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Implementation of the REAL ID Act Modification for Freely Associated States Act; Correction, 48045

Housing and Urban Development Department
NOTICES
Neighborhood Stabilization Program; Changes to Closeout Requirements Related to Program Income Amendment, 48165–48168
Privacy Act of 1974; System of Records, 48162–48165

Interior Department
See Fish and Wildlife Service
See National Park Service

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48214–48219
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Return for Nuclear Decommissioning Funds and Certain Related Persons, 48215

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Ceramic Tile from the People's Republic of China, 48125–48127
Certain Corrosion-Resistant Steel Products from Taiwan, 48120–48122
Certain Corrosion-Resistant Steel Products from the Republic of Korea, 48107–48108
Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam, 48109–48112
Certain Pasta from Italy, 48114–48116
Certain Steel Nails from Taiwan, 48116–48118
Corrosion-Resistant Steel Products from the Republic of Korea, 48118–48120
Polyethylene Terephthalate Film, Sheet, and Strip from India, 48105–48107, 48123–48125
Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan, 48112–48114
Utility Scale Wind Towers from the Socialist Republic of Vietnam, 48122–48123

International Trade Commission
NOTICES
Meetings; Sunshine Act, 48170

Justice Department
See Drug Enforcement Administration

Labor Department
See Mine Safety and Health Administration

Mine Safety and Health Administration
NOTICES
Petitions for Modification of Application of Existing Mandatory Safety Standards, 48178

National Aeronautics and Space Administration
NOTICES
Meetings:
Heliophysics Advisory Committee, 48178–48179

National Highway Traffic Safety Administration
NOTICES
Petition for Decision of Inconsequential Noncompliance:
Arai Helmet, Inc., 48211–48212
FCA US, LLC, 48208–48211

National Institutes of Health
NOTICES
Meetings:
Advisory Committee on Research on Women's Health, 48154
National Institute of General Medical Sciences, 48154–48157
National Institute on Aging, 48156
National Institutes of Diabetes and Digestive and Kidney Diseases, 48155–48156

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Small-Mesh Multispecies Fishery; Inseason Adjustment to the Northern Red Hake Possession Limit, 48081–48082
PROPOSED RULES
Magnuson-Stevens Act Provisions; Fisheries Off West Coast States:
Pacific Coast Groundfish Fishery; Seabird Bycatch Avoidance Measures, 48094–48100
NOTICES
Meetings:
Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review, 48128
Fisheries of the South Atlantic; Southeast Data, Assessment, and Review, 48130
Northwest Atlantic Fisheries Organization Consultative Committee Meeting, 48127–48128
Pacific Fishery Management Council, 48130–48131
South Atlantic Fishery Management Council, 48128–48130

National Park Service
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 48169–48170

National Science Foundation
NOTICES
Antarctic Conservation Act Permits, 48179–48180
Meetings:
Proposal Review Panel for Materials Research, 48180

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Rules of General Applicability to Domestic Licensing of Byproduct Material, 48184
License Amendment; Application:
Tennessee Valley Authority Watts Bar Nuclear Plant Units 1 and 2, 48180–48183

Overseas Private Investment Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48185

Postal Regulatory Commission
NOTICES
New Postal Products, 48185–48186

Postal Service
NOTICES
Product Change:
Priority Mail Negotiated Service Agreement, 48186

Presidential Documents
PROCLAMATIONS
Special Observances:
National Historically Black Colleges and Universities Week (Proc. 9922), 48221–48224
Opioid Crisis Awareness Week (Proc. 9923), 48225–48226
EXECUTIVE ORDERS
Terrorism, Efforts To Combat; Modernization of Sanctions (EO 13886), 48041–48043
ADMINISTRATIVE ORDERS
Environmental Quality, Council on; Order of Succession (Memorandum of September 6, 2019), 48227–48228

Securities and Exchange Commission
NOTICES
Order Granting Application:
Nasdaq BX, Inc., 48186–48187

Self-Regulatory Organizations; Proposed Rule Changes:
Cboe Exchange, Inc., 48201–48202
ICE Clear Europe, Ltd., 48191–48201
The Depository Trust Co., 48187–48191

Small Business Administration
NOTICES
Privacy Act; Systems of Records, 48203
Privacy Act; Systems of Records; Correction, 48202

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48203–48205

State Department
NOTICES
Department of State Sanctions Actions Pursuant to Executive Order 13846 of August 6, 2018; Correction, 48205

Substance Abuse and Mental Health Services Administration

NOTICES
Meetings:
National Advisory Council, 48157–48158

Surface Transportation Board
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Class I Railroad Annual Report, 48205–48206

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See National Highway Traffic Safety Administration

Treasury Department
See Fiscal Service
See Foreign Assets Control Office
See Internal Revenue Service

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
VA Post-Separation TAP Longitudinal Survey, 48220
Requests for Nominations:
Geriatrics and Gerontology Advisory Committee, 48219–48220

Separate Parts In This Issue

Part II
Presidential Documents, 48221–48228

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:
9922 48223
9923 48225

Executive Orders:
13886 48041

Administrative Orders:
Memorandums:
Memorandum of January 13, 2017 (Revoked by Memorandum of September 6, 2019) 48227
Memorandum of September 6, 2019 48227

6 CFR
37 48045

14 CFR
39 (3 documents) 48045, 48047, 48050
71 48052
95 48054

Proposed Rules:
39 48083
71 (2 documents) 48085, 48086

33 CFR
100 48059
165 (4 documents) 48059, 48062, 48064, 48066

Proposed Rules:
334 48090

40 CFR
52 48068
180 48071
300 48077

49 CFR
395 48077

50 CFR
648 48081

Proposed Rules:
17 48090
660 48094

Federal Register
Vol. 84, No. 177
Thursday, September 12, 2019

Presidential Documents

Title 3—

The President

Executive Order 13886 of September 9, 2019

Modernizing Sanctions To Combat Terrorism

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the United Nations Participation Act of 1945 (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code; and in view of multiple United Nations Security Council resolutions, including Resolution 1373 of September 28, 2001, Resolution 1526 of January 30, 2004, Resolution 1988 of June 17, 2011, Resolution 1989 of June 17, 2011, Resolution 2253 of December 17, 2015, Resolution 2255 of December 21, 2015, Resolution 2368 of July 20, 2017, and Resolution 2462 of March 28, 2019,

I, DONALD J. TRUMP, President of the United States of America, find that it is necessary to consolidate and enhance sanctions to combat acts of terrorism and threats of terrorism by foreign terrorists, acts that are recognized and condemned in the above-referenced United Nations Security Council resolutions. Accordingly, I hereby terminate the national emergency declared in Executive Order 12947 of January 23, 1995, and revoke Executive Order 12947, as amended by Executive Order 13099 of August 20, 1998. In order to build upon the initial steps taken in Executive Order 12947, to further strengthen and consolidate sanctions to combat the continuing threat posed by international terrorism, and in order to take additional steps to deal with the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to the continuing and immediate threat of grave acts of terrorism and threats of terrorism committed by foreign terrorists, which include acts of terrorism that threaten the Middle East peace process, it is hereby ordered as follows:

Section 1. Section 1 of Executive Order 13224 is hereby amended to read as follows:

''**Section 1**. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) persons listed in the Annex to this order;

(ii) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and the Secretary of Homeland Security:

(A) to have committed or have attempted to commit, to pose a significant risk of committing, or to have participated in training to commit acts of terrorism that threaten the security of United States nationals or the national security, foreign policy, or economy of the United States; or

(B) to be a leader of an entity:

(1) listed in the Annex to this order; or

(2) whose property and interests in property are blocked pursuant to a determination by the Secretary of State pursuant to this order;

(iii) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General:

(A) to be owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order;

(B) to own or control, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order;

(C) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, an act of terrorism as defined in section 3(d) of this order, or any person whose property and interests in property are blocked pursuant to this order;

(D) to have participated in training related to terrorism provided by any person whose property and interests in property are blocked pursuant to this order;

(E) to be a leader or official of an entity whose property and interests in property are blocked pursuant to:

(1) a determination by the Secretary of the Treasury pursuant to this order; or

(2) subsection (a)(iv) of this section; or

(F) to have attempted or conspired to engage in any of the activities described in subsections (a)(iii)(A) through (E) of this section;

(iv) persons whose property and interests in property were blocked pursuant to Executive Order 12947, as amended, on or after January 23, 1995, and remained blocked immediately prior to the effective date of this order.

(b) The Secretary of the Treasury is hereby authorized to prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States, of a correspondent account or payable-through account of any foreign financial institution that the Secretary of the Treasury, in consultation with the Secretary of State, has determined, on or after the effective date of this order, has knowingly conducted or facilitated any significant transaction on behalf of any person whose property and interests in property are blocked pursuant to this order.

(c) The prohibitions in subsections (a) and (b) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.''

Sec. 2. Section 5 of Executive Order 13224 is amended by replacing the reference to subsection 1(d) with a reference to subsection 1(a)(iii).

Sec. 3. (a) Nothing in this order shall be construed to impair or otherwise affect:

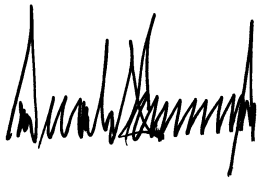
(i) the authority granted by law to an executive department or agency, or head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 4. This order is effective at 12:01 a.m. eastern daylight time on September 10, 2019.



THE WHITE HOUSE,
September 9, 2019.

[FR Doc. 2019–19895
2019–19895 8:45 am]
BILLING CODE 3295–F9–P

Rules and Regulations

Federal Register
Vol. 84, No. 177
Thursday, September 12, 2019

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

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 37

RIN 1601–AA91

Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Implementation of the REAL ID Act Modification for Freely Associated States Act; Correction

AGENCY: Office of the Secretary, DHS.

ACTION: Final rule; correction.

SUMMARY: The Department of Homeland Security (DHS) is correcting a final rule that published in the **Federal Register** on September 4, 2019. On September 4, 2019, DHS published two documents in the **Federal Register** related to the implementation of the REAL ID Modification for Freely Associated States Act: A final rule implementing the REAL ID Modification for Freely Associated States Act, and a notice designating an unexpired foreign passport and valid Form I–94 (Arrival-Departure Record) as acceptable identity documentation for purposes of obtaining a REAL ID driver's license or identification card for eligible citizens of the Freely Associated States. The text of footnote 9, which was included in the final rule, was overtaken by the notice published on the same date. Through this correction, the text of footnote 9 is being revised.

DATES: Effective on September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Steve Yonkers, Director, Biometrics and Credentialing/REAL ID Program, U.S. Department of Homeland Security Office of Policy, Strategy, and Plans, Washington, DC 20528, (202) 447–3274.

SUPPLEMENTARY INFORMATION: In FR Doc. 2019–19023 appearing on page 46423 in the **Federal Register** of Wednesday, September 4, 2019, the following correction is made:

1. On page 46424, in the third column, in footnote 9, the text is revised to read as follows: ''See 6 CFR 37.11.''

Christina McDonald,

Associate General Counsel for Regulatory Affairs.

[FR Doc. 2019–19702 Filed 9–11–19; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0023; Product Identifier 2018–NM–145–AD; Amendment 39–19700; AD 2019–15–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to certain The Boeing Company Model 737–100, 737–200, 737–200C, 737–300, 737–400, and 737–500 series airplanes. As published, a paragraph reference specified in the regulatory text is incorrect. This document corrects that error. In all other respects, the original document remains the same.

DATES: This correction is effective September 19, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 19, 2019 (84 FR 41614, August 15, 2019).

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0023.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0023; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

SUPPLEMENTARY INFORMATION: AD 2019–15–07, Amendment 39–19700 (84 FR 41614, August 15, 2019) (''AD 2019–15–07''), requires repetitive inspections for cracking of the fuselage lower lobe frames, and applicable on-condition actions. That AD also provides an optional terminating action for certain repetitive inspections. That AD applies to certain The Boeing Company Model 737–100, 737–200, 737–200C, 737–300, 737–400, and 737–500 series airplanes.

Need for the Correction

As published, paragraph (h) of the regulatory text of AD 2019–15–07 contains an error. Paragraph (h) of the AD incorrectly refers to paragraph (i) as the Exceptions to Service Information Specifications paragraph, and it should have referred to paragraph (j) of the AD.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Service Bulletin 737–53A1362, dated September 20, 2018. The service information describes procedures for repetitive inspections for cracking of the fuselage lower lobe frames, applicable on-condition actions, and an optional modification of the tooling holes and

insulation attachment holes. On-condition actions include repetitive inspections for cracking of the lower lobe frames, repair, and repetitive post-repair inspections for cracking.

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

Correction of Publication

This document corrects an error and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains September 19, 2019.

Since this action only corrects paragraph references, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public comment procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Corrected]

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

2019–15–07 The Boeing Company: Amendment 39–19700; Docket No. FAA–2019–0023; Product Identifier 2018–NM–145–AD.

(a) Effective Date

This AD is effective September 19, 2019.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–100, 737–200, 737–200C, 737–300, 737–400, and 737–500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1362, dated September 20, 2018 (''BASB 737–53A1362'').

(2) Installation of Supplemental Type Certificate (STC) ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracks in the frames below the passenger floor. The FAA is issuing this AD to address cracks that could propagate until the frame severs. Continued operation of the airplane with multiple adjacent severed frames, or the combination of a severed frame adjacent to fuselage skin chem-mill cracks, could result in an uncontrolled decompression and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions for Group 1 Airplanes

For airplanes identified as Group 1 in BASB 737–53A1362: Within 120 days after the effective date of this AD, accomplish actions to correct the unsafe condition (*e.g.,* inspections and on-condition actions) using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(h) Required Actions for Group 2 Through 20 Airplanes

For airplanes identified as Group 2 through 20 in BASB 737–53A1362: Except as specified in paragraph (j) of this AD, at the applicable times specified in paragraph 1.E., ''Compliance,'' of BASB 737–53A1362, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of BASB 737–53A1362.

(i) Optional Terminating Action for Certain Repetitive Inspections

For airplanes identified as Group 2 through 20 in BASB 737–53A1362, accomplishment of part 13, ''Preventive Modification of the Frame Web Tooling Hole and Insulation Attachment Hole in the Section 46 Lower Lobe Frame,'' in accordance with the Accomplishment Instructions of BASB 737–53A1362, terminates the repetitive open hole high frequency eddy current inspections required by paragraph (h) of this AD, for the modified tooling hole or insulation attachment hole location only.

(j) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where BASB 737–53A1362 uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD,'' except where BASB 737–53A1362 uses the phrase ''the original issue date of this service bulletin'' in a note or flag note.

(2) Where BASB 737–53A1362 specifies contacting Boeing for repair instructions or alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions, using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (j)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(4)(i) and (k)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on September 19, 2019 (84 FR 41614, August 15, 2019).

(i) Boeing Alert Service Bulletin 737–53A1362, dated September 20, 2018.

(ii) [Reserved]

(4) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(5) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on September 6, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–19771 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0672; Product Identifier 2019–NM–100–AD; Amendment 39–19724; AD 2019–17–04]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2019–06–09, which applied to certain Airbus SAS Model A350–941 airplanes. AD 2019–06–09 required repetitive tightness checks of the baby bassinet inserts installed on stowages and partitions and, depending on findings, accomplishment of applicable corrective actions, as specified in a European Aviation Safety Agency (EASA) AD, which was incorporated by reference. This new AD continues to require repetitive tightness checks of the baby bassinet inserts installed on stowages and partitions and, depending on findings, accomplishment of applicable corrective actions, and also requires modification of the baby bassinet inserts, which constitutes terminating action for the repetitive tightness checks; as specified in an EASA AD, which is incorporated by reference. This AD was prompted by reports that baby bassinet inserts installed on airplane stowages and partitions were found loose because a self-securing fixation device (Loctite) had not been applied. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 27, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 27, 2019.

The FAA must receive comments on this AD by October 28, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the material incorporated by reference (IBR) in this AD, contact the EASA, at Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0672.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0672; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued AD 2019–06–09, Amendment 39–19607 (84 FR 14602, April 11, 2019) (''AD 2019–06–09''), which applied to certain Airbus SAS Model A350–941 airplanes. AD 2019–06–09 was prompted by reports that baby bassinet inserts installed on airplane stowages and partitions were found loose because a self-securing fixation device (Loctite) had not been applied. AD 2019–06–09 required repetitive tightness checks of the baby bassinet inserts installed on stowages and partitions and, depending on findings, accomplishment of applicable corrective actions, as specified in an EASA AD, which was incorporated by reference. The FAA issued AD 2019–06–09 to address loose baby bassinet inserts, which, if not detected and corrected, could lead to detachment of a baby bassinet, possibly resulting in injury to the infant or other airplane occupants.

Actions Since AD 2019–06–09 Was Issued

Since AD 2019–06–09 was issued, the FAA has determined that a modification of the baby bassinet inserts installed on stowages and partitions is necessary to address the unsafe condition.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0115, dated May 28, 2019 (''EASA AD 2019–0115'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A350–941 airplanes. The MCAI states:

Occurrences were reported where baby bassinet inserts installed on Airbus A350

aeroplane stowages and on partitions were found loose. Further investigation identified that a self-securing fixation device (Loctite) had not been applied.

This condition, if not detected and corrected, could lead to detachment of a baby bassinet, possibly resulting in injury to the infant or other aeroplane occupants.

To address this potential unsafe condition, Airbus issued the original issue of the AOT [Alert Operators Transmission] to provide inspection instructions. Consequently, EASA issued AD 2018–0271 [which corresponds to FAA AD 2019–06–09] to require repetitive tightness checks of the baby bassinet inserts installed on stowages and partitions and, depending on findings, accomplishment of applicable corrective action(s).

Since that [EASA] AD was issued, Airbus and Diehl Aviation developed the applicable [service bulletin] SB, providing instructions for modification of the baby bassinet inserts installed on stowages and partitions.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2018–0271, which is superseded, and requires modification of the baby bassinet inserts installed on stowages and partitions.

Explanation of Retained Requirements

Although this AD does not explicitly restate the requirements of AD 2019–06–09, this AD retains all requirements of AD 2019–06–09. Those requirements are referenced in EASA AD 2019–0115, which, in turn, is referenced in paragraph (g) of this AD.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0115 describes procedures for repetitive tightness checks of the baby bassinet inserts installed on stowages and partitions and, depending on findings, accomplishment of applicable corrective actions, and modification of the baby bassinet inserts, which terminates the repetitive tightness checks. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section, and it is publicly available through the EASA website.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to a bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD because the agency evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2019–0115 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2019–0115 is incorporated by reference in the FAA final rule. This AD, therefore, requires compliance with the provisions specified in EASA AD 2019–0115, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2019–0115 that is required for compliance with EASA AD 2019–0115 is available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0672.

FAA's Justification and Determination of the Effective Date

Since there are currently no domestic operators of this product, notice and opportunity for public comment before issuing this AD are unnecessary. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0672; Product Identifier 2019–NM–100–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product
Retained actions from AD 2019–06–09	1 work-hours × $85 per hour = $85	$0	$85.
New actions	Up to 3 work-hours × $85 per hour = Up to $255	$0	Up to $255.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$0	$85

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2019–06–09, Amendment 39–19607 (84 FR 14602, April 11, 2019), and adding the following new AD:

2019–17–04 Airbus SAS: Amendment 39–19724; Docket No. FAA–2019–0672; Product Identifier 2019–NM–100–AD.

(a) Effective Date

This AD becomes effective September 27, 2019.

(b) Affected ADs

This AD replaces AD 2019–06–09, Amendment 39–19607 (84 FR 14602, April 11, 2019) (''AD 2019–06–09'').

(c) Applicability

This AD applies to Airbus SAS Model A350–941 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2019–0115, dated May 28, 2019 (''EASA AD 2019–0115'').

(d) Subject

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

(e) Reason

This AD was prompted by reports that baby bassinet inserts installed on airplane stowages and partitions were found loose because a self-securing fixation device (Loctite) had not been applied. The FAA is issuing this AD to address this condition, which, if not detected and corrected, could lead to detachment of a baby bassinet, possibly resulting in injury to the infant or other airplane occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0115.

(h) Exceptions to EASA AD 2019–0115

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0115 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2019–0115 specifies a date of December 26, 2018, for this AD use April 26, 2019 (the effective date of AD 2019–06–09).

(3) The ''Remarks'' section of EASA AD 2019–0115 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2019–0115 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2019–0115 that contains RC procedures and tests: Except as required by paragraph (j)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2019–0115, dated May 28, 2019.

(ii) [Reserved]

(3) For EASA AD 2019–0115, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this EASA AD at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. EASA AD 2019–0115 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0672.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on August 22, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–19681 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0327; Product Identifier 2019–NM–021–AD; Amendment 39–19727; AD 2019–17–07]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440); CL–600–2C10 (Regional Jet Series 700, 701 & 702); CL–600–2D15 (Regional Jet Series 705); CL–600–2D24 (Regional Jet Series 900); and CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by reports of incorrect deployment of forward and aft flight attendant oxygen masks. This AD requires repacking the flight attendant and lavatory oxygen box assemblies as applicable, replacing the placards, and re-identifying the assemblies. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 17, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 17, 2019.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0327.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0327; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440); CL–600–2C10 (Regional Jet Series 700, 701 & 702); CL–600–2D15 (Regional Jet Series 705); CL–600–2D24 (Regional Jet Series 900); and CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on June 11, 2019 (84 FR 27042). The NPRM was prompted by reports of incorrect deployment of forward and aft flight attendant oxygen masks. The NPRM proposed to require repacking the flight attendant and lavatory oxygen box assemblies as applicable, replacing the placards, and re-identifying the assemblies.

The FAA is issuing this AD to address incorrect packing of the flight attendant and lavatory oxygen box assemblies, which could result in incorrectly deployed oxygen masks, and cause occupant distress and delayed access to oxygen supply during a high altitude emergency.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–03, dated January 19, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Model CL–600–2B19 (Regional Jet Series 100 & 440); CL–600–2C10 (Regional Jet Series 700, 701 & 702); CL–600–2D15 (Regional Jet Series 705); CL–600–2D24 (Regional Jet Series 900); and CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

After an in-service cabin oxygen masks deployment on a CL–600–2D24 aeroplane,

the crew noted that the forward and aft flight attendant oxygen masks did not deploy correctly. The oxygen hoses were tangled with the pull lanyard and cordage from the oxygen box assemblies. Investigation found the same condition on other aeroplanes. The similarly designed lavatory oxygen box assembly is also affected. It was determined that packing instructions for these oxygen box assemblies were incorrect. If not corrected, inappropriately packed oxygen box assemblies resulting in incorrectly deployed oxygen masks can cause occupant distress and delayed access to oxygen supply during a high altitude emergency.

This [Canadian] AD mandates the repacking of the forward flight attendant, aft flight attendant, and lavatory oxygen box assemblies [as applicable] and the installation of a revised packaging placard.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0327.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information:

- Service Bulletin 601R–35–021, dated October 30, 2017, which describes procedures for repacking the lavatory oxygen box assembly, replacing the placards, and re-identifying the assembly.
- Service Bulletin 670BA–35–015, dated October 30, 2017, which describes procedures for repacking the flight attendant and lavatory oxygen box assemblies, replacing the placards, and re-identifying the assemblies.

These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 539 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
5 work-hours × $85 per hour = $425	$100	$525	$282,975

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–17–07 Bombardier, Inc.: Amendment 39–19727; Docket No. FAA–2019–0327; Product Identifier 2019–NM–021–AD.

(a) Effective Date

This AD is effective October 17, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., airplanes, certificated in any category, identified in paragraphs (c)(1) through (c)(4) of this AD.

(1) Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, serial numbers (S/N) 7003 and subsequent.

(2) Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, S/N 10003 and subsequent.

(3) Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes, S/N 15001 and subsequent.

(4) Model CL–600–2E25 (Regional Jet Series 1000) airplanes, S/N 19001 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by reports of incorrect deployment of the forward and aft flight attendant oxygen masks. The FAA is issuing this AD to address incorrect packing of the flight attendant and lavatory oxygen box assemblies, which could result in incorrectly deployed oxygen masks, and cause occupant distress and delayed access to oxygen supply during a high altitude emergency.

(f) Compliance

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

(g) Repacking and Modification of Oxygen Box Assemblies

(1) For Model CL–600–2B19 airplanes equipped with oxygen box assembly part number (P/N) 3868301 or 3868302 with C&D Zodiac Aerospace Service Bulletin 3868303–25–A–01 installed, or P/N 3868303: Within 8,800 flight hours or 48 months, whichever is first, after the effective date of this AD, repack the assembly, replace the packaging placard, and re-identify the assembly, in accordance with paragraphs 2.A. and 2.B. of the Accomplishment Instructions of Bombardier Service Bulletin 601R–35–021, dated October 30, 2017.

(2) For airplane Model CL–600–2C10, S/N 10003 through 10346 inclusive; Models CL–600–2D15 and CL–600–2D24, S/N 15001 through 15436 inclusive; and Model CL–600–2E25, S/N 19001 through 19055 inclusive; equipped with oxygen box assembly P/N 9324601[ ]505/507/509/511, 9324614[ ]505/509, D114601[ ]501/503/505/507/509, D114602[ ]503/507/511, or D114603[ ]501 (where ''[ ]'' indicates the décor finish code letters): Within 8,800 flight hours or 48 months, whichever is first, after the effective date of this AD, repack the assembly, replace the packaging placard, and re-identify the assembly in accordance with paragraphs 2.A. and 2.B. of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–35–015, dated October 30, 2017.

(h) Operational Limitation

For Model CL–600–2C10, CL–600–2D15, CL–600–2D24, and CL–600–2E25 airplanes: After accomplishment of the actions required by paragraph (g)(2) of this AD, if applicable, or within 30 days after the effective date of this AD, whichever is later, no person may operate any airplane with oxygen box assemblies packed using Bombardier Aircraft Maintenance Manual (AMM) task 35–21–13–860–802, ''Repack and Stowage of the Flight Attendant Oxygen Mask,'' or 35–21–17–860–802, ''Repack of the Passenger Mask in the Lavatory.''

Note 1 to paragraph (h): The AMM tasks identified in paragraph (h) of this AD have been superseded by AMM tasks 35–21–13–860–804, ''Repack and Stowage of the Forward and Aft Flight Attendant Oxygen-Mask,'' 35–21–13–860–806, ''Repack and Stowage of the Third Flight Attendant Oxygen-Mask,'' and 35–21–17–860–803, ''Repack of the Passenger Mask in the Lavatory.''

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2018–03, dated January 19, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0327.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Service Bulletin 601R–35–021, dated October 30, 2017.

(ii) Bombardier Service Bulletin 670BA–35–015, dated October 30, 2017.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on August 22, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–19679 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0344; Airspace Docket No. 19–ASW–7]

RIN 2120–AA66

Amendment of the Class D Airspace; New Iberia, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace at Acadiana Regional Airport, New Iberia, LA. This action is the result of the decommissioning of the ACADI Non-directional radio beacon, (NDB). This action is for the safety and management of standard instrument approach procedures for instrument flight rules (IFR), operations at this airport.

DATES: Effective 0901 UTC, December 5, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of

Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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 the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it supports the modification of the Class D airspace at Acadiana Regional Airport, New Iberia, LA, to support instrument flight rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 28440; June 19, 2019) for Docket No. FAA–2019–0344 to Propose Amendment of the Class D Airspace, New Iberia, LA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D airspace designations are published in paragraph 5000 of FAA Order 7400.11C, dated August 3, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 3, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class D airspace at Acadiana Regional Airport, New Iberia, LA, to within a 4.2-mile radius (reduced from a 4.4-mile radius); adding an extension within 1-mile each side of the 168° bearing from the airport extending from the 4.2-mile radius to 4.5-miles south of the airport; removing the city associated with the airport from the legal description to comply with FAA Order 7400.2M, Procedures for Handling Airspace Matters; and making an editorial change replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement''.

This action is the result of an airspace review caused by the decommissioning of the ACADI NDB, which provided navigation information for the instrument procedures at this airport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 3, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW LA D New Iberia, LA [Amended]

Acadiana Regional Airport, LA
(Lat. 30°02′16″ N, long. 91°53′02″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.2-mile radius of Acadiana Regional Airport, and within 1-mile each side of the 168° bearing from the airport extending from the 4.2-mile radius to 4.5 miles south of the airport, excluding the Lafayette Regional Airport, LA, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in Fort Worth, Texas, on September 4, 2019.

Steve Szukala,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2019–19656 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 31273; Amdt. No. 548]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: 0901 UTC, October 10, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg 29 Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on September 6, 2019.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, October 10, 2019.

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT

[Amendment 548 effective date October 10, 2019]

From	To	MEA	MAA
§ 95.3000 Low Altitude RNAV Routes			
§ 95.3331 RNAV Route T331 Is Amended by Adding			
FRAME, CA FIX	NTELL, CA WP	2000	17500
§ 95.4000 High Altitude RNAV Routes			
§ 95.4106 RNAV Route Q106 Is Amended To Delete			
SMELZ, FL WP *GNSS REQUIRED.	GADAY, AL WP	*18000	45000

From	To	MEA
§ 95.6001 Victor Routes—U.S.		
§ 95.6001 VOR Federal Airway V1 Is Amended To Read in Part		
CHARLESTON, SC VORTAC *6000—MRA. **2000—GNSS MEA.	*KIMMY, SC FIX	**5000

From	To	MEA
*KIMMY, SC FIX	INLET, SC FIX	**5000
**6000—MRA.		
**2100—GNSS MEA.		
INLET, SC FIX	GRAND STRAND, SC VORTAC.	
	*NE BND	*2100
	SW BND	*5000
*2100—GNSS MEA.		
GRAND STRAND, SC VORTAC	ASHES, NC FIX.	
	NE BND	5000
	SW BND	2000
ASHES, NC FIX	YOAST, NC FIX	*5000
*2100—MOCA.		
YOAST, NC FIX	WALLO, NC FIX	*7000
*1700—MOCA.		
WALLO, NC FIX	KINSTON, NC VORTAC.	
	NE BND	#2000
	SW BND	7000
#SEGMENT UNUSABLE EXCEPT FOR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS		
KINSTON, NC VORTAC	ZAGGY, NC FIX	#2000
#SEGMENT UNUSABLE EXCEPT FOR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS		
§ 95.6013 VOR Federal Airway V13 Is Amended To Read in Part		
CORPUS CHRISTI, TX VORTAC	PALACIOS, TX VORTAC	1700
§ 95.6023 VOR Federal Airway V23 Is Amended To Delete		
LATON, CA FIX	CLOVIS, CA VORTAC	2000
CLOVIS, CA VORTAC	BEREN, CA FIX	2100
BEREN, CA FIX	WRAPS, CA FIX	*4000
*3000—MOCA.		
Is Amended To Read in Part		
DELNO, CA FIX	PIXEY, CA FIX	*5000
*2000—MOCA.		
*3000—GNSS MEA.		
PIXEY, CA FIX	LATON, CA FIX	*6000
*2000—MOCA.		
*3000—GNSS MEA.		
LATON, CA FIX	FRAME, CA FIX	*6000
*1900—MOCA.		
*2000—GNSS MEA.		
EBTUW, CA FIX	WRAPS, CA FIX	*4000
*3000—MOCA.		
§ 95.6033 VOR Federal Airway V33 Is Amended To Read in Part		
GRAMO, PA FIX	*HARRISBURG, PA VORTAC	**7000
*3600—MCA HARRISBURG, PA VORTAC, NW BND.		
*4600—MCA HARRISBURG, PA VORTAC, SE BND.		
**5000—GNSS MEA.		
HARRISBURG, PA VORTAC	*PHILIPSBURG, PA VORTAC	4900
*4800—MCA PHILIPSBURG, PA VORTAC, SE BND.		
§ 95.6037 VOR Federal Airway V37 Is Amended To Read in Part		
COLUMBIA, SC VORTAC	RICHE, SC FIX	*4000
*2400—MOCA.		
*2400—GNSS MEA.		
§ 95.6056 VOR Federal Airway V56 Is Amended To Read in Part		
FAYETTEVILLE, NC VOR/DME	*ROZBO, NC FIX.	
	E BND	7000
	W BND	2000
*5000—MRA.		
*ROZBO, NC FIX	WALLO, NC FIX.	
	E BND	7000
	W BND	2000
*5000—MRA.		

From	To	MEA
WALLO, NC FIX	KROVE, NC FIX	*7000
*2400—MOCA.		
*3000—GNSS MEA.		
KROVE, NC FIX	*NEW BERN, NC VOR/DME.	
	E BND	**2400
	W BND	**7000
*3000—MCA NEW BERN, NC	VOR/DME, W BND.	
**1800—MOCA.		
§ 95.6063 VOR Federal Airway V63 Is Amended To Read in Part		
WAUSAU, WI VORTAC	RHINELANDER, WI VOR/DME	#
#UNUSABLE		
§ 95.6067 VOR Federal Airway V67 Is Amended To Read in Part		
CEDAR RAPIDS, IA VOR/DME	*LYERS, IA FIX	3300
*4000—MRA.		
*LYERS, IA FIX	WATERLOO, IA VOR/DME	3300
*4000—MRA.		
§ 95.6070 VOR Federal Airway V70 Is Amended To Read in Part		
GRAND STRAND, SC VORTAC	WILMINGTON, NC VORTAC	#3100
#COP NE TO WILMINGTON R–240 UNUSABLE EXCEPT FR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS		
WILMINGTON, NC VORTAC	BEULA, NC FIX	#*8000
*1600—MOCA.		
*2000—GNSS MEA.		
#SEGMENT UNUSABLE EXCEPT FOR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS		
BEULA, NC FIX	*KINSTON, NC VORTAC.	
	N BND	#2000
	S BND	8000
*4400—MCA KINSTON, NC VORTAC	S BND.	
#SEGMENT UNUSABLE EXCEPT FOR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS		
KINSTON, NC VORTAC	PEARS, NC FIX	#2500
#SEGMENT UNUSABLE EXCEPT FOR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS		
§ 95.6115 VOR Federal Airway V115 Is Amended To Delete		
FRANKLIN, PA VOR	TIDIOUTE, PA VORTAC	3800
TIDIOUTE, PA VORTAC	JAMESTOWN, NY VOR/DME	4000
JAMESTOWN, NY VOR/DME	BUFFALO, NY VOR/DME	4000
§ 95.6140 VOR Federal Airway V140 Is Amended To Read in Part		
SOFTY, WV FIX	CASTE, VA FIX	6300
§ 95.6170 VOR Federal Airway V170 Is Amended To Read in Part		
PETTY, WI FIX	RAINE, MI FIX	#
#UNUSABLE.		
RAINE, MI FIX	PULLMAN, MI VOR/DME	#
#UNUSABLE.		
PULLMAN, MI VOR/DME	HEBEL, MI FIX	#
#UNUSABLE.		
HEBEL, MI FIX	LESSY, MI FIX	#
#UNUSABLE.		
§ 95.6184 VOR Federal Airway V184 Is Amended To Delete		
ERIE, PA VORTAC	TIDIOUTE, PA VORTAC	3500
TIDIOUTE, PA VORTAC	PHILIPSBURG, PA VORTAC	*5000
*4000—MOCA.		
Is Amended To Read in Part		
#PHILIPSBURG, PA VORTAC	*HARRISBURG, PA VORTAC	4900
*3600—MCA HARRISBURG, PA VORTAC	NW BND.	
#4800 MCA PHILIPSBURG, PA VORTAC	SE BND.	

From	To	MEA
HARRISBURG, PA VORTAC *10000—MCA DELRO, PA FIX	*DELRO, PA FIX E BND.	3000
§ 95.6188 VOR Federal Airway V188 Is Amended To Delete		
TIDIOUTE, PA VORTAC	SLATE RUN, PA VORTAC	4000
§ 95.6197 VOR Federal Airway V197 Is Amended To Read in Part		
PARADISE, CA VORTAC *10500—MCA POMONA, CA VORTAC POMONA, CA VORTAC	*POMONA, CA VORTAC NW BND. HASSA, CA FIX. NW BND SE BND	4500 10500 6600
§ 95.6213 VOR Federal Airway V213 Is Amended To Read in Part		
GRAND STRAND, SC VORTAC	WILMINGTON, NC VORTAC	#3100
#COP NE TO WILMINGTON R–240 UNUSABLE EXCEPT FOR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS.		
WILMINGTON, NC VORTAC *1600—MOCA. *5000—GNSS MEA.	WALLO, NC FIX	#*8000
#SEGMENT UNUSABLE EXCEPT FOR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS.		
WALLO, NC FIX *1700—MOCA *2000—GNSS MEA JOSCH, NC FIX *1700—MOCA *2000—GNSS MEA ESTER, NC FIX *2000—GNSS MEA	JOSCH, NC FIX ESTER, NC FIX TAR RIVER, NC VORTAC	*6000 *6000 *6000
§ 95.6230 VOR Federal Airway V230 Is Amended To Delete		
MENDO, CA FIX *4000—MCA CLOVIS, CA VORTAC CLOVIS, CA VORTAC *10400—MCA FRIANT, CA VORTAC	*CLOVIS, CA VORTAC NE BND. *FRIANT, CA VORTAC NE BND.	2000 5000
Is Amended To Read in Part		
PANOCHE, CA VORTAC MENDO, CA FIX *1600—MOCA. BLEAR, CA FIX *10400—MCA FRIANT, CA VORTAC **4700—MOCA.	MENDO, CA FIX BLEAR, CA FIX *FRIANT, CA VORTAC NE BND.	4500 *4000 **5500
§ 95.6234 VOR Federal Airway V234 Is Amended To Read in Part		
FLACK, KS FIX *4100—MOCA.	KRIER, KS FIX	*5000
§ 95.6258 VOR Federal Airway V258 Is Amended To Read in Part		
ROANOKE, VA VOR/DME	PIGGS, VA FIX	5400
§ 95.6264 VOR Federal Airway V264 Is Amended To Read in Part		
AMTRA, CA FIX *5600—MCA POMONA, CA VORTAC *MTA V264 E TO V197 NW 11800	*POMONA, CA VORTAC E BND.	4800
§ 95.6265 VOR Federal Airway V265 Is Amended To Read in Part		
WESTMINSTER, MD VORTAC *3600—MCA HARRISBURG, PA VORTAC HARRISBURG, PA VORTAC *4800—MCA PHILIPSBURG, PA VORTAC	*HARRISBURG, PA VORTAC NW BND. *PHILIPSBURG, PA VORTAC SE BND.	3400 4900

From	To	MEA
§ 95.6311 VOR Federal Airway V311 Is Amended To Read in Part		
GREENWOOD, SC VORTAC	COLUMBIA, SC VORTAC	2400
§ 95.6407 VOR Federal Airway V407 Is Amended To Read in Part		
CORPUS CHRISTI, TX VORTAC	PALACIOS, TX VORTAC	1700
§ 95.6459 VOR Federal Airway V459 Is Amended To Read in Part		
EXTRA, CA FIX	FRIANT, CA VORTAC	5700
§ 95.6472 VOR Federal Airway V472 Is Amended To Read in Part		
BERTI, NC FIX	*ZAGGY, NC FIX	**7000
*7000—MCA ZAGGY, NC FIX, NE BND.		
**2100—MOCA.		
**2100—GNSS MEA.		
ZAGGY, NC FIX	KINSTON, NC VORTAC	#2000
#SEGMENT UNUSABLE EXCEPT FOR AIRCRAFT EQUIPPED WITH SUITABLE RNAV SYSTEM WITH GPS.		
§ 95.6493 VOR Federal Airway V493 Is Amended To Read in Part		
LIVINGSTON, TN VOR/DME	LEXINGTON, KY VOR/DME	3600
LEXINGTON, KY VOR/DME	BEAER, KY FIX	3000
§ 95.6542 VOR Federal Airway V542 Is Amended To Delete		
TIDIOUTE, PA VORTAC	BRADFORD, PA VOR/DME	*4000
*3500—MOCA.	.	
BRADFORD, PA VOR/DME	EXALL, PA WP	4500
EXALL, PA WP	ELMIRA, NY VOR/DME	4000
§ 95.6548 VOR Federal Airway V548 Is Amended To Read in Part		
BOSEL, TX FIX	WACO, TX VORTAC.	
	N BND	2800
	S BND	3600

From	To	MEA	MAA
§ 95.7001 Jet Routes			
§ 95.7065 Jet Route J65 Is Amended To Delete			
SHAFTER, CA VORTAC	CLOVIS, CA VORTAC	18000	45000
CLOVIS, CA VORTAC	SACRAMENTO, CA VORTAC	18000	45000
§ 95.7110 Jet Route J110 Is Amended To Delete			
OAKLAND, CA VOR/DME	SALINAS, CA VORTAC	18000	45000
SALINAS, CA VORTAC	CLOVIS, CA VORTAC	18000	45000
CLOVIS, CA VORTAC	BOULDER CITY, NV VORTAC	#29000	45000
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.			
§ 95.7147 Jet Route J147 Is Amended To Delete			
BECKLEY, WV VOR/DME	GREENBRIER, WV VOR/DME	18000	45000
GREENBRIER, WV VOR/DME	CASANOVA, VA VORTAC	18000	45000

Airway segment		Changeover points	
From	To	Distance	From
§ 95.8003 VOR Federal Airway Changeover Point			
V23 Is Amended To Delete Changeover Point			
SHAFTER, CA VORTAC	CLOVIS, CA VORTAC	49	SHAFTER.
CLOVIS, CA VORTAC	LINDEN, CA VOR/DME	42	CLOVIS.
V37 Is Amended To Modify Changeover Point			
COLUMBIA, SC VORTAC	CHARLOTTE, NC VOR/DME	26	

Airway segment		Changeover points	
From	To	Distance	From
COLUMBIA.			
V67 Is Amended To Add Changeover Point			
CEDAR RAPIDS, IA VOR/DME	WATERLOO, IA VOR/DME	37	CEDAR RAPIDS.
Alaska V603 Is Amended To Modify Changeover Point			
ELFEE, AK NDB	DILLINGHAM, AK VOR/DME	207	ELFEE.
§ 95.8005 Jet Routes Changeover Points J181 Is Amended To Modify Changeover Point			
NEOSHO, MO VOR/DME	HALLSVILLE, MO VORTAC	130	NEOSHO.

[FR Doc. 2019–19784 Filed 9–11–19; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2019–0544]

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 Ocean City Air Show on September 15, 2019 from 12:00 p.m. to 3:00 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 as Ocean 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)(11) in the table to § 100.501 will be enforced from 12:00 p.m. to 3:00 p.m. on September 15, 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 (11) of the table to in 33 CFR 100.501 for the Ocean City Air Show from 12:00 p.m. to 3:00 p.m. on September 15, 2019. These actions are being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District, table to § 100.501, section (a), row (11), specifies the location of the regulated area as all waters of the North Atlantic Ocean, adjacent to Ocean City, New Jersey, bounded by a line connecting the following points: latitude 39°15′57″ N, longitude 074°35′09″ W, thence northeast to latitude 39°16′34″ N, longitude 074°33′54″ W, thence southeast to latitude 39°16′17″ N, longitude 074°33′29″ W, thence southwest to latitude 39°15′40″ N, longitude 074°34′46″ W, thence northwest to point of origin, near Ocean City, NJ.

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: September 6, 2019.

Jonathan D. Theel,

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

[FR Doc. 2019–19741 Filed 9–11–19; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0302]

RIN 1625–AA00

Safety Zone; Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Cape Fear River near Wilmington, North Carolina. This temporary safety zone is intended to restrict vessel traffic on the Cape Fear River from September 11, 2019, through December 15, 2019, while work crews replace power transmission lines crossing over the river. This proposed rulemaking would prohibit vessels or persons from being in the safety zones unless specifically authorized by the Captain of the Port (COTP) North Carolina or a designated representative.

DATES: This rule is effective without actual notice from September 11, 2019, through September 12, 2019. For the purposes of enforcement, actual notice will be used from September 12, 2019 through December 15, 2019. This rule will be enforced from 6:30 a.m. to 2:30 p.m. on September 11 through 13, September 24 through 26, October 15 through 17, and October 29 through 31, 2019. These times and dates may change due to weather and equipment delivery changes.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0302 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, contact Petty Officer Matthew Tyson, Waterways Management Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone: (910) 772–2221, email: *Matthew.I.Tyson@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On April 23, 2019, Duke Energy provided the Coast Guard with details concerning the upgrading of towers and replacement of power transmission lines crossing over the Cape Fear River near Wilmington, North Carolina, to be conducted from July 15, 2019, through October 31, 2019. Work will be done on two steel towers located at approximate positions 34°08′52″ N, 077°57′14″ W and 34°08′59″ N, 077°56′56″ W (NAD 1983), and the power transmission lines suspended between those towers. This upgrade process will require the complete closure of the navigation channel on multiple days during the stated upgrade period. In response, on May 24, 2019, the Coast Guard published a notice of proposed rulemaking (NPRM) titled *Safety Zone; Cape Fear River, Wilmington, NC* (84 FR 24061) that proposed a safety zone within 100 yards of the power transmission line crossing. There, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to the replacement of power transmission lines over the Cape Fear River. No comments were received during our comment solicitation period which ran through June 24, 2019. During the comment period, Duke Energy requested to change the work period to September through mid-December, instead of mid-July through the end of October, as proposed in the NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed protect persons, vessels, and the marine environment on the navigable waters of the Cape Fear River while power transmission lines are replaced over the water.

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 (COTP) North Carolina has determined that potential safety hazards associated with power transmission line replacement work would be a concern for anyone transiting the Cape Fear River. The purpose of this rule is to protect persons, vessels, and the marine environment on the Cape Fear River while power transmission lines are replaced over the water.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published May 24, 2019. There is a change in the regulatory text of this rule from the proposed rule, shifting the work period. Due to equipment delivery delays, Duke Energy changed the work period to September through mid-December 2019, instead of mid-July through the end of October, as proposed in the NPRM.

Additionally, in paragraph (a), ''Location'' we changed the word ''areas'' to ''area.''

This rule establishes a safety zone on a portion of the Cape Fear River from September 11 through December 15, 2019, 2019, to be enforced while Duke Energy replaces power transmission lines over the river. Duke Energy reports its work crews will need to access the navigation channel for twelve eight-hour days, three days at a time, over four separate weeks in order to replace the power transmission lines. Due to the nature of the work and the hazards it presents to workers and the public, the COTP has identified the need to close that Cape Fear River in the vicinity of the power line crossing while this work is ongoing. On days the safety zone will be enforced, the effected section of the river will be closed from 6:30 a.m. through 2:30 p.m. Currently, the planned enforcement dates are September 11th through 13th, September 24th through 26th, October 15th through 17th, and October 29th through 31st, 2019. These times and dates may change due to weather and equipment delivery changes. Exact dates and times will be announced by broadcast notice to mariners at least two days prior to each closure. This safety zone will include all navigable waters of the Cape Fear River within 100 yards of the power transmission line crossing, from approximate position 34°08′49″ N, 077°57′32″ W, then northeast to 34°09′07″ N, 077°56′41″ W, then south along the shoreline to 34°09′03″ N, 077°56′41″ W, then southwest to 34°08′42″ N, 077°57′28″ W, then north along the shoreline to the point of origin. No vessel or person will be permitted to enter the safety zone unless specifically authorized by the COTP or a designated representative. Vessels with an air draft less than 30 feet will be permitted to pass through the safety zone approximately every two hours during enforcement, when directed by the Coast Guard or designated security vessels.

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 proposed safety zone. Vessels will not be allowed to enter or transit a portion of the Cape Fear River during active power transmission line replacement as above. Specific enforcement dates and times for channel closures will be broadcast at least 48 hours in advance and vessels will be able to transit the Cape Fear River at all other times. The Coast Guard will issue a Local Notice to Mariners and transmit a Broadcast Notice to Mariners via VHF–FM marine channel 16 regarding the safety zone. Because this portion of the Cape Fear River is a high traffic area, we created this rule to accommodate smaller vessels so that vessels with an air draft less than 30 feet will be permitted to pass through the safety zone approximately every two hours during enforcement, when directed by the Coast Guard or designated security vessels.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

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 96 hours over 12 separate days that will prohibit entry within 100 yards of power transmission lines over the Cape Fear River near Wilmington, NC. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration supporting this determination is available in the docket 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.T05–0302 to read as follows:

§ 165.T05–0302 Safety Zone; Cape Fear River, Wilmington, NC.

(a) *Location.* The following area is a safety zone: All navigable waters of the Cape Fear River within 100 yards of the power transmission line crossing, from approximate position 34°08′49″ N, 077°57′32″ W, then northeast to 34°09′07″ N, 077°56′41″ W, then south along the shoreline to 34°09′03″ N, 077°56′41″ W, then southwest to 34°08′42″ N, 077°57′28″ W (NAD 1983), then north along the shoreline to the point of origin near Wilmington, NC.

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

Captain of the Port means the Commander, Sector North Carolina.

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone.

Work crews means persons and vessels involved in the replacement of power transmission lines.

(c) *Regulations.* (1) The general regulations governing safety zones in § 165.23 apply to the areas described in paragraph (a) of this section.

(2) With the exception of work crews, entry into or remaining in this safety zone is prohibited unless authorized by the COTP North Carolina or the COTP North Carolina's designated

representative. All other vessels must depart the zone immediately.

(3) Vessels with an air draft less than 30 feet will be permitted to pass through the safety zone approximately every two hours during enforcement, when directed by the Coast Guard or designated security vessels.

(4) The Captain of the Port, North Carolina can be reached through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina at telephone number 910–343–3882.

(5) The Coast Guard and designated security vessels enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 MHz) and channel 16 (156.8 MHz).

(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.* This regulation will be enforced from 6:30 a.m. to 2:30 p.m. on September 11 through 13, September 24 through 26, October 15 through 17, and October 29 through 31, 2019. These times and dates may change due to weather and equipment delivery changes.

(f) *Public Notification.* The Coast Guard will notify the public of the active enforcement times at least 48 hours in advance by transmitting Broadcast Notice to Mariners via VHF–FM marine channel 16.

Dated: September 9, 2019.

Bion B. Stewart,

Captain, U. S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2019–19806 Filed 9–11–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0738]

RIN 1625–AA87

Security Zone; Inner Harbor, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone encompassing certain waters of Baltimore's Inner Harbor. This security zone is needed to prevent waterside threats during an event held at the Baltimore Marriott Waterfront Hotel in Baltimore, MD, September 12–14, 2019. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Maryland-National Capital Region or his designated representative.

DATES: This rule is effective from 11:59 a.m. on September 12, 2019, through 4 p.m. on September 14, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0738 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 Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
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 doing so would be impracticable and contrary to the public interest. The Coast Guard was unable to publish an NPRM and hold a comment period for this rulemaking due to the short time period between event planners notifying the Coast Guard of the event and publication of this security zone. It is necessary for the Coast Guard to establish this security zone for this event to ensure the appropriate level of protection for high-ranking United States officials and the public. Delaying the rulemaking to allow for opportunity for comment would be contrary to the security zone's intended objectives of protecting high-ranking United States officials and the public, as it would introduce vulnerability to their safety and security.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest for the same reasons discussed above for forgoing notice and comment.

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 COTP Maryland-National Capital Region has determined that a security zone is necessary to protect high-ranking United States officials and the public, mitigate potential terrorist acts, and enhance public and maritime safety and security in order to safeguard life, property, and the environment on or near the navigable waters near the Baltimore Marriott Waterfront Hotel in Baltimore, MD.

IV. Discussion of the Rule

This rule establishes a security zone from 11:59 a.m. on September 12, 2019, until 4 p.m. on September 14, 2019. The security zone will cover all navigable waters of the Inner Harbor, within the following coordinates: from Inner Harbor Pier 6 at position latitude 39°16′58.7″ N, longitude 076°36′16.0″ W; thence to latitude 39°16′55.3″ N, longitude 076°36′14.2″ W; thence to latitude 39°16′53.6″ N, longitude 076°36′12.5″ W; thence to the Harbor East Marina pier at latitude 39°16′52.9″ N, longitude 076°36′10.0″ W; thence northward along the pier to the shoreline at latitude 39°16′55.5″ N, longitude 076°36′10.2″ W; thence northward along the eastern shoreline of the Jones Falls canal to latitude 39°17′20.6″ N, longitude 076°36′19.9″ W; thence westward to latitude 39°17′20.5″ N, longitude 076°36′20.5″ W; thence southward along the western shoreline of the Jones Falls canal to latitude 39°16′58.1″ N, longitude 076°36′13.0″ W; thence westward along Inner Harbor Pier 6 to the point of origin. The duration of the zone is intended to protect high-ranking United States officials and the public in these navigable waters during activities associated with the U.S. House Republican Conference in Baltimore, MD.

Entry into this security zone is prohibited, unless specifically authorized by the COTP Maryland-National Capital Region or designated representative. Except for public

vessels, this rule temporarily requires all vessels in the designated security zone to immediately depart the security zone. Coast Guard personnel will be present to prevent the movement of unauthorized persons into the zone. Federal, state, and local agencies may assist the Coast Guard in the enforcement of this rule. The Coast Guard will issue Broadcast Notices to Mariners to further publicize the security zone and notify the public of changes in the status of the zone. Such notices will continue until the event is complete.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the security zone. This security zone will impact the waters affected by this rule for a 52-hour enforcement period. Vessels will be able to safely transit around this security zone, which would impact a small designated area of the Inner Harbor. In addition, notifications will be made to the maritime community via marine information broadcasts so mariners may adjust their plans accordingly. Such notifications will be updated as necessary to keep the maritime community informed of the status of the security 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 contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a security zone lasting only 52 hours in duration and is necessary to provide security for high-ranking United States officials and the public. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration supporting this determination is available in the docket 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: 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 § 165.T05–0738 to read as follows:

§ 165.T05–0738 Security Zone; Inner Harbor, Baltimore, MD.

(a) *Location.* The following area is a security zone: All waters of the Inner Harbor, from surface to bottom, encompassed by a line connecting the following points beginning at 39°16′58.7″ N, 076°36′16.0″ W, thence to 39°16′55.3″ N, 076°36′14.2″ W, thence to 39°16′53.6″ N, 076°36′12.5″ W, thence to 39°16′52.9″ N, 076°36′10.0″ W, thence to 39°16′55.5″ N, 076°36′10.2″ W, thence to 39°17′20.6″ N, 076°36′19.9″ W; thence to 39°17′20.5″ N, 076°36′20.5″ W, thence to 39°16′58.1″ N, 076°36′13.0″ W, thence along Inner Harbor Pier 6 back to the beginning point. These coordinates are based on datum NAD 1983.

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

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

Designated representative means a Coast Guard commissioned, warrant, or petty officer designated by or assisting the Captain of the Port Maryland-National Capital Region (COTP) in the enforcement of the security zone.

Public vessel means a vessel that is owned, chartered, or operated by the Government of the United States, or by a State or political subdivision thereof.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) Except for public vessels, all vessels within this security zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the security zone must first obtain authorization from the COTP or the COTP's designated representative. To seek permission to enter, contact the COTP or the COTP's representative by telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

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

Dated: September 6, 2019.

Joseph B. Loring,

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

[FR Doc. 2019–19685 Filed 9–11–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0609]

RIN 1625–AA00

Safety Zone; Fireworks Display, Indian River Bay, DE

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Indian River Bay near Long Neck, DE, on September 14, 2019, with September 15, 2019 as an alternate date for inclement weather, to provide for safety of life during the Long Neck Style fireworks display. The safety zone is necessary to ensure the safety of participant vessels, spectators, and the boating public during the event. This regulation prohibits persons and non-participant vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Delaware Bay or a designated representative.

DATES: This rule is effective from 8:00 p.m. to 10:30 p.m. on September 14, 2019 (with September 15, 2019 as an alternate date for inclement weather).

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0609 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 Thomas Welker, U.S. Coast Guard Sector Delaware Bay, Waterways Management Division: Telephone (215) 271–4814, email *Thomas.J.Welker@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

This fireworks display safety zone is listed in the table to 33 CFR 165.506, section (a), row (2), except that instead of taking place on Labor Day as published, it is being moved two weeks later. Due to this date change, the Coast Guard is issuing a new temporary rule instead of a notice of enforcement of the published rule. Additionally, the Coast Guard is reducing the size of the safety zone from a circle with a 700 yard radius as published to a circle with a 150 yard radius around the launch site.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the date of the event. The rule must be in force by September 14, 2019. We are taking immediate action to ensure the safety of spectators and the general public from hazards associated with the fireworks display. Hazards include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

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

with a fireworks displays in this location.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Delaware Bay (COTP) has determined that potential hazards associated with the fireworks to be used in this September 14, 2019 (with September 15, 2019 as an alternate date for inclement weather), display will be a safety concern for anyone within a 150-yard radius of the launch site. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary safety zone on the waters of the Indian River Bay near Long Neck, DE, during a fireworks display scheduled to take place between 8:00 p.m. and 10:30 p.m. on September 14, 2019 (with September 15, 2019 as an alternate date for inclement weather). The fireworks will be set off from a pier over the bay at approximate position latitude 38°36′42″ N, longitude 075°08′18″ W. The safety zone will extend 150 yards around the launch site. No person or vessel will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP Delaware Bay or a designated representative. If the COTP Delaware Bay or a designated representative grants authorization to enter, transit through, anchor in, or remain within the safety zone, all persons and vessels receiving such authorization must comply with the instructions of the COTP Delaware Bay or a designated representative. The Coast Guard will provide public notice of the safety zone by Local Notice to Mariners and Broadcast Notice to Mariners.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the 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.

The impact of this rule is not significant for the following reasons: (1) The enforcement period will last one and a half hour when vessel traffic is usually low; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP Delaware Bay or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels will still be able to enter or transit through the regulated area if authorized by the COTP Delaware Bay; (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners; and (5) as noted in Section II above the Coast Guard is reducing the radius of the zone from 700 (as published in the table to 33 CFR 165.501, section (a), row (2)) to 150 yards.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule

will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone that prohibits persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the navigable water in the Delaware River, during a fireworks display lasting approximately one and a half hours. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, 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.T05–0609 to read as follows:

§ 165.T05–0609 Safety Zone; Fireworks Display, Indian River Bay, DE.

(a) *Location.* The following area is a safety zone: All waters of Indian River Bay off Long Neck, DE within 150 yards of the launch site at approximate position latitude 38°36′42″ N, longitude 075°08′18″ W.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or 215–271–4807. 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) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(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.* This zone will be enforced from approximately 8:00 p.m. through 10:30 p.m. on September 14, 2019 (with September 15, 2019 as an alternate date for inclement weather).

Dated: September 6, 2019.

Jonathan D. Theel,

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

[FR Doc. 2019–19694 Filed 9–11–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0719]

RIN 1625–AA00

Safety Zone; New Jersey Intracoastal Waterway, Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the New Jersey Intracoastal Waterway. The safety zone is needed to protect participants of the 4th Annual Ironman 70.3 Atlantic City Triathlon on these navigable waters near Atlantic City, NJ, during a swim event on September 15, 2019. This regulation prohibits non-participant persons and vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Delaware Bay or a designated representative.

DATES: This rule is effective from 5:30 a.m. through 10:30 a.m. on September 15, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0719 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, 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:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

This swim event is listed in the table to 33 CFR 110.506, section (a), row (2), but because this year's course location has expanded beyond the previously published boundaries, we are issuing a new temporary rule to ensure coverage over the event location. Additionally, we are using ''Safety Zone'' authorities to issue this rule instead of the ''Special Local Regulation'' authorities under which we published the permanent rule for this event.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary

to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the date of the event. We are taking immediate action to ensure the safety of participants and the general public from hazards associated with non-participant vessel movement near the swim event. It is impracticable and contrary to the public interest to publish an NPRM because we must establish this safety zone by September 15, 2019.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because the rule must be in effect by September 15, 2019, to mitigate the potential safety hazards associated with the swim event.

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). DelMoSports, LLC notified the Coast Guard that it will host the 4th Annual Ironman 70.3 Atlantic City Triathlon on September 15, 2019. The event will include a 1.2-mile swim with up to 2800 participants. The swim course is on the waters of the New Jersey Intracoastal Waterway in Atlantic City, NJ. The Captain of the Port Delaware Bay (COTP) has determined that potential hazards associated with this swim event scheduled for September 15, 2019, will be a safety concern for participants and for vessels operating within the specified waters of the New Jersey Intracoastal Waterway. The purpose of this rulemaking is to protect participants, spectators, and transiting vessels on certain waters of the New Jersey Intracoastal Waterway before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 5:30 a.m. until 10:30 a.m. on September 15, 2019. The safety zone will cover navigable waters of the New Jersey Intracoastal Waterway between the Albany Avenue (Highway 40) bridge in the southwest and New Jersey Intracoastal Waterway Daybeacon 204 in the northeast. Paragraph (a) of the regulation text below provides a detailed description of the location. The duration of the zone is intended to ensure the safety of participants and vessels on these navigable waters before, during, and after the swim event scheduled from 5:30 a.m. to 10:30 a.m. on September 15, 2019. No person or vessel will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP Delaware Bay or a designated representative. If the COTP Delaware Bay or a designated representative grants authorization to enter, transit through, anchor in, or remain within the safety zone, all persons and vessels receiving such authorization must comply with the instructions of the COTP Delaware Bay or a designated representative. The Coast Guard will provide public notice of the safety zone by Local Notice to Mariners and Broadcast Notice to Mariners.

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.

The impact of this rule is not significant for the following reasons: (1) The enforcement period will last five hours when vessel traffic is usually low; (2) although non-participant persons and vessels may not enter, transit through, anchor in, or remain with the safety zone without authorization from the COTP Delaware Bay or a designated representative, surrounding channels within the New Jersey Intracoastal Waterways will remain unaffected. Persons and vessels will be able to operate in the surrounding area during the enforcement period; (3) persons and vessels will still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP Delaware Bay or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene actual notice from designated representatives.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 4 hours that will prohibit entry within certain navigable waters during a swim event. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration supporting this determination is available in the docket 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.T05–0719 to read as follows:

§ 165.T05–0719 Safety Zone; New Jersey Intracoastal Waterway, Atlantic City, NJ.

(a) *Location.* The following area is a safety zone: All navigable waters of the New Jersey Intracoastal Waterway in Atlantic City, NJ, within the polygon bounded by the following: Originating at the southeast portion of the Albany Avenue Bridge where the bridge crosses the shoreline at approximate position latitude 39°21′12″ N, longitude 074°27′23″ W; thence northeasterly along the shoreline to latitude 39°21′43″ N, longitude 074°26′41″ W; thence west across the New Jersey Intracoastal Waterway to the shoreline at latitude 39°21′42″ N, longitude 074°26′51″ W; thence west along the shoreline to latitude 39°21′41″ N, longitude 074°26′55″ W; thence southwest across the mouth of Beach Thorofare to the shoreline at latitude 39°21′35″ N, longitude 074°27′06″ W; thence southwest along the shoreline to the northeast portion of the Albany Avenue Bridge where the bridge crosses the shoreline at approximate position latitude 39°21′16″ N, longitude 074°27′26″ W; thence south along the eastern, outermost edge of the bridge to the point of origin.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or 215–271–4807. 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) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(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.* This zone will be enforced from approximately (but no earlier than) 5:30 a.m. to approximately (but not later than) 10:30 a.m. on September 15, 2019.

Dated: September 6, 2019.

Jonathan D. Theel,

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

[FR Doc. 2019–19737 Filed 9–11–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2019–0179; FRL–9999–13–Region 1]

Air Plan Approval; New Hampshire; Reasonably Available Control Technology Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of New Hampshire. These revisions consist of single source Orders that New Hampshire adopted to meet reasonably

available control technology (RACT) requirements, and requests made by New Hampshire to withdraw from its SIP a number of previously issued RACT Orders. This action is being taken under the Clean Air Act.

DATES: This rule is effective on October 15, 2019.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2019–0179. 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, *i.e.,* 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 at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Bob McConnell, Environmental Engineer, Air and Radiation Division (Mail Code 05–2), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; (617) 918–1046.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
II. Response to Comments
III. Final Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background and Purpose

On July 12, 2019 (84 FR 33198), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of New Hampshire. The NPRM proposed approval of the following items into the New Hampshire SIP: A single source NO_X RACT Order for Schiller Station; a revised single source NO_X RACT Order for Anheuser Busch; a revised single source VOC RACT Order for Metal Works Incorporated; a revised single source VOC RACT Order for Polyonics, Inc., and; a single source VOC RACT Order for Complete Coverage Woodpriming, LLC. EPA also proposed to withdraw from the New Hampshire SIP previously approved RACT Orders for the L.W. Packard Company, the Groveton Paperboard Company, the Hampshire Chemical Company, the Waterville Valley Ski Resort, and the Concord Litho Group, Incorporated. We note that although our NPRM mentioned that New Hampshire's September 5, 2018 submittal request included a request to withdraw from the SIP two RACT orders previously issued to the Public Service Company of New Hampshire (PSNH), our NPRM did not propose action on that request. We will take action on the State's request regarding withdrawal of the RACT orders for PSNH in a future rulemaking. Other specific requirements of the State's submittals and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here. We received one set of comments on the NPRM, which we have summarized and responded to in section II below.

II. Response to Comments

We received one comment letter containing three comments on the NPRM. A summary of the comments, and our responses, follows.

Comment 1: The RACT Order for the Metal Works facility should not be approved because, by definition, RACT is the lowest achievable emission limit capable of being met by application of technological and economical control technology. Purchasing of emission reduction credits is not an emission limit and thus cannot be approved as RACT. EPA has no precedent that allows this and directly goes against settled case law. RACT must be an emission limit, and that limit must be met with technologically and economically feasible control equipment.

Response: Contrary to the commenter's assertion, EPA has long held that compliance with RACT can be achieved via the purchase of emission reduction credits (ERCs), and so does not need to be met exclusively by the establishment of emission limits applicable to all RACT-subject sources. In 1986, EPA issued its Emission Trading Policy Statement (ETPS). *See* 51 FR 43814; December 4, 1986. Subsequently, on April 7, 1994, pursuant to Section 182(g)(4)(B) of the Clean Air Act, EPA promulgated its Economic Incentive Program (EIP) Rules (*see* 59 FR 16690; April 7, 1994), and updated the EIP in 2001.[1] The ETPS and the EIP rules contain guidelines for the generation and use of ERCs. In New Hampshire's case, although the state has adopted an emission credit trading rule, Env–A 3100, Discrete Emission Reduction Trading Program, we have not approved that rule into the New Hampshire SIP. Therefore, we evaluate the generation and use of ERCs for RACT compliance in New Hampshire on a case by case basis. See, for example, our final rule for New Hampshire from November 5, 2012 (77 FR 66391). In this particular case, we agree with New Hampshire's determination that the ERCs to be used by the Metal Works facility meet the key aspects of the ETPS and EIP rules, namely that they are surplus, enforceable, permanent, and quantifiable, and therefore are appropriate for use in trading to meet RACT requirements.

Comment 2: For Polyonics, EPA is proposing to establish the sale of emission reduction credits as representing RACT, but the sale of emission credits cannot possibly represent the application of technological and economically feasible control technology. The same emission limit that applied before the order was amended should ''continue to represent RACT''

Response: The commenter misinterprets our proposed action with regard to the Polyonics facility. The same emission limits within the pre-existing RACT order do continue to apply to the facility. The amendment to the Order just added the capability for the source to generate ERCs.

Comment 3: For L.W. Packard, Groveton Paperboard, Hampshire Chemical Corp, and Concord Litho Group, EPA states that these facilities ''ceased operations'' as of various dates in the past. EPA must only allow removal of these orders if the state has fully rescinded their operating permits and the facilities are unable to be reactivated under their current Title V operating permit.

Response: The Hampshire Chemical Corporation closed and surrendered its operating permit in 2004; the L.W. Packard Company and Groveton Paperboard both closed and surrendered their operating permits in 2008. On October 29, 2018, the Concord Litho Group requested that New Hampshire terminate its operating permit because it had ceased printing operations, which had been the subject of its operating permit requirements, and New Hampshire complied with that request. We note that our NPRM incorrectly indicated the facility had closed; other operations at the facility remain in

[1] Improving Air Quality with Economic Incentive Programs; EPA–452/R–01–001; January, 2001.

existence, but due to their minimal emissions do not require issuance of a state operating permit or RACT order from the State.

III. Final Action

EPA is approving the following RACT orders and RACT order withdrawals as revisions to the New Hampshire SIP: A single source NO_X RACT Order for Schiller Station; a revised single source NO_X RACT Order for Anheuser Busch; a revised single source VOC RACT Order for Metal Works Incorporated; a revised single source VOC RACT Order for Polyonics, Inc., and a single source VOC RACT Order for Complete Coverage Woodpriming, LLC. We are also withdrawing from the New Hampshire SIP previously approved RACT Orders for the L.W. Packard Company, the Groveton Paperboard Company, the Hampshire Chemical Company, the Waterville Valley Ski Resort, and the Concord Litho Group, Incorporated.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the following RACT Orders issued by New Hampshire: NO_X RACT Order RO–003 for Schiller Station; NO_X RACT Order ARD–05–001 for Anheuser Busch; VOC RACT Order ARD–05–001 for Metal Works Incorporated; VOC RACT Order ARD 07–004 for Polyonics, Inc., and; VOC RACT Order RO–0004 for Complete Coverage Wood Priming, LLC. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). 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 CAA 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.[2]

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

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

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. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule report regarding this action under section 801.

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 November 12, 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, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 28, 2019.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 EE—New Hampshire

■ 2. Section 52.1520(d) is amended by:

[2] 62 FR 27968 (May 22, 1997).

■ a. Removing the entries for ''Source specific NO_X RACT order for Groveton Paperboard Corp., Groveton, NH''; ''Source specific NO_X RACT order for Waterville Valley Ski Area Ltd., Waterville Valley, NH''; ''VOC RACT for L.W. Packard and Company, Inc. Ashland, NH''; ''Source specific NO_X RACT order for Hampshire Chemical Corporation, Nashua, NH''; ''Concord Litho Group—Permit No. ARD–07–003''; ''Metal Works''; ''Polyonics''; ''Anheuser Busch''; ''PSNH, Schiller Station''; and ''Concord Litho Group—Permit No. ARD–07–003A''; and b. Adding entries for ''Schiller Station''; ''Anheuser Busch''; ''Metal Works''; ''Polyonics''; and ''Complete Coverage Woodpriming'' in numerical order.

The additions read as follows:

§ 52.1520 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED NEW HAMPSHIRE SOURCE SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date [2]	Additional explanations/ § 52.1535 citation
*	*	*	*	*
Schiller Station	NO_x RACT Order RO–003	9/6/2018	9/12/2019 [Insert **Federal Register** citation].	Order contains NO_x emission limits for emission units SR4 and SR6.
Anheuser Busch	NO_x RACT Order ARD–05–001.	1/17/2018	9/12/2019 [Insert **Federal Register** citation].	Revisions made to testing requirements for two boilers.
Metal Works	VOC RACT Order ARD–05–001.	8/16/2018	9/12/2019 [Insert **Federal Register** citation].	Order allows for compliance via purchase of emission reduction credits.
Polyonics	VOC RACT Order ARD07–004.	8/28/2018	9/12/2019 [Insert **Federal Register** citation].	Order allows facility to generate emission reduction credits.
Complete Coverage Woodpriming.	VOC RACT Order RO–0004	3/14/2019	9/12/2019 [Insert **Federal Register** citation].	Order provides a VOC content limit for stain blocker used by the facility.
*	*	*	*	*

[2] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

* * * * *

§ 52.1525 [Amended]

■ 3. In § 52.1525, amend the table by removing the entries with the following State citation chapter: ''Order ARD–94–001''; ''Order ARD–95–001''; ''Order ARD–95–003''; ''Order ARD–95–011''; and ''Order ARD–00–001''.

[FR Doc. 2019–19510 Filed 9–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0514; FRL–9998–98]

Pyraflufen-ethyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pyraflufen-ethyl in or on multiple commodities which are identified and discussed later in this document. In addition, certain existing tolerances are removed as they are superseded by this action. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 12, 2019. Objections and requests for hearings must be received on or before November 12, 2019 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0514, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/*

text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0514 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 12, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0514, 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 CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of October 18, 2018, 83 FR 52787 (FRL–9984–21), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8E8684) by Interregional Research Project Number 4, IR–4 Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, New Jersey 08540. The petition requests the establishment of tolerances in 40 CFR 180.585 for residues of the herbicide pyraflufen-ethyl in or on the following commodities: cottonseed subgroup 20C at 0.04 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.01 ppm; fruit, stone, group 12–12 at 0.01 ppm; hop, dried cones at 0.02 ppm; nut, tree, group 14–12 at 0.01 ppm; tropical and subtropical, small fruit, edible peel, subgroup 23A at 0.01 ppm; and vegetable, tuberous and corm, subgroup 1C at 0.02 ppm. Upon establishment of the above tolerances, the petitioner proposes to remove the existing tolerances for residues of pyraflufen-ethyl in or on cotton, undelinted seed at 0.04 ppm; fruit, stone, group 12 at 0.01 ppm; grape at 0.01 ppm; nut, tree, group 14 at 0.01 ppm; olive at 0.01 ppm; and pistachio at 0.01 ppm. That document referenced a summary of the petition prepared by Nichino America, Inc., the registrant, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

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

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pyraflufen-ethyl including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with pyraflufen-ethyl follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Pyraflufen-ethyl exhibits relatively low acute toxicity for oral, dermal, and inhalation exposure. It is moderately irritating to the eye but is not a skin irritant or a dermal sensitizer.

In repeat-dose oral studies, the liver, kidney, and hematopoietic system are the target organs for pyraflufen-ethyl in the rat and the mouse. Adverse effects were not noted in the dog following oral exposure nor in the rat following dermal exposure. There is no evidence of neurotoxicity following acute and subchronic dosing. In the submitted immunotoxicity study, an immunosuppressant response was observed only at dose levels approaching the limit dose of 1,000 mg/kg/day. There was no evidence of increased susceptibility following pre-natal exposure to rats and rabbits in the developmental toxicity studies, nor following pre- and post-natal exposure to rats in the multi-generation reproduction study.

Pyraflufen-ethyl is classified as ''Likely to be Carcinogenic to Humans'' based on the presence of liver tumors (hepatocellular adenomas, carcinomas, and/or hepatoblastomas) in male and female mice. A linear low-dose extrapolation approach (Q_1* of 3.32×10^{-2} (milligram/kilogram/day (mg/kg/day))$^{-1}$) is used to estimate human cancer risk.

Specific information on the studies received and the nature of the adverse effects caused by pyraflufen-ethyl as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''SUBJECT: Pyraflufen-ethyl. Human Health Risk Assessment for a Section 3 Registration of New Food Use on Hops and Conversions and Expansions of the Following Crop Groups: Nut, Tree, Group 14–12, Fruit, Stone, Group 12–12, Fruit, Small, Vine Climbing, Except Fuzzy Kiwifruit, Subgroup 13–07F, Vegetable, Tuberous and Corm,

Subgroup lC, Tropical and Subtropical, Small Fruit, Edible Peel Subgroup 23A and Cottonseed Subgroup 20C'' at pages 28–35 in docket ID number EPA–HQ–OPP–2018–0514.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for pyraflufen-ethyl used for human risk assessment is discussed in Unit III of the final rule published in the **Federal Register** of February 27, 2013 (78 FR 13257) (FRL–9379–6).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to pyraflufen-ethyl, EPA considered exposure under the petitioned-for tolerances as well as all existing pyraflufen-ethyl tolerances in 40 CFR 180.585. EPA assessed dietary exposures from pyraflufen-ethyl in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for pyraflufen-ethyl; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the U.S. Department of Agriculture's (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA).

A highly refined chronic non-cancer exposure assessment was conducted. The Agency used residue estimates of 0.02 ppm for cottonseed oil (½ tolerance); residue values of ½ LOQ (limit of quantitation) (supported by field trial and monitoring data) for all other crops; and anticipated residues for livestock commodities calculated using updated dietary burdens based on field trial data for the livestock feed items. Percent crop treated (PCT) estimates and 2018 DEEM default processing factors were incorporated into the assessment.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that pyraflufen-ethyl should be classified as ''Likely to be Carcinogenic to Humans'' and a linear approach has been used to quantify cancer risk.

A linear low-dose extrapolation approach is used to estimate human cancer risk (Q1* of 3.32×10^{-2} (mg/kg/day)$^{-1}$). The exposure inputs for the cancer assessment were quantified using the same estimates as discussed in Unit III.C.1.ii., *chronic exposure,* and a drinking water estimate of 0.672 ppb was used.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.
- *Condition c:* Data are available on pesticide use and food consumption in a particular area, and the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used the following average percent crop treated estimates for the chronic non-cancer and cancer analyses: 1% for barley, beans (snap, bush, pole, and string), celery, corn, dry beans and peas, onions, peanuts, pecans, potatoes, pumpkins, sorghum, soybeans, squash, sunflowers, tomatoes, and walnuts; 2.5% for almonds, apples, canola, cherries, lettuce, olive, and peach; 5% for cotton, garlic, table grape, raisin, kiwi, pistachio, plum and prune; 10% for wine grape, and pear; 20% for apricot, and fig; and 40% for pomegranate. For all other commodities, 100% crop treated was used.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and California Department of Pesticide Regulation (CalDPR) Pesticide Use Reporting (PUR) for the chemical/crop combination for the most recent 10 years. EPA uses an average PCT for chronic dietary risk analysis and a maximum PCT for acute dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding up to the nearest 5%, except for those situations in which the average PCT is less than 1% or less than 2.5%. In those cases, the Agency would use less than 1% or less than 2.5% as the average PCT value, respectively. The maximum PCT figure is the highest observed maximum value reported within the most recent 10 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%, except where the maximum PCT is less than 2.5%, in which case, the Agency uses less than 2.5% as the maximum PCT.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to

Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which pyraflufen-ethyl may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for pyraflufen-ethyl in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of pyraflufen-ethyl. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide*.

The Pesticide in Water Calculator (PWC version 1.52) was utilized to calculate all Estimated Drinking Water Concentrations (EDWCs). The EDWCs were incorporated directly into this dietary exposure assessment. Water residues were incorporated in the DEEM–FCID into the food categories ''water, direct, all sources'' and ''water, indirect, all sources.''

Drinking water concentrations were estimated separately for chronic and cancer durations. The highest EDWCs resulted from groundwater for these durations.

For chronic exposures for non-cancer assessments are estimated to be 0.295 ppb for surface water and 0.672 ppb for ground water. For chronic exposures for cancer assessments are estimated to be 0.268 ppb for surface water and 0.672 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For both chronic and cancer assessments, the highest EDWC of 0.672 ppb was used to assess the dietary contribution from drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Pyraflufen-ethyl is currently registered for use by residential and commercial applicators on several residential/non-agricultural use sites; *i.e.,* established ornamental turf lawns, parks, cemeteries, athletic fields, golf courses, sod farms, nurseries and ornamental plantings, and Christmas trees. There is the potential for residential (post-application) exposure pathways via the oral, dermal, and inhalation routes of exposure. Post-application dermal exposure (adults and children 1 to <2 years old) was not assessed for non-cancer effects since no toxicity was observed at the limit dose (1,000 mg/kg/day) in a 28-day dermal toxicity study in rats.

Residential exposure is expected to be short-term (1 to 30 days) in duration. The quantitative exposure assessment for residential non-cancer post-application exposures is based on incidental (hand-to-mouth) oral exposure (children 1 to <2 years old) from contact with residues on lawns and turf scenario. While not the only lifestage potentially exposed for these post-application scenarios, the lifestage that is included in the quantitative assessment is health protective for the exposures and risk estimates for any other potentially exposed lifestage. The registered application rate for pyraflufen-ethyl on lawns and turf was utilized in the assessing exposure.

A dermal and inhalation cancer exposure assessment was performed because dermal and inhalation exposure contributes to the overall cancer risk for pyraflufen-ethyl. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide*.

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

EPA has not found pyraflufen-ethyl to share a common mechanism of toxicity with any other substances, and pyraflufen-ethyl does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that pyraflufen-ethyl does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of increased susceptibility of rat or rabbit fetuses following *in utero* exposure in the developmental studies with pyraflufen-ethyl. Developmental effects for both rats and rabbits occurred at either the same dose levels or were above the NOAELs and LOAELs for maternal toxicity. Similarly, there is no evidence of increased susceptibility of young rats in the pyraflufen-ethyl 2-generation rat reproduction study. The NOAEL for offspring effects was identical to that of the parental animals. There are no residual uncertainties for pre- and/or postnatal exposure.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for pyraflufen-ethyl is complete.

ii. There is no indication that pyraflufen-ethyl is a neurotoxic chemical based on results of acute and

subchronic neurotoxicity studies, and no neurotoxic effect was seen in other toxicity studies. Therefore, there are no concerns for neurotoxicity and no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. Developmental studies with pyraflufen-ethyl show no evidence of increased susceptibility of rat or rabbit fetuses following *in utero* exposure. Similarly, there is no evidence of increased susceptibility of young rats in the pyraflufen-ethyl 2-generation rat reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed using PCT data, where available; refined residue concentrations (generally ½ LOQ); anticipated residues in livestock commodities; and default and empirical processing factors. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to pyraflufen-ethyl in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of adults and children as well as incidental oral exposure of children. In addition, the residential exposure assessment used surrogate study data, including conservative exposure assumptions based on Day 0 dermal/oral contact to turf and surfaces treated at the maximum application rate. These data are reliable and are not expected to underestimate risks to adults or children.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, pyraflufen-ethyl is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to pyraflufen-ethyl from food and water will utilize <1% of the cPAD for the general U.S. population and all population subgroups, including children 1 to 2 years old, the most highly exposed population subgroup. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of pyraflufen-ethyl is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Pyraflufen-ethyl is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to pyraflufen-ethyl.

Using the exposure assumptions described in this unit for short-term exposures, EPA concluded there is potential short-term exposure to pyraflufen-ethyl via dietary and residential exposure pathways. For adults, these pathways lead to exposure via oral and inhalation routes. EPA chose the most conservative scenario, children 1 to 2 years old with hand-to-mouth exposure from treated turf as well as the subpopulation with the highest chronic dietary exposure resulting in an aggregate MOE of 69,000. Because EPA's level of concern for pyraflufen-ethyl is a MOE of 100 or below, this MOE is not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, pyraflufen-ethyl is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for pyraflufen-ethyl.

5. *Aggregate cancer risk for U.S. population.* The aggregate cancer risk assessment for the general U.S. population considers exposure estimates from dietary consumption of pyraflufen-ethyl in food and drinking water and exposure through residential uses of pyraflufen-ethyl. Exposures from residential uses are based on the lifetime average daily dose and assume an exposure period of 2 days per year and 35 years of exposure over a 78-year lifetime. Average food and water exposure to pyraflufen-ethyl was used in the aggregate cancer assessment. Estimated cancer risk for the general U.S. population includes infants and children; therefore, a children's cancer risk estimate was not reported separately. For a description of the residential exposure scenarios considered in the aggregate assessment, see section 6.3. The aggregate cancer risk estimate for pyraflufen-ethyl is 1.1×10^{-6}. The Agency generally considers risks up to 3×10^{-6} to be within the negligible risk range and below the Agency's LOC. Therefore, the aggregate cancer risk estimate from pyraflufen-ethyl residues in food and drinking water is not of concern to EPA for the general U.S. population. This is a conservative estimate of pyraflufen-ethyl exposure based on the inputs to the dietary and residential exposure assessments.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to pyraflufen-ethyl residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methods are available. Gas chromatography/mass spectroscopy (GC/MS) analytical methods determine Metabolite E–1 as its methyl ester (E–15) and monitor two ion transitions each for pyraflufen-ethyl and the E–15 analyte. The methods also contain appendices that provide parameters for other detection schemes such as GC/electron-capture detection (ECD), GC/nitrogen-phosphorus detection (NPD), and GC/MS/MS.

The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov*.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food

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

The Codex has not established any MRLs for pyraflufen-ethyl.

V. Conclusion

Therefore, tolerances are established for residues of pyraflufen-ethyl, ethyl 2-[2-chloro-5-(4-chloro-5-difluoromethoxy)-1-methyl-1H-pyrazol-3-yl]-4-fluorophenoxy] acetate, including its metabolites and degradates. Compliance with these tolerances is to be determined by measuring only the sum of the parent pyraflufen-ethyl, and its acid metabolite, E–1,2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazol-3-yl)-4-fluorophenoxyacetic acid, calculated as the stoichiometric equivalent of pyraflufen-ethyl in or on commodities: Cottonseed subgroup 20C at 0.04 ppm; Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.01 ppm; Fruit, stone, group 12–12 at 0.01 ppm; Hop, dried cones at 0.02 ppm; Nut, tree, group 14–12 at 0.01 ppm; Tropical and subtropical, small fruit, edible peel, subgroup 23A at 0.01 ppm and Vegetable, tuberous and corm, subgroup 1C at 0.02 ppm. In addition, existing tolerances on Cotton, undelinted seed; Fruit, stone, group 12; Grape; Nut, tree, group 14; Olive; Pistachio; and Potato are removed as they are superseded by this regulation.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: August 30, 2019.

Donna Davis,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.585, amend the table in paragraph (a) as follows:

■ i. Add alphabetically the entries ''Cottonseed subgroup 20C''; ''Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F''; ''Fruit, stone, group 12–12''; ''Hop, dried cones''; ''Nut, tree, group 14–12''; ''Tropical and subtropical, small fruit, edible peel, subgroup 23A''; and ''Vegetable, tuberous and corm, subgroup 1C''.

■ ii. Remove the entries for ''Cotton, undelinted seed''; ''Fruit, stone, group 12''; ''Grape''; ''Nut, tree, group 14''; ''Olive''; ''Pistachio''; and ''Potato''.

The additions and revisions read as follows:

§ 180.585 Pyraflufen-ethyl; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Cottonseed subgroup 20C ...	0.04
* * * * *	
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	0.01
* * * * *	
Fruit, stone, group 12–12	0.01
* * * * *	
Hop, dried cones	0.02

Commodity	Parts per million
* * * * *	
Nut, tree, group 14–12	0.01
* * * * *	
Tropical and subtropical, small fruit, edible peel, subgroup 23A	0.01
Vegetable, tuberous and corm, subgroup 1C	0.02
* * * * *	

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[FR Doc. 2019–19662 Filed 9–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1989–0011; FRL–9999–01–Region 7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Electro-Coatings, Inc. Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 7 announces the deletion of the Electro-Coatings, Inc. Superfund Site (Site) located at 911 Shaver, Cedar Rapids, Iowa, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Iowa, through the Iowa Department of Natural Resources, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This action is effective September 12, 2019.

ADDRESSES:

Docket: The EPA has established a docket for this action under Docket Identification No. EPA–HQ–SFUND–1989–0011. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* 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 *http://www.regulations.gov* or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

EPA Region 7 Records Center, 11201 Renner Boulevard, Lenexa, Kansas 66219, between 8 a.m. to 4 p.m. Monday through Friday, excluding Federal holidays; and the Cedar Rapids Downtown Public Library, located at 450 Fifth Avenue SE, Cedar Rapids, Iowa 52401, between 9 a.m. to 8 p.m. Monday through Thursday, between 9 a.m. to 5 a.m. Friday and Saturday, and between 1 p.m. to 5 p.m. on Sunday.

FOR FURTHER INFORMATION CONTACT: Amer Safadi, Remedial Project Manager, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. Phone: (913) 551–7825. Email: *safadi.amer@epa.gov*.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Electro-Coatings, Inc., Cedar Rapids, Iowa. A Notice of Intent to Delete for this Site was published in the **Federal Register** (84 FR 33046) on July 11, 2019.

The closing date for comments on the Notice of Intent to Delete was August 12, 2019. One public comment was received. The comment indicated that the EPA should report to the public the activities conducted to cleanup the Site and what will continue to be conducted to protect the public health and the environment, including reporting costs incurred and estimates of future costs. The EPA's response is that included in the docket were reports of the activities conducted at the Site including, the NOID, the FCOR, the latest Five-year review, and others. The docket also included the Remedial Action report, which included the requested available costs. The EPA believes the deletion action has been conducted in accordance with CERCLA and the NCP, therefore the deletion of the Site from the NPL is appropriate. A responsiveness summary was prepared and placed in both the docket, EPA–HQ–SFUND–1989–0011, on *www.regulations.gov,* and in the local repositories listed above.

The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 3, 2019.

James Gulliford,

Regional Administrator, Region 7.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300—National Priorities List

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry ''IA, Electro-Coatings, Inc., Cedar Rapids''.

[FR Doc. 2019–19654 Filed 9–11–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

[Docket No. FMCSA–2004–19608]

RIN 2126–AC30

Hours of Service of Drivers—Restart Provisions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA amends its hours-of-service (HOS) requirements applicable to drivers of property-carrying commercial motor vehicles (CMVs) to remove provisions requiring that a 34-hour restart include two periods between 1 a.m. and 5 a.m. and limiting use of a restart to once every 168

hours—provisions that were promulgated in December 2011. In a series of Appropriations Acts, Congress suspended these provisions, pending completion of a naturalistic study comparing the effects of the restart provisions in effect under the 2011 rule versus provisions in effect prior to the 2011 rule's compliance date. The 2017 naturalistic study found no statistically significant benefits from the restart rule. Pursuant to a 2017 Appropriations Act, the 2011 restart rules are therefore void by operation of law. Although not in effect, the provisions remain in the Code of Federal Regulations (CFR), which could cause confusion for some stakeholders.

DATES: This final rule is effective September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, by telephone at (202) 366–4325, or email at *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION: This Final Rule is organized as follows:

I. Abbreviations and Acronyms
II. Legal Basis for the Rulemaking
III. Background
IV. International Impacts
V. Section-by-Section Analysis
VI. Regulatory Analyses
A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures
B. E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)
C. Congressional Review Act
D. Regulatory Flexibility Act
E. Assistance for Small Entities
F. Unfunded Mandates Reform Act of 1995
G. Paperwork Reduction Act
H. E.O. 13132 (Federalism)
I. E.O. 12988 (Civil Justice Reform)
J. E.O. 13045 (Protection of Children)
K. E.O. 12630 (Taking of Private Property)
L. Privacy
M. E.O. 12372 (Intergovernmental Review)
N. E.O. 13211 (Energy Supply, Distribution, or Use)
O. E.O. 13783 (Promoting Energy Independence and Economic Growth)
P. E.O. 13175 (Indian Tribal Governments)
Q. National Technology Transfer and Advancement Act (Technical Standards)
R. Environment (NEPA)
S. Fixing America's Surface Transportation Act (FAST Act)

I. Abbreviations and Acronyms

APA Administrative Procedure Act
CFR Code of Federal Regulations
CMV Commercial motor vehicle
DOT Department of Transportation
E.O. Executive Order
FMCSA Federal Motor Carrier Safety Administration
FMCSRs Federal Motor Carrier Safety Regulations
FR Federal Register
HOS Hours of service
NEPA National Environmental Policy Act
OMB Office of Management and Budget
§ Section
U.S.C. United States Code

II. Legal Basis for the Rulemaking

This rulemaking is based on authority derived from the Motor Carrier Act of 1935 (1935 Act) and the Motor Carrier Safety Act of 1984 (1984 Act), as well as a series of appropriations acts that ultimately invalidated certain HOS provisions.

The 1935 Act, as amended, provides that ''The Secretary of Transportation may prescribe requirements for—(1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and (2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation'' (49 U.S.C. 31502(b)(1), (2)). The HOS regulations concern the ''maximum hours of service of employees'' of both motor carriers and motor private carriers, as authorized by the 1935 Act.

The 1984 Act, as amended, provides broad concurrent authority to regulate drivers, motor carriers, and vehicle equipment. It requires the Secretary of Transportation to ''prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles.'' (49 U.S.C. 31136(a)). The 1984 Act also requires that: ''At a minimum, the regulations shall ensure that—(1) commercial motor vehicles are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely. . .; (4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators; and (5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section . . .'' (49 U.S.C. 31136(a)(1)–(5)).

This final rule is a non-discretionary ministerial act to conform certain sections of the Agency's HOS rules governing the restart of a driver's 60- or 70-hour limit to a prior version of those limits restored by operation of law, as discussed below. Thus, there is no practical impact in any area identified under 49 U.S.C. 31136(a).

In 2014, Congress suspended two provisions of the 2011 restart rule (the requirement for 2 off-duty periods from 1:00 to 5:00 a.m. and the limitation of the restart to once a week) and prohibited the use of appropriated funds to enforce them unless and until a naturalistic study required by the statute, and described in detail, found that the 2011 restart rule provided greater net operational, safety, health and fatigue benefits than the pre-2011 restart rule. In the meantime, the pre-2011 restart rule was restored to full effect (Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. 113–235, Div. K, Title I, sec. 133, 128 Stat. 2130, 2711–2713 (Dec. 16, 2014)). The statute required both the Secretary of Transportation (whose authority in this area has been delegated to FMCSA) and the Inspector General (IG) to review and report to Congress the results of the study. Congress then extended the suspension and funding prohibition through fiscal year 2016 (Consolidated Appropriations Act, 2016, Pub. L. 114–113, Div. L, Title I, sec. 133, 129 Stat. 2242, 2850 (Dec. 18, 2015)). This Act also expanded the factors that would need to be evaluated, requiring FMCSA and the IG to determine whether the naturalistic study showed that drivers operating under the 2011 restart rule achieved ''statistically significant improvement in all outcomes related to safety, operator fatigue, driver health and longevity, and work schedules, in comparison to commercial motor vehicle drivers who operated under'' the pre-2011 restart rule. *Id.*

This provision then was further amended to make clear that, if the study did not demonstrate such statistically significant improvements, ''the 34-hour restart rule in operational effect on June 30, 2013 [*i.e.,* the pre-2011 rule] shall be restored to full force and effect on the date that the Secretary submits the final report to the Committees on Appropriations of the House of Representatives and the Senate, and funds appropriated or otherwise made available by this Act or any other Act shall be available to implement, administer, or enforce the rule'' (Further Continuing and Security Assistance Appropriations Act, 2017, Pub. L. 114–254, Div. A, sec. 180, 130 Stat. 1005, 1016–1017 (Dec. 10, 2016)).

In January 2017, the final report required by the 2015 Appropriations Act was submitted for review to the IG, as required by statute. After reviewing the IG's findings, FMCSA's Deputy

Administrator reported to the Senate and House Appropriations Committees that drivers using the 2011 restart rule experienced safety outcomes not significantly different from those using the pre-2011 restart rule.[1] On March 2, 2017, the IG confirmed this conclusion to Congress. Because the 2011 restart rule generated no statistically significant improvements in safety, it became void by operation of law and the pre-2011 restart rule was restored to full force and effect. Today's rule adopts the pre-2011 version of 49 CFR 395.3(c), conforming the language of the regulation to the statutory requirement.[2]

The Administrative Procedure Act (APA) specifically provides exceptions to its notice and comment rulemaking procedures when an agency finds there is good cause to dispense with them and incorporates ''the finding and a brief statement of reasons therefor in the rules issued.'' (5 U.S.C. 553(b)(B)). Generally, good cause exists when an agency determines that notice and public comment procedures are impractical, unnecessary, or contrary to the public interest (*id.*). Here, FMCSA finds that it is unnecessary to provide notice and public comment procedures because, as explained above, this final rule is a non-discretionary ministerial act to implement a statutory requirement. Therefore, in accordance with the APA, good cause exists for not providing notice and comment rulemaking procedures on this final rule.

Additionally, the APA allows agencies to make rules effective immediately with good cause (5 U.S.C. 553(d)(3)), instead of requiring publication at least 30 days prior to the effective date. For the reasons given above, FMCSA finds good cause to make this rule effective immediately.

III. Background

Among the provisions included as part of the 2011 HOS rule were restrictions on the use of the 34-hour restart provision, limiting its use to once every 168 hours and requiring that a restart include two periods between the hours of 1 a.m. and 5 a.m. These restrictions proved problematic for many drivers and carriers, adversely affecting their operations and generating significant controversy. As noted above, Congress suspended these restrictions, subject to a study of the effectiveness of the new rule. Specifically, Congress required the Secretary to initiate a ''naturalistic study of the operational, safety, health and fatigue impacts of the restart provisions''; the law addressed the methodology of the study in detail and made clear that the 2011 HOS restart provisions would have no effect unless the study showed that those provisions had a greater net benefit compared to the pre-2011 HOS restart rule.[3] Subsequent legislation made clear that the study would need to show a statistically significant improvement in multiple factors enumerated in the legislation. The effectiveness study [4] and the March 2017 report to Congress [5] confirmed the finding that no statistically significant benefits accrued from the 2011 HOS restart rule. See discussion under II Legal Basis for this Rulemaking, above.

Thus, the limitation on use of the restart option to once every 168 hours and the requirement that a restart include the two periods from 1 a.m. to 5 a.m. are no longer in effect; however, the fact that they still appear in the Code of Federal Regulations (CFR) causes confusion for stakeholders. Today's rule makes technical amendments to § 395.3, removing the two phrases in paragraph (c)(1) and (2) relating to the 1 a.m. to 5 a.m. requirement and removing paragraph (d) relating to the 168-hour limitation, consistent with the HOS rules concerning the 34-hour restart option currently in effect. Because the changes in this rule are ministerial, they will have no adverse effect on safety.

IV. International Impacts

The FMCSRs, and any exceptions to the FMCSRs, apply only within the United States (and, in some cases, United States territories). Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences among nations.

V. Section-by-Section Analysis

Section 395.3 Maximum Driving Time for Property-Carrying Vehicles

This action removes from § 395.3(c) both instances of the phrase ''that includes two periods from 1 a.m. to 5 a.m.'' and restores the rule text of paragraph (c) to the Oct. 1, 2011, text. The change is ministerial and technical only and has no legal effect.

In addition, paragraph (d) is removed completely. It currently provides that ''a driver may not take an off-duty period allowed by paragraph (c) of this section to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period. When a driver takes more than one off-duty period of 34 or more consecutive hours within a period of 168 consecutive hours, he or she must indicate in the Remarks section of the record of duty status which such off-duty period is being used to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days.'' The change also is ministerial and technical only and has no legal effect.

VI. Regulatory Analyses

A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

FMCSA performed an analysis of the impacts of this final rule and determined it is not a significant regulatory action under section 3(f) of E.O. 12866 (58 FR 51735, October 4, 1993), Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, January 21, 2011), Improving Regulation and Regulatory Review. Accordingly, the Office of Management and Budget (OMB) has not reviewed it under these Orders. It is also not significant within the meaning of DOT regulatory policies and procedures (DOT Order 2100.6 dated Dec. 20, 2018). This rule conforms 49 CFR 395.3 to statutory requirements and current practice by removing provisions that are not in effect, thus, not enforced, and does not result in costs or benefits to any regulated entity.

[1] *Commercial Motor Vehicle Driver Restart Study Report to Congress; Pursuant to Section 133 of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235),* March 2017, See *https://www.fmcsa.dot.gov/mission/policy/commercial-motor-vehicle-driver-restart-study-report-congress.* A copy has been placed in the docket.

[2] Because the study failed to establish a statistically significant improvement in the initial factors required by Congress, evaluation of the additional factors added by Congress became moot.

[3] Shortly after the initial suspension, FMCSA issued a notice of the suspension of enforcement of these restrictions and announced that the restart provisions in place on June 30, 2013 (the day before the applicable compliance date under the 2011 rule), would govern (79 FR 76241 (December 22, 2014)). Today's rule would align the applicable provisions in 49 CFR 395.3 with the provisions in effect at that time, consistent with the governing legislation. After reviewing the IG's findings, FMCSA's Deputy Administrator reported to the Senate and House Appropriations Committees that drivers using the 2011 restart rule did not experience a ''greater net benefit'' in safety outcomes compared to those using the pre-2011 restart rule.

[4] Dinges, et al., *Commercial Motor Vehicle (CMV) Driver Restart Study: Final Report,* FMCSA–RRR–15–011, Dec. 2015, See *https://www.fmcsa.dot.gov/safety/research-and-analysis/cmv-driver-restart-study-final-report.* A copy has been placed in the docket.

[5] See footnote 1, above.

B. E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)

This rule has been designated as a deregulatory action under Executive Order (E.O.) 13771 by the Office of Information and Regulatory Affairs because it updates obsolete regulatory text.

C. 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).

D. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612), FMCSA is not required to complete a regulatory flexibility analysis because, as discussed earlier in the Legal Basis for the Rulemaking section, this action is not subject to notice and public comment under section 553(b) of the APA.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act, FMCSA wants to assist small entities in understanding this rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Richard Clemente, listed in the **FOR FURTHER INFORMATION CONTACT** section of this rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's 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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

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 $165 million (which is the value equivalent of $100,000,000 in 1995, adjusted for inflation to 2018 levels) or more in any 1 year. Because this rule will not result in such an expenditure, a written statement is not required.

G. Paperwork Reduction Act

This rule does not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Nor does this rule modify the existing approved collection of information (OMB Control Number 2126–0001, HOS of Drivers Regulations, approved Jun. 13, 2016, through Jun. 30, 2019).

H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''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.'' FMCSA determined that this rule does not have substantial direct costs on or for States, nor does it limit the policymaking discretion of States. Nothing in this rule preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

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

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

J. E.O. 13045 (Protection of Children)

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), requires agencies issuing ''economically significant'' rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. The Agency determined this rule is not economically significant and does not anticipate that this regulatory action could in any respect present an environmental or safety risk that could disproportionately affect children.

K. E.O. 12630 (Taking of Private Property)

FMCSA reviewed this rule in accordance with E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it does not effect a taking of private property or otherwise have taking implications.

L. Privacy

Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (Pub. L. 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a), requires the Agency to conduct a Privacy Impact Assessment of a regulation that will affect the privacy of individuals. The assessment considers impacts of the rule on the privacy of information in an identifiable form and related matters. The FMCSA Privacy Officer has evaluated the risks and effects the rulemaking might have on collecting, storing, and sharing personally identifiable information and has evaluated protections and alternative information handling processes in developing the rule to mitigate potential privacy risks. FMCSA determined that this rule does not require the collection of individual personally identifiable information.

The DOT Privacy Office has determined that this rulemaking does not create privacy risk.

The E-Government Act of 2002, Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002), requires Federal agencies to conduct a Privacy Impact Assessment for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information because of this rule.

M. E.O. 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

N. E.O. 13211 (Energy Supply, Distribution, or Use)

FMCSA has analyzed this rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' likely to have a significant adverse effect on the supply,

distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.

O. E.O. 13783 (Promoting Energy Independence and Economic Growth)

E.O. 13783 directs executive departments and agencies to review existing regulations that potentially burden the development or use of domestically produced energy resources, and to appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources. In accordance with E.O. 13783, DOT prepared and submitted a report to the Director of OMB that provides specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency action that burden domestic energy production. This rule has not been identified by DOT under E.O. 13783 as potentially alleviating unnecessary burdens on domestic energy production.

P. E.O. 13175 (Indian Tribal Governments)

This rule does not have tribal implications under E.O. 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.

Q. National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (note following 15 U.S.C. 272) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards will be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, FMCSA did not consider the use of voluntary consensus standards.

R. Environment (NEPA)

FMCSA analyzed this rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680, Mar. 1, 2004), Appendix 2, paragraph 6.b. This Categorical Exclusion addresses minor corrections such as those found in this rulemaking; therefore, preparation of an environmental assessment or environmental impact statement is not necessary. The Categorical Exclusion determination is available for inspection or copying in docket FMCSA–2004–19608.

S. Fixing America's Surface Transportation Act (FAST Act)

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking, unless the Agency finds good cause that an ANPRM is impracticable, unnecessary, or contrary to the public interest, or conduct a negotiated rulemaking when it engages in certain rulemakings. These requirements pertain to a proposed rulemaking likely to result in a ''major rule.'' [6] Because this rulemaking does not involve issuance of a proposed rule, and today's final rule is not a ''major rule,'' these requirements are not applicable.

List of Subjects for 49 CFR Part 395

Highway safety, Motor carriers, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA amends 49 CFR part 395 to read as follows.

PART 395—HOURS OF SERVICE OF DRIVERS

■ 1. The authority citation for part 395 continues to read as follows:

Authority: 49 U.S.C. 504, 31133, 31136, 31137, 31502; sec. 113, Pub. L. 103–311, 108 Stat. 1673, 1676; sec. 229, Pub. L. 106–159 (as added and transferred by sec. 4115 and amended by secs. 4130–4132, Pub. L. 109–59, 119 Stat. 1144, 1726, 1743, 1744); sec. 4133, Pub. L. 109–59, 119 Stat. 1144, 1744; sec. 108, Pub. L. 110–432, 122 Stat. 4860–4866; sec. 32934, Pub. L. 112–141, 126 Stat. 405, 830; sec. 5206(b), Pub. L. 114–94, 129 Stat. 1312, 1537; and 49 CFR 1.87.

■ 2. In § 395.3, revise paragraph (c) and remove paragraph (d) to read as follows:

§ 395.3 Maximum driving time for property-carrying vehicles.

* * * * *

(c)(1) Any period of 7 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours.

(2) Any period of 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours.

Issued under authority delegated in 49 CFR 1.87.

Dated: September 5, 2019.

Raymond P. Martinez,

Administrator.

[FR Doc. 2019–19648 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–EX–P

[6] In enacting this provision, Congress did not define ''major rule.'' See section 5202 of the FAST Act, Public Law 114–94, 129 Stat. 1312, 1534–1535 (December 4, 2015). However, Congress used the term in enacting another statute addressing Agency rulemaking, popularly referred to as the Congressional Review Act, which includes a definition of the term ''major rule.'' See 5 U.S.C. 804(2). The Agency relies on this definition in evaluating the application of 49 U.S.C. 31136(g).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180209147–8509–02]

RIN 0648–XX010

Fisheries of the Northeastern United States; Small-Mesh Multispecies Fishery; Inseason Adjustment to the Northern Red Hake Possession Limit

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: This action reduces the commercial per-trip possession limit for northern red hake for the remainder of the 2019 fishing year. Regulations governing the small-mesh multispecies fishery require this action because the northern red hake fishery is projected to reach 37.9 percent of its total allowable landing limit for the year. This action is intended to prevent this limit from being exceeded. This announcement also informs the public of the reduced northern red hake possession limit.

DATES: Effective September 9, 2019, through April 30, 2020.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: Regulations governing the red hake fishery are found at 50 CFR part 648. The small-mesh multispecies fishery is managed primarily through a series of exemptions from the Northeast Multispecies Fisheries Management Plan. The regulations describing the

process to adjust inseason commercial possession limits of northern red hake are described in § 648.86(d)(4) and § 648.90(b)(5). These regulations require the NMFS Regional Administrator, Greater Atlantic Region, to reduce the northern red hake possession limit from 3,000 lb (1,361 kg) to the incidental limit of 400 lb (181 kg) when landings have been projected to reach or exceed 37.9 percent of the total allowable landings (TAL), unless such a reduction would be expected to prevent the TAL from being reached. The final rule implementing the small-mesh multispecies specifications for 2018–2020 (83 FR 27713; June 14, 2018) set the northern red hake inseason adjustment threshold for the 2019 fishing year at 228,941 lb (103,846 kg); 37.9 percent of the northern red hake TAL for the year.

Based on commercial landings data reported through September 3, 2019, the northern red hake fishery is projected to reach 37.9 percent of the TAL on September 4, 2019. It is not expected that this reduction will prevent the TAL from being reached. Using this projection, NMFS is required to reduce the commercial northern red hake possession limit to prevent the TAL from being exceeded. Therefore, effective September 9, 2019, no person may possess on board or land more than 400 lb (181 kg) of northern red hake per trip for the remainder of the fishing year (*i.e.,* through April 30, 2020). Vessels that are currently on a trip when this reduction becomes effective may retain northern red hake up to the prior possession limit of 3,000 lb (1,361 kg) for the completion of that trip.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action reduces the per-trip possession limit for northern red hake to the incidental limit of 400 lb (181 kg) until April 30, 2020, under current small-mesh multispecies fishery regulations. The regulations at § 648.86(d) require such action to ensure that commercial small-mesh multispecies vessels do not exceed the TAL set for the northern red hake stock. If implementation of this reduction is delayed, the northern red hake TAL for this fishing year may be exceeded, thereby undermining the conservation objectives of the Northeast Multispecies Fishery Management Plan. Therefore, pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator further finds good cause to waive the 30-day delayed effectiveness period for the reason stated above.

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

Dated: September 9, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019–19808 Filed 9–9–19; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 177
Thursday, September 12, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0669; Product Identifier 2019–NM–091–AD]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019–03–19, which applies to all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. AD 2019–03–19 requires a functional check of certain fuel probes, and replacement with a serviceable part if necessary. Since the FAA issued AD 2019–03–19, the agency has determined the definition of a ''serviceable part'' must be revised. This proposed AD would retain a functional check of certain fuel probes, and replacement with a serviceable part if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 28, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com;* internet *http://www.saabgroup.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0669; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0669; Product Identifier 2019–NM–091–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. The FAA will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The FAA issued AD 2019–03–19, Amendment 39–19571 (84 FR 6062, February 26, 2019) (''AD 2019–03–19''), for all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. AD 2019–03–19 requires a functional check of certain fuel probes, and replacement with a serviceable part if necessary. AD 2019–03–19 resulted from reports that certain fuel probes indicated misleading fuel quantities on the engine indicating and crew alerting system (EICAS). The FAA issued AD 2019–03–19 to address deteriorated capacity of the fuel probes, which could lead to incorrect fuel reading, possibly resulting in fuel starvation and uncommanded engine in-flight shutdown, and consequent reduced control of the airplane.

Actions Since AD 2019–03–19 Was Issued

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0187R1, dated May 10, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. The MCAI states:

> Occurrences were reported that certain fuel probes, installed on SAAB 2000 aeroplanes, indicated misleading fuel quantities on the engine indicating and crew alerting system (EICAS). The investigation results suggest that this may be an ageing phenomenon, leading to deteriorated capacity of the fuel probes.
>
> This condition, if not detected and corrected, could lead to incorrect fuel reading, possibly resulting in fuel starvation and uncommanded engine in-flight shutdown, with consequent reduced control of the aeroplane.
>
> To address this potential unsafe condition, SAAB issued the SB [service bulletin] to provide instructions for a functional check.
>
> For the reason described above, this [EASA] AD requires a one-time functional check of the fuel quantity system and the fuel low level EICAS warnings to determine whether any affected parts are out of tolerance and, depending on findings, replacement of those affected parts.
>
> This [EASA] AD is revised to amend the definition of a serviceable part.

You may examine the MCAI in the AD docket on the internet at *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2019–0669.

Related Service Information Under 1 CFR Part 51

This proposed AD would require Saab Service Bulletin 2000–28–028, dated April 19, 2018, which the Director of the Federal Register approved for incorporation by reference as of April 2, 2019 (84 FR 6062, February 26, 2019).

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

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to a bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would retain all of the requirements of AD 2019–03–19, except a revised definition of a ''serviceable part'' is included in this proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 8 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2019–03–19	8 work-hours × $85 per hour = $680	$0	$680	$5,440

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$6,295	$6,465

The new definition of a ''serviceable part'' specified in this proposed AD adds no additional economic burden.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2019–03–19, Amendment 39–19571 (84 FR 6062, February 26, 2019), and adding the following new AD:

Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems): Docket No. FAA–2019–0669; Product Identifier 2019–NM–091–AD.

(a) Comments Due Date

The FAA must receive comments by October 28, 2019.

(b) Affected ADs

This AD replaces AD 2019–03–19, Amendment 39–19571 (84 FR 6062, February 26, 2019) (''AD 2019–03–19'').

(c) Applicability

This AD applies to all Saab AB, Saab Aeronautics (formerly known as Saab AB, Saab Aerosystems) Model SAAB 2000 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by reports that certain fuel probes indicated misleading fuel quantities on the engine indicating and crew alerting system (EICAS). The FAA is issuing this AD to address deteriorated capacity of the fuel probes, which could lead to incorrect fuel reading, possibly resulting in fuel starvation and uncommanded engine in-flight shutdown, and consequent reduced control of the airplane.

(f) Compliance

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

(g) Retained Definitions With New Definition of a Serviceable Part

This paragraph restates paragraph (g) of AD 2019–03–19, with a new definition of a ''serviceable part.''

(1) An ''affected part'' is a fuel probe having part number (P/N) 20136–0101, P/N 20136–0102, P/N 20136–0103, P/N 20136–0104, P/N 20136–0105, or P/N 20136–0106; with fuel low level sensors having P/N 20137–0101.

(2) A ''serviceable part'' is defined in paragraphs (g)(2)(i) and (ii) of this AD. The definition has been changed as of the effective date of this AD. Operators who have already complied with paragraph (i) of this AD before the effective date of this AD do not need to redo the replacement specified in paragraph (i) of this AD using the new definition of a serviceable part.

(i) Before the effective date of this AD: A ''serviceable part'' is an affected part that has accumulated less than 1,500 total flight hours or 12 months since first installation on an airplane.

(ii) On or after the effective date of this AD: A ''serviceable part'' is an affected part that has accumulated less than 1,500 total flight hours or 12 months since first installation on an airplane, having been checked and found to be within the acceptable tolerances, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–28–028, dated April 19, 2018, or received as serviceable following repair or overhaul.

(h) Retained Functional Check With No Changes

This paragraph restates paragraph (h) of AD 2019–03–19, with no changes. Within 1,500 flight hours or 12 months after April 2, 2019 (the effective date of AD 2019–03–19), whichever occurs first, accomplish a functional check of the fuel indicator gauging accuracy and the low level warning, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–28–028, dated April 19, 2018.

(i) Retained Corrective Action With No Changes

This paragraph restates paragraph (i) of AD 2019–03–19, with no changes. If the functional check required by paragraph (h) of this AD is found to be out of tolerance, within the limits and under the applicable conditions, as specified in the operator's Minimum Equipment List (MEL), replace the affected part with a serviceable part, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–28–028, dated April 19, 2018.

(j) Parts Installation Limitation

As of the effective date of this AD, no person may install, on any airplane, an affected part, unless it is a serviceable part, as defined in paragraph (g)(2)(ii) of this AD.

(k) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Union Aviation Safety Agency (EASA); or Saab AB, Saab Aeronautics's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0187R1, dated May 10, 2019, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0669.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

(3) For service information identified in this AD, contact Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com;* internet *http://www.saabgroup.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on September 3, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–19505 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0466; Airspace Docket No. 19–ACE–8]

RIN 2120–AA66

Proposed Revocation of Class E Airspace; Marshalltown, IA: Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: The FAA is withdrawing the NPRM published in the **Federal Register** on August 14, 2019, to amend Class E airspace extending upward from 700 feet above the surface at Marshalltown Municipal Airport, Marshalltown, IA. Upon further consideration, the FAA has determined that an operational requirement for the airspace still exists; therefore, withdrawal of the proposed rule is warranted

DATES: As of September 12, 2019 the proposed rule published August 14, 2019, at 84 FR 40299, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

History

On August 14, 2019 (84 FR 40299), the FAA published in the **Federal Register** an NPRM proposing to modify Class E airspace extending upward from 700 feet above the surface at Marshalltown, IA, due to the decommissioning of the Elmwood VHF omnidirectional range (VOR) navigation aid, which provides navigation guidance for the instrument procedures at these airports, as part of the VOR

Minimum Operational Network (MON) Program.

FAA's Conclusions

Upon further consideration, we have determined that the amending of the Class E airspace is not warranted at this time. Therefore, the NPRM is withdrawn.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

■ Accordingly, pursuant to the authority delegated to me, the NPRM published in the **Federal Register** on August 14, 2019 (84 FR 40299) [FR Doc. 2019–17368] is hereby withdrawn.

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

Issued in Fort Worth, Texas, on September 4, 2019.

Steve Szukala,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2019–19657 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0638; Airspace Docket No. 19–ASO–7]

RIN 2120–AA66

Proposed Amendment and Removal of Air Traffic Service (ATS) Routes; Southeastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend 25 jet routes, remove 7 jet routes, and remove 1 high altitude area navigation (RNAV) route in the southeastern United States. This action is in support of the Northeast Corridor Atlantic Route Project to improve the efficiency of the National Airspace System (NAS) and reduce dependency on ground-based navigational systems.

DATES: Comments must be received on or before October 28, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2019–0638; Airspace Docket No. 19–ASO–7 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov*.

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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 the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the NAS.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2019–0638; Airspace Docket No. 19–ASO–7) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2019–0638; Airspace Docket No. 19–ASO–7.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists

Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA issued a final rule for Docket No. FAA–2018–0437 in the **Federal Register** (83 FR 43750; August 28, 2018) (the Florida Metroplex project) that established and modified a number of high altitude area navigation (RNAV) routes in the southeastern United States. The rule became effective on November 8, 2018. That rule was part of the effort to improve the efficiency of the NAS by reducing the dependency on ground-based navigation systems and transitioning the NAS to a satellite-based, Performance Based Navigation (PBN) system.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to amend 25 jet routes, remove 7 jet routes, and remove one high altitude RNAV route (Q-route) in the southeastern United States. This action would complement the Florida Metroplex project action by removing certain jet route segments that are being replaced by RNAV routing. Additionally, the proposed jet route changes would reduce aeronautical chart clutter by removing unneeded route segments.

In this NPRM, where new navigation aid radials are proposed in an amended jet route description, both ''True'' (T) and ''Magnetic'' (M) degrees will be stated. Existing radials in the descriptions are expressed only in True degrees. Some jet routes discussed in this preamble include points that are identified by the intersection of radials from two VOR or VORTAC navigation facilities. In some cases, those intersections are assigned a specific fix name that is depicted on aeronautical charts (*e.g.,* TYDOE, GA). While these fix names are not stated in the regulatory descriptions of jet routes, they are noted in the preamble text below to assist readers in locating that point on aeronautical charts.

The proposed route changes are as follows:

J–4: J–4 currently extends between the Los Angeles, CA, VORTAC and the Wilmington, NC, VORTAC. This action proposes to remove the segments of the route between the Colliers, SC, VORTAC and the Wilmington VORTAC. As amended, the route would extend between Los Angeles, CA and Colliers, SC.

J–20: J–20 currently extends between the Seattle, WA, VORTAC and the Orlando, FL, VORTAC. This action proposes to remove the segments between the Seminole, FL, VORTAC and the Orlando VORTAC. The amended route would extend between Seattle, WA and Seminole, FL.

J–37: J–37 currently extends between the Hobby, TX, VOR/DME and the Massena, NY, VORTAC. This proposal would remove the route segments between Montgomery, AL, VORTAC and the Lynchburg, VA, VOR/DME leaving a gap in the route. As amended, J–37 would consist of three separate segments: Between Hobby, TX and Montgomery, AL; followed by a gap; and then between Lynchburg, VA and Massena, NY; followed by a gap; and then between Coyle, NJ and Kennedy, NY.

J–41: J–41 currently extends between the Key West, FL, VORTAC and the Omaha, NE, VORTAC. This action would remove the portion of the route between the Key West and the Seminole, FL, VORTAC. The amended route would extend between Seminole, FL and Omaha, NE.

J–43: J–43 currently extends between the Dolphin, FL, VORTAC and the Carleton, MI, VOR/DME. This action would remove the segments between Dolphin, FL, and the currently charted NEDDY, GA, Fix (defined by the intersection of the Cross City, FL VORTAC 322°(T)/324°(M) and the Seminole, FL, VORTAC 359°(T)/357°(M) radials). The amended route would extend between the intersection of the Cross City, FL, VORTAC 322°(T)/324°(M) and the Seminole, FL, VORTAC 359°(T)/357°(M) radials (the NEDDY Fix) and Carleton, MI.

J–45: J–45 currently extends between the Virginia Key, FL, VOR/DME and the Aberdeen, SD, VOR/DME. The action would remove the segments between the Virginia Key, FL, VOR/DME, and the Alma, GA, VORTAC. The amended route would extend between Alma, GA and Aberdeen, SD.

J–46: J–46 currently extends between the Tulsa, OK, VORTAC and the Alma, GA, VORTAC. This action would remove the segments between the Volunteer, TN, VORTAC and the Alma, GA, VORTAC. The amended route would extend between Tulsa, OK and Volunteer, TN.

J–47: J–47 currently extends between the Charleston, SC, VORTAC and the Spartanburg, SC, VORTAC. The FAA proposes to delete this entire route.

J–51: J–51 currently extends between the Craig, FL, VORTAC and the Yardley, NJ, VOR/DME. This action proposes to remove the segments between the Craig, FL, VORTAC, and the charted TUBAS, NC, Fix (defined by the intersection of the Columbia, SC, VORTAC 042°(T)/044°(M) and the Flat Rock, VA, VORTAC 212°(T)/218°(M) radials. As amended, the route would extend between the intersection of the Columbia, SC 042°(T)/044°(M) and the Flat Rock, VA 212°(T)/218°(M) radials (the TUBAS Fix), and the Yardley VOR/DME.

J–52: J–52 currently extends between Vancouver, BC, Canada, VOR/DME and the Richmond, VA, VOR/DME. The FAA proposes to remove the segments between the Columbia, SC, VORTAC and the charted TUBAS, NC, Fix (defined by the intersection of the Columbia VORTAC 042°(T)/044°(M) and the Flat Rock, VA, VORTAC 212°(T)/218°(M) radials). As amended J–52 would extend, in two parts, between Vancouver, BC, Canada, and Columbia, SC; followed by a gap in the route, and resuming between the intersection of the Columbia, SC 042°(T)/044°(M) and the Flat Rock, VA, 212°(T)/218°(M) radials (TUBAS Fix) and Richmond, VA.

J–53: J–53 currently extends between the Dolphin, FL, VORTAC and the Pulaski, VA, VORTAC. This action would remove the segments between Dolphin, FL, and the charted DUNKN, GA, Fix (defined by the intersection of the Craig, FL, VORTAC 347°(T)/350°(M) and the Colliers, SC, VORTAC 174°(T)/178°(M) radials). The amended route would extend between the DUNKN Fix and Pulaski, VA.

J–55: J–55 currently extends between the Dolphin, FL, VORTAC and the Presque Isle, ME, VOR/DME. This action would remove the segments between the Dolphin VORTAC, and the Charleston, SC, VORTAC. The amended route would extend between Charleston, SC and Presque Isle, ME.

J–73: J–73 currently extends between the Dolphin, FL, VORTAC and the Northbrook, IL, VOR/DME. This action would remove the segments between the Dolphin VORTAC, FL, and the WYATT, FL, Fix (defined by the intersection of the Seminole, FL, VORTAC 344°(T)/342°(M) and the Cross City, FL, VORTAC 322°(T)/324°(M) radials). The amended route would extend between the intersection of the Seminole VORTAC 344°(T)/342°(M) and the Cross City VORTAC 322°(T)/324°(M) radials (the WYATT Fix) and Northbrook, IL.

J–75: J–75 currently extends between the Dolphin, FL, VORTAC and the Boston, MA, VOR/DME. This action would remove the segments between the Dolphin VORTAC, and the Greensboro, NC, VORTAC. As amended, the route would extend between Greensboro, NC and Boston, MA.

J–79: J–79 currently extends between the Key West, FL, VORTAC, and the

Bangor, ME, VORTAC. This action would remove the segments between the Key West VORTAC, and the Charleston, SC, VORTAC. The amended route would extend between Charleston, SC and Bangor, ME.

J–81: J–81 currently extends between the Dolphin, FL, VORTAC and the Colliers, SC, VORTAC. This action would remove the segments between the Dolphin VORTAC, and the charted DUNKN, GA, Fix (defined by the intersection of the Craig, FL, VORTAC 347°(T)/350°(M) and the Colliers VORTAC 174°(T)/178°(M) radials). The amended route would extend between the intersection of the Craig VORTAC 347°(T)/350°(M) and the Colliers VORTAC 174°(T)/178°(M) radials (DUNKN Fix) and the Colliers VORTAC.

J–85: J–85 currently extends between the Dolphin, FL, VORTAC and the Dryer, OH, VOR/DME. This action would remove the segments between the Dolphin VORTAC, and the Alma, GA, VORTAC. The amended route would extend between Alma, GA and Dryer, OH. In addition, the words ''The portion within Canada is excluded'' would be removed from the J–85 description because that segment was previously eliminated from the route but inadvertently left in the description.

J–89: J–89 currently extends between the intersection of the Taylor, FL, VORTAC 176° and the Valdosta, GA, VOR/DME 156° radials (charted as the HITTR, FL, Fix) and the Winnipeg, MB, Canada, VORTAC. This action would remove the segments between the intersection of the Taylor VORTAC 176° and the Valdosta VOR/DME radials (HITTR Fix) and the charted ICBOD, GA, Fix (defined by the intersection of the Atlanta, GA, VORTAC 161°(T)/161°(M) and the Alma, GA, VORTAC 252°(T)/252°(M) radials). The amended route would extend between the intersection of the Atlanta VORTAC 161°(T)/161°(M), and the Alma VORTAC 252°(T)/252°(M) radials (ICBOD Fix) and Winnipeg, MB, Canada.

J–91: J–91 currently extends between the intersection of the Orlando, FL, VORTAC 274° and the Cross City, FL, VORTAC 133° radials (the INPIN Fix), and the Henderson, WV, VORTAC. This action would remove the segments between the intersection of the Orlando VORTAC 274° and the Cross City VORTAC 133° radials, and the intersection of the Cross City 338°(T)/340°(M) and the Atlanta, GA, VORTAC 169°(T)/174°(M) radials (currently charted as the JOHNN, GA, Fix). The amended route would extend between the intersection of the Cross City VORTAC 338°(T)/340°(M) and the Atlanta VORTAC 169°(T)/174°(M) radials (the JOHNN Fix), and the Henderson VORTAC.

J–103: J–103 currently extends between the Ormond Beach, FL, VORTAC and the Savannah, GA, VORTAC. The FAA proposes to remove the entire route. RNAV route Q–93 would provide alternative routing in this area.

J–113: J–113 extends between the Virginia Key, FL, VOR/DME and the Craig, FL, VORTAC. The FAA proposes to remove the entire route. RNAV routes Q–77 could be used as an alternative in this area.

J–119: J–119 extends between the St. Petersburg, FL, VORTAC and the Taylor, FL, VORTAC. The FAA proposes to remove the entire route. A combination of RNAV routes Q–79, Q–65, and Q–99 are available as alternatives in this area.

J–121: J–121 currently extends between the Craig, FL, VORTAC, and the Kennebunk, ME, VOR/DME. This action would remove the segments between the Craig VORTAC and the Charleston, SC, VORTAC. The amended route would extend between Charleston, SC and Kennebunk, ME.

J–151: J–151 extends between the Cross City, FL, VORTAC and the Whitehall, MT, VOR/DME. This action would remove the segments between the Craig, FL, VORTAC and the Vulcan, AL, VORTAC. The amended route would extend between Vulcan, AL and Whitehall, MT.

J–165: J–165 currently extends between the Charleston, SC, VORTAC and the Richmond, VA, VOR/DME. This action would remove the segment between the Charleston VORTAC and the intersection of the Charleston VORTAC 025°(T)/030(M) and the Florence, SC, VORTAC 085°(T)/088°(M) radials (the DWYTE, SC, Fix). The amended route would extend between the intersection of the Charleston VORTAC 025°(T)/030(M) and the Florence VORTAC 085°(T)/088°(M) radials (DWYTE Fix) and the Richmond VOR/DME.

J–174: J–174 currently extends between the Craig, FL, VORTAC and the intersection of the Marconi, MA, VOR/DME 090° and the Nantucket, MA, VOR/DME 066° radials (the HERIN Fix). This action would remove the segments between the Craig VORTAC and the Charleston, SC, VORTAC. The amended route would extend between the Charleston VORTAC and the intersection of the Marconi VOR/DME 090° and the Nantucket VOR/DME 066° radials.

J–207: J–207 currently extends between the Savannah, GA, VORTAC and the Franklin, VA, VORTAC. This action would remove the segments between the Savannah, GA, VORTAC and the Florence, SC, VORTAC. The amended route would extend between the Florence VORTAC and the Franklin VORTAC.

J–208: J–208 currently extends between the Athens, GA, VOR/DME and the Hopewell, VA, VORTAC. The FAA proposes to remove the entire route.

J–209: J–209 currently extends between the Greenwood, SC, VORTAC and the intersection of the Coyle, NJ, VORTAC 036° and the Robbinsville, NJ, VORTAC 136° radials (the WHITE Fix). The action would remove the segment between the Greenwood VORTAC and the Raleigh-Durham, NC, VORTAC. The amended route would extend between the Raleigh-Durham VORTAC and the intersection of the Coyle VORTAC 036° and the Robbinsville VORTAC 136° radials.

J–210: J–210 currently extends between the intersection of the Savannah, GA, VORTAC 256° and the Vance, SC, VORTAC 221° radials (the DUNKN Fix), and the Wilmington, NC, VORTAC. This action would remove the segment between the Savannah VORTAC and the Vance VORTAC. The amended route would extend between Vance, SC and Wilmington, NC.

J–614: J–614 currently extends between the Sarasota, FL, VOR/DME and the Dolphin, FL, VORTAC. The FAA proposes to remove the entire route.

J–616: J–616 currently extends between the Sarasota, FL, VOR/DME, and the Dolphin, FL, VORTAC. The FAA proposes to remove the entire route.

In addition to the above jet route changes, the FAA proposes to remove one high altitude RNAV route as follows:

Q–112: Q–112 currently extends between the DEFUN, FL, fix and the INPIN, FL, fix. The FAA proposes to remove the entire route. A number of other Q-routes are available as alternatives.

Jet routes are published in paragraph 2004; and United States Area Navigation Routes are published in paragraph 2006; of FAA Order 7400.11C dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The jet routes and RNAV route listed in this document would be subsequently amended in, or removed, respectively, from the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 2004 Jet Routes.

J–4 [Amended]

From Los Angeles, CA, via INT Los Angeles 083° and Twentynine Palms, CA, 269° radials; Twentynine Palms; Parker, CA; Buckeye, AZ; San Simon, AZ; Newman, TX; Wink, TX; Abilene, TX; Ranger, TX; Belcher, LA; Magnolia, MS; Meridian, MS; Montgomery, AL; INT Montgomery 051° and Colliers, SC, 268° radials; to Colliers.

J–20 [Amended]

From Seattle, WA, via Yakima, WA; Pendleton, OR; Donnelly, ID; Pocatello, ID; Rock Springs, WY; Falcon, CO; Hugo, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Will Rogers, OK, 284° radials; Will Rogers; Belcher, LA; Magnolia, MS; Meridian, MS; Montgomery, AL; to Seminole, FL.

J–37 [Amended]

From Hobby, TX, via INT of the Hobby 090° and Harvey, LA, 266° radials; Harvey; Semmes, AL; to Montgomery, AL. From Lynchburg, VA; Gordonsville, VA; Brooke, VA; INT Brooke 067° and Coyle, NJ, 226° radials; to Coyle. From Kennedy, NY; Kingston, NY; Albany, NY; to Massena, NY.

J–41 [Amended]

From Seminole, FL; Montgomery, AL; Vulcan, AL; Memphis, TN; Springfield, MO, Kansas City, MO, to Omaha, NE.

J–43 [Amended]

From INT Cross City, FL 322°(T)/324°(M) and Seminole, FL 359°(T)/357°(M) radials; Atlanta, GA; Volunteer, TN; Falmouth, KY; Rosewood, OH; to Carleton, MI.

J–45 [Amended]

From Alma, GA; Macon, GA; Atlanta, GA; Nashville, TN; St Louis, MO; Kirksville, MO; Des Moines, IA; Sioux Falls, SD; to Aberdeen, SD.

J–46 [Amended]

From Tulsa, OK, via Walnut Ridge, AR; Nashville, TN; to Volunteer, TN.

J–47 [Remove]

J–51 [Amended]

From INT Columbia 042° and Flat Rock, VA, 212° radials; Flat Rock; Nottingham, MD; Dupont, DE; to Yardley, NJ.

J–52 [Amended]

From Vancouver, BC, Canada; via Spokane, WA; Salmon, ID; Dubois, ID; Rock Springs, WY; Falcon, CO; Hugo, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Ardmore, OK, 309° radials; Ardmore; Texarkana, AR; Sidon, MS; Bigbee, MS; Vulcan, AL; Atlanta, GA; Colliers, SC; to Columbia, SC. From INT Columbia 042°(T)/044°(M) and Flat Rock, VA 212°(T)/218°(M) radials; Raleigh-Durham, NC; to Richmond, VA. The portion within Canada is excluded.

J–53 [Amended]

From INT Craig 347° and Colliers, SC, 174° radials; Colliers; Spartanburg, SC; to Pulaski, VA.

J–55 [Amended]

From Charleston, SC; Florence, SC; INT Florence 003° and Raleigh-Durham, NC, 224° radials; Raleigh-Durham; INT Raleigh-Durham 035° and Hopewell, VA, 234° radials; Hopewell; INT Hopewell 030° and Nottingham, MD, 174° radials. From Sea Isle, NJ; INT Sea Isle 050°and Hampton, NY, 223° radials; Hampton; Providence, RI; Boston, MA; Kennebunk, ME; to Presque Isle, ME.

J–73 [Amended]

From INT Seminole, FL 344°(T)/342°(M) and Cross City, FL, 322°(T)/324°(M) radials; La Grange, GA; Nashville, TN; Pocket City, IN; to Northbrook, IL.

J–75 [Amended]

From Greensboro, NC; Gordonsville, VA; INT Gordonsville 040° and Modena, PA, 231° radials; Modena; Solberg, NJ; Carmel, NY; INT Carmel 045° and Boston, MA, 252° radials; to Boston.

J–79 [Amended]

From Charleston, SC; Tar River, NC; Franklin, VA; Salisbury, MD; INT Salisbury 018°and Kennedy, NY, 218°radials; Kennedy; INT Kennedy 080°and Nantucket, MA, 254°radials; INT Nantucket 254°and Marconi, MA, 205°radials; Marconi; INT Marconi 006°and Bangor, ME, 206°radials; Bangor.

J–81 [Amended]

From INT Craig, FL, 347° and Colliers, SC, 174°, radials; Colliers.

J–85 [Amended]

From Alma, GA; Colliers, SC; Spartanburg, SC; Charleston, WV; INT Charleston 357° and Dryer, OH, 172° radials; Dryer.

J–89 [Amended]

From INT Atlanta, GA 161°(T)/161°(M) and Alma, GA, 252°(T)/252°(M) radials; Atlanta; Louisville, KY; Boiler, IN; Northbrook, IL; Badger, WI; Duluth, MN; to Winnipeg, MB, Canada. The portion within Canada is excluded.

J–91 [Amended]

From INT Cross City 338° and Atlanta, GA, 169° radials; Atlanta; Volunteer, TN; to Henderson, WV.

J–103 [Remove]

J–113 [Remove]

J–119 [Remove]

J–121 [Amended]

From Charleston, SC; Kinston, NC; Norfolk, VA; INT Norfolk 023° and Snow Hill, MD, 211° radials; Snow Hill; Sea Isle, NJ; INT Sea Isle 050° and Hampton, NY, 223° radials; Hampton; Sandy Point, RI; INT Sandy Point 031° and Kennebunk, ME, 190° radials; to Kennebunk.

J–151 [Amended]

From Vulcan, AL; Farmington, MO; St. Louis, MO; Kirksville, MO; Omaha, NE; O'Neil, NE; Rapid City, SD; Billings, MT; INT Billings 266° and Whitehall, MT, 103° radials; to Whitehall.

J–165 [Amended]

From INT Charleston, SC, 025°(T)/030°(M) and Florence, SC, 085°(T)/088°(M) radials to Richmond, VA.

J–174 [Amended]

From Charleston, SC; Wilmington, NC; Dixon NDB, NC; Norfolk, VA; INT Norfolk 023°

and Snow Hill, MD, 211° radials; Snow Hill; Hampton, NY; INT Hampton 069° and Marconi, MA 228° radials; Marconi, to the INT of Marconi 090° and Nantucket, MA, 066° radials. Airspace below FL 240 is excluded between Snow Hill and lat. 38°45′00″ N, long. 74°43′59″ W. Airspace above FL 410 is excluded between Snow Hill and Hampton.

J–207 [Amended]

From Florence, SC; Raleigh-Durham, NC; to Franklin, VA.

J–208 [Remove]

J–209 [Amended]

From Raleigh-Durham, NC; Tar River, NC; Norfolk, VA; INT Norfolk 023° and Salisbury, MD, 199° radials; Salisbury; INT Salisbury 018° and Coyle, NJ, 226° radials; Coyle; to INT Coyle 036° and Robbinsville, NJ, 136° radials.

J–210 [Amended]

From Vance, SC; to Wilmington, NC.

J–614 [Remove]

J–616 [Remove]

Paragraph 2006 United States Area Navigation Routes

Q–112 [Remove]

Issued in Washington, DC, on September 4, 2019.

Scott M. Rosenbloom,

Acting Manager, Airspace Policy Group.

[FR Doc. 2019–19544 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

[Docket Number: COE–2019–0010]

Washington Channel, Fort McNair, Washington, DC; Restricted Area

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On August 8, 2019, the U.S. Army Corps of Engineers (the Corps) published a proposed rule to establish a permanent restricted area in the Washington Channel adjacent to Fort McNair in Washington, DC. The comment period ended on September 9, 2019, and we received requests to extend the comment period. As it closed prior to the publication of this document, we are reopening the comment period. Comments previously submitted do not need to be resubmitted, as they have already been incorporated into the administrative record and will be fully considered in the Corps' decision making process for this rulemaking action.

DATES: Written comments must be submitted on or before November 5, 2019.

ADDRESSES: You may submit comments, identified by docket number COE–2019–0010, by any of the following methods:

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

Email: david.b.olson@usace.army.mil. Include the docket number, COE–2019–0010, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW–CO–R (David B. Olson), 441 G Street NW, Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Instructions for submitting comments are provided in the proposed rule published on August 8, 2019 (84 FR 38893). Consideration will be given to all comments received by November 5, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Division, Washington, DC at 202–761–4922, or Mr. Steve Elinsky, Corps of Engineers, Baltimore District, Regulatory Branch, at 410–962–4503.

SUPPLEMENTARY INFORMATION: In the August 8, 2019, issue of the **Federal Register** (84 FR 38893), the Corps published a proposed rule for establishing a permanent restricted area in the Washington Channel adjacent to Fort McNair. Fort McNair is the headquarters of the Army's Military District of Washington and home of the National Defense University as well as the official residence of the U.S. Army's Vice Chief of Staff. Fort McNair requested the restricted area to fulfill Joint Base Myer-Henderson Hall (JBM–HH) security needs including HMX missions and security needs at Fort McNair including protection of VIP quarters. The restricted area is also needed to protect public health by preventing vessels from disturbing a planned environmental remediation area located near Fort McNair.

We have received requests for an extension of the comment period for the proposed rule. The Corps finds a longer comment period is warranted. Therefore, the comment period for this proposed rule is reopened until November 5, 2019.

Dated: September 6, 2019.

Thomas P. Smith,

Chief, Operations and Regulatory Division, Directorate of Civil Works.

[FR Doc. 2019–19735 Filed 9–11–19; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R6–ES–2019–0029; 4500030114]

RIN 1018–BD71

Endangered and Threatened Wildlife and Plants; Threatened Species Status for Graham's Beardtongue (Penstemon grahamii) and White River Beardtongue (Penstemon scariosus var. albifluvis); Designation of Critical Habitat for Graham's Beardtongue and White River Beardtongue

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment periods.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reopening the comment periods on our August 6, 2013, proposed rules to list Graham's beardtongue (*Penstemon grahamii*) and White River beardtongue (*Penstemon scariosus* var. *albifluvis*) as threatened species throughout their ranges and to designate critical habitat for these two plant species under the Endangered Species Act of 1973, as amended (Act). We are reopening the comment period for 30 days to give all interested parties further opportunity to comment on the proposed rules. Comments previously submitted need not be resubmitted as they are already incorporated into the public record and will be fully considered in the final rule.

DATES: The comment periods on the August 6, 2013, proposed rules (78 FR 47590 and 78 FR 47832) are reopened. We will accept comments received or postmarked on or before October 15, 2019. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: *Document availability:* You may view the August 6, 2013, proposed rules and supporting materials associated with this reopened public comment period and described below under **SUPPLEMENTARY INFORMATION** at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2013–0081 (for

the proposed listing rule) or FWS–R6–ES–2013–0082 (for the proposed critical habitat rule), or from the office listed in **FOR FURTHER INFORMATION CONTACT**.

New information related to this proposed rule and described below in this document may be accessed at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2019–0029.

Comment submission: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R6–ES–2019–0029, which is the docket number for this proposed action. Then click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R6–ES–2019–0029; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

FOR FURTHER INFORMATION CONTACT: Larry Crist, Field Supervisor, U.S. Fish and Wildlife Service, Utah Ecological Services Field Office, 2369 West Orton Circle, Suite 50, West Valley City, UT 84119; telephone 801–975–3330. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Species Information and Previous Federal Actions

Please refer to the August 6, 2013, proposed listing rule at 78 FR 47590 for information about Graham's beardtongue and White River beardtongue's taxonomy, description, distribution, habitat, and biology, as well as a detailed description of previous Federal actions concerning Graham's beardtongue and White River beardtongue prior to 2013.

On August 6, 2013, we published a proposed rule to list Graham's beardtongue and White River beardtongue as threatened species under the Act (78 FR 47590). We also published an August 6, 2013, proposed rule to designate critical habitat for both species (78 FR 47832). Upon publication of our proposed rules, we opened a 60-day comment period that closed on October 7, 2013. Following publication of our proposed rules, the same parties (Bureau of Land Management (BLM); U.S. Fish and Wildlife Service; Utah Department of Natural Resources; State of Utah School and Institutional Trust Lands Administration (SITLA); Uintah County, Utah) that had drafted a 2007 Conservation Agreement (CA) for Graham's beardtongue and White River beardtongue reconvened to evaluate species' surveys and distribution information and reassess the conservation needs of both Graham's and White River beardtongues. Based on this evaluation, the parties completed a new conservation agreement (2014 CA, entire) that specifically addressed the threats identified in our August 6, 2013, proposed rule to list the two species (78 FR 47590). Additional signatories to the 2014 CA included the Utah Public Lands Policy Coordination Office (PLPCO) and Rio Blanco County, Colorado.

In the 2014 CA, the parties committed to conservation actions including establishing 17,957 hectares (ha) (44,373 acres (ac)) of occupied and unoccupied suitable habitat as protected conservation areas with limited surface disturbance and avoidance of Graham's and White River beardtongue plants by 91.4 meters (m) (300 feet (ft)). Additionally, BLM agreed to avoid surface disturbances within 91.4 m (300 ft) of Graham's and White River beardtongue plants within and outside of conservation areas on BLM land. The parties also developed conservation measures to address the cumulative impacts from livestock grazing, invasive weeds, small population sizes, and climate change by continuing species monitoring, monitoring climate, reducing impacts from grazing when and where detected, and controlling invasive weeds.

On May 6, 2014, we announced the reopening of the public comment period on our August 6, 2013, proposed listing and proposed designation of critical habitat rules until July 7, 2014 (79 FR 25806). In that document, we also announced the availability of a draft economic analysis (DEA), draft environmental assessment (EA), draft 2014 CA, and amended required determinations section of the proposal. We also announced the availability of 2013 survey results for Graham's and White River beardtongue plants and our intent to hold a public information meeting and public hearing.

On August 6, 2014, we withdrew the proposed rule to list Graham's beardtongue and White River beardtongue as threatened species under the Act (79 FR 46042). This withdrawal was based on our conclusion that the threats to the species as identified in the proposed rule were no longer as significant as we previously determined. We based this conclusion on our analysis of new information concerning current and future threats and conservation efforts. As a result, we also withdrew our associated proposed rule to designate critical habitat for these species.

Litigation

On March 26, 2015, a complaint was filed in the District Court for the District of Colorado by Rocky Mountain Wild, Center for Biological Diversity, Utah Native Plant Society, Southern Utah Wilderness Alliance, Grand Canyon Trust, Western Resource Advocates, and Western Watersheds Project challenging the withdrawal of the proposal to list Graham's beardtongue and White River beardtongue. The State of Utah, SITLA and PLPCO, and Uintah County, Utah, intervened in the litigation. On October 25, 2016, the court found that the withdrawal was contrary to the Act because (1) we concluded that yet-to-be-enacted regulatory and non-regulatory measures mandated by the 2014 CA were ''existing regulatory mechanisms''; (2) we failed to account for the 2014 CA's expiration when determining whether the beardtongues face material threats in the ''foreseeable future''; and (3) we took into account economic considerations when imposing a 91.4-m (300-foot) buffer zone around each beardtongue. However, before entering final judgment, the court ordered that the parties meet to discuss whether the 2014 CA could be modified in a manner satisfactory to Plaintiffs. Those meetings occurred, but in a December 15, 2017, Joint Status Report to the court, the parties reported that we were unsuccessful at reaching agreement. Therefore, on December 18, 2017, the court entered final judgment, vacating our August 6, 2014, withdrawal, and reinstating the proposed listing and critical habitat rules.

As a result, the August 6, 2013, proposed listing and critical habitat rules (collectively referred to as the 2013 proposed rules) for Graham's beardtongue and White River beardtongue are now reinstated, and both species are proposed species for the purposes of consultation under section 7 of the Act. This document notifies the public that we are reopening the comment periods on the 2013

proposed rules (78 FR 47590 and 78 FR 47832). We also announce that we will be reevaluating the status of both species to determine whether they meet the definition of endangered or threatened species under the Act, or whether they are not warranted for listing. Any listing determination we make must be made based on the best available information.

We invite the public to comment on the 2013 proposed rules, and we request new information regarding Graham's beardtongue and White River beardtongue that has become available since the publication of the proposed rules to inform this evaluation. As described in more detail below, new survey and monitoring information have become available to us since the publication of our 2013 proposed rules. In addition, we worked with partners to complete a final 2014 CA and 2018 addendum and modified conservation areas under the 2014 CA.

New Survey Information

In 2013, our range-wide population estimates for Graham's beardtongue and White River beardtongue were 31,702 and 11,423, respectively, and all plants known at the time for the two species were included within our proposed critical habitat units. Since publication of our 2013 proposed rules, we have received additional survey information for Graham's beardtongue and White River beardtongue that resulted in a larger total population size for the two species and a larger range for White River beardtongue. For Graham's beardtongue, we now know of an additional 24,118 plants, which brings our 2018 range-wide population estimate to 55,820 plants. A total of 43,464 Graham's beardtongue plants (78 percent of the total population) now occur inside of the August 6, 2013, proposed critical habitat units, an increase of 11,762 plants since 2013 (Table 1). A total of 28,085 Graham's beardtongue plants (50 percent of the total population) now occur within designated conservation areas that were identified in the 2014 CA, an increase of 2,309 plants since 2014. Designated conservation areas are subject to surface disturbance caps for the duration of the 2014 CA. For more details on designated conservation areas, see the 2014 CA.

TABLE 1—GRAHAM'S AND WHITE RIVER BEARDTONGUES 2013 AND 2018 PLANT ABUNDANCE INSIDE AND OUTSIDE OF THE 2013 PROPOSED CRITICAL HABITAT (PCH) BOUNDARIES

Year	Number of plants	Graham's beardtongue (percent of total)	White river beardtongue (percent of total)
2013	Inside 2013 PCH	31,702 (100%)	11,423 (100%)
	Outside of 2013 PCH	0 (0%)	0 (0%)
	Total	31,702	11,423
2018	Inside 2013 PCH	43,464 (78%)	19,194 (59%)
	Outside of 2013 PCH	12,356 (22%)	13,218 (41%)
	Total	55,820	32,412

For White River beardtongue, we now know of an additional 20,989 plants, which brings our 2018 range-wide population estimate to 32,412 plants. Based on our updated understanding of the population and its distribution, a total of 19,194 plants (59 percent of the total population) occur inside of our proposed critical habitat. In addition, a total of 23,954 plants (74 percent of the total population) occur within designated conservation areas that were identified in the 2014 CA, an increase of 14,724 plants since 2014 (Table 1).

Maps of plant locations are available at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2019–0029 and at *https://www.fws.gov/mountain-prairie/es/grahamsAndWhiteRiverBeardTongue.php* by clicking Recent Actions & Links at the bottom of the page. We request public comments on these data and how they should be considered for the designation of critical habitat, and how this information might impact our assessment of the species' status under the Act.

New Monitoring Information

Since the publication of our 2013 proposed rules, we have received additional population monitoring information for Graham's beardtongue and White River beardtongue in Utah and Colorado, and genetic studies of White River beardtongue. In addition, we convened an expert panel to discuss the amount of variation found in Graham's beardtongue and White River beardtongue genetics and morphology across their ranges. Population trends for Graham's beardtongue and White River beardtongue are relatively stable to increasing at all monitoring locations with episodic recruitment offsetting declines due to herbivory (Reisor and McDonough 2014, pp. 22, 33; Pavlik *et al.* 2015, pp. 1–2; Conservation Team 2018, pp. 99–105; Dawson 2018, p. 3; Krening 2018a, pp. 1, 5; and Krening 2018b, p. 2). Long-term monitoring results provide additional confirmation that Graham's beardtongue plants remain dormant and below ground in years of adverse environmental conditions (Krening 2018a, p. 5; Dawson 2019, p. 1).

We are also aware that preliminary evaluations of the effect of disturbance from development on seed set and pollinator visitation are under way. Preliminary results are not conclusive (Barlow and Pavlik 2018, pp. 2–3; Conservation Team 2018, Appendix E).

Genetic studies of White River beardtongue have resolved our understanding of the species' range and extent, thus eliminating the uncertainty associated with the unverified element occurrences we referenced in our 2013 proposed rules (Stevens and Johnson 2016, entire; Rodriguez *et al.* 2018, entire). One remaining area of uncertainty regarding taxonomy is whether to elevate White River beardtongue to a species-level rank of *Penstemon albifluvis.* White River

beardtongue is currently considered a subspecies (*Penstemon scariosus* var. *albifluvis*). Regardless, we consider it to be a listable entity. We held a meeting on June 2, 2017, with an expert panel to review and discuss the new genetic results and other pertinent information regarding the range of variation found in Graham's beardtongue and White River beardtongue. The additional population monitoring, genetic studies, and expert panel information are available at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2019–0029 and at *https://www.fws.gov/mountain-prairie/es/grahamsAndWhiteRiverBeardTongue.php* by clicking Recent Actions & Links at the bottom of the page. We request public comment on these data and how they might impact our assessment of the species' status under the Act.

2014 Conservation Agreement and 2018 Addendum

We and the other parties to the conservation agreement finalized the 2014 CA on July 22, 2014. The 2014 CA is similar to the draft conservation agreement provided during the previous reopened public comment period for our 2013 proposed rules (79 FR 25806), and is described in our 2014 withdrawal. We and the other parties to the 2014 CA signed an addendum to the agreement in November and December 2018.

In the 2018 addendum, the Federal, State, and county parties agreed to a 5-year extension of the 2014 CA until July 25, 2034. The private parties in Utah will be released from the 2014 CA when the original term ends and when the Uinta County Ordinance (No. 7–16–2018 01) expires on July 25, 2029. Afterwards, private parties may voluntarily submit land to be incorporated as a conservation area under the 2014 CA.

The 2018 addendum includes a new commitment for our agency to complete an assessment of the species' status on or around December 31, 2028, for Graham's beardtongue and White River beardtongue, prior to the release of private parties in Utah from the 2014 CA. The purpose of this future assessment will be to characterize Graham's and White River beardtongues' biological condition and viability within their respective ranges at that time. The assessment will likely include a projection of the beardtongues' future condition based on plausible scenario(s) and will characterize the uncertainty related to stressors and scenario(s).

The 2018 addendum also includes a new commitment for the parties to complete a summary report every 5 years. Summary reports will provide a comprehensive review of conservation efforts and research performed under the 2014 CA, as well as the status of the beardtongues and habitat conditions within conservation areas. The summary reports are intended to inform our 2028 species status assessment for the beardtongues and will also inform the parties of any conservation actions that would be beneficial to the species and could be implemented prior to the ending of the 2014 CA. The 2014 CA and the 2018 addendum are available at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2019–0029 and at *https://www.fws.gov/mountain-prairie/es/grahamsAndWhiteRiverBeardTongue.php* by clicking Recent Actions & Links at the bottom of the page. We request public comment on this information and how it might impact our assessment of the two species' status under the Act.

2014 Conservation Agreement Conservation Area Modifications

Under section 6.2 of the 2014 CA, parties are required to review existing conservation area boundaries and discuss proposed modifications to these boundaries. The parties started their review on November 2, 2017, and finalized their modification of conservation area boundaries on November 20, 2018. The conservation boundary modification process included a review of new survey information, prioritization of conservation areas based on biological factors, and boundary adjustments that reflected priority areas. The parties approved the inclusion of an additional 947 ha (2,339 ac) as new designated conservation areas for White River beardtongue habitat on BLM and SITLA lands. The parties also approved the removal of 46 ha (115 ac) from existing conservation areas. These areas were removed due to errors in the original Geographic Information System analysis, analyses that showed they contained lower value areas without plants, and existing development. The conservation area modification document is available at *http://www.regulations.gov* under Docket No. FWS–R6–ES–2019–0029 and at *https://www.fws.gov/mountain-prairie/es/grahamsAndWhiteRiverBeardTongue.php* by clicking Recent Actions & Links at the bottom of the page. We request public comment on this information and how it might impact our assessment of the two species' status under the Act.

Information Requested

We will accept written comments and information during this reopened comment period on our proposed rule to list Graham's beardtongue and White River beardtongue as threatened species that was published in the **Federal Register** on August 6, 2013 (78 FR 47590), and on our proposed rule to designate critical habitat for both species (78 FR 47832, August 6, 2013). We will also accept written comments and information regarding the new information described above, including new survey and monitoring information that have become available, the 2014 CA and 2018 addendum, and modification of conservation areas under the 2014 CA. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The species' biology, range, and population trends, including:

(a) Biological or ecological requirements of these species;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns; and

(d) Historical, current, and projected population levels and trends.

(2) The factors that are the basis for making a listing determination for a species under section 4(a) of the Act (16 U.S.C. 1531 *et seq.*), which are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range;

(b) Overutilization for commercial, recreational, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting its continued existence.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species and regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status, range, distribution, and population size of these species, including the locations of any additional populations of these species.

(5) Past and ongoing conservation measures for these species, their habitats, or both.

(6) Current or planned activities in the areas occupied by these species and possible impacts of these activities on these species.

(7) Any information on the biological or ecological requirements of these species and ongoing conservation measures for these species and their habitats.

(8) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat may not be prudent.

(9) Specific information on:

(a) The amount and distribution of Graham's beardtongue and White River beardtongue occupied and suitable habitat;

(b) Areas that were occupied at the time of listing (or are currently occupied) and that contain features essential to the conservation of the species that should be included in the designation and why;

(c) What areas not occupied at the time of listing are essential for the conservation of the species and why;

(d) What may constitute ''physical or biological features essential to the conservation of the species,'' within the geographical range currently occupied by the species;

(e) Where the ''physical or biological features essential to the conservation of the species,'' features are currently found;

(f) Information indicating how these species respond to natural and anthropogenic disturbances; and

(g) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change.

(10) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(11) Information on the projected and reasonably likely impacts of climate change on Graham's and White River beardtongues and proposed critical habitat.

(12) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation; in particular, we seek information on any impacts on small entities or families, and the benefits of including or excluding areas that exhibit these impacts.

(13) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act.

(14) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

(15) The likelihood of adverse social reactions to the designation of critical habitat and how the consequences of such reactions, if likely to occur, would relate to the conservation and regulatory benefits of the proposed critical habitat designation.

(16) Whether the 2014 CA, including the 2018 addendum and conservation area modifications, provides sufficient conservation measures to reduce threats to one or both species.

As indicated under **SUMMARY**, above, if you submitted comments or information on the proposed rules (78 FR 47590 and 78 FR 47832) during the initial comment periods from August 6, 2013, to October 7, 2013, or from May 6, 2014, to July 7, 2014, please do not resubmit them. Any such comments are incorporated as part of the public record of this rulemaking proceeding, and we will fully consider them in the preparation of our final determination. Our final determination will take into consideration all written comments and any additional information we receive during all comment periods. The final decision may differ from the proposed rule, based on our review of all information received during this rulemaking proceeding.

You may submit your comments and materials concerning the proposed rules and other new information described above by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Utah Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

References Cited

A complete list of references cited in this document is available on the internet at *http://www.regulations.gov* at Docket No. FWS–R6–ES–2019–0029 and on our website at *https://www.fws.gov/mountain-prairie/es/grahamsAndWhiteRiverBeardTongue.php* by clicking Recent Actions & Links at the bottom of the page, and upon request from the Utah Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this document are the staff members of the Mountain Prairie Regional Office and Utah Ecological Services Field Office.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 22, 2019.

Margaret Everson,

Principal Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2019–19768 Filed 9–11–19; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 190906–0023]

RIN 0648–BI99

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Seabird Bycatch Avoidance Measures

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

ACTION: Proposed rule, request for comments.

SUMMARY: This proposed rule would require commercial groundfish bottom longline vessels 26 feet length overall and longer managed under the Pacific Coast Groundfish Fishery Management Plan to deploy streamer lines or to set gear between civil dusk and civil dawn when fishing in Federal waters north of 36° North latitude. The action is necessary to fulfill terms and conditions of a 2017 United States Fish and Wildlife Service Biological Opinion to minimize incidental take of Endangered Species Act-listed short-tailed albatross (*Phoebastria albatrus*) by vessels in the

Pacific Coast groundfish fishery. This proposed rule is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Pacific Coast Groundfish Fishery Management Plan, and other applicable laws, including the Endangered Species Act.

DATES: Comments must be received by October 15, 2019.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2019–0063, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0063,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Barry A. Thom, Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070. Attn: Keeley Kent.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post 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 is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic Access

This rule is accessible via the Office of the Federal Register website at *https://www.federalregister.gov/.* Background information and documents including a Regulatory Impact Review/Initial Regulatory Flexibility Analysis (Analysis), which addresses the statutory requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Presidential Executive Order 12866, and the Regulatory Flexibility Act are available at the NMFS West Coast Region website at *http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish/index.html* and at the Pacific Fishery Management Council's website at *http://www.pcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Keeley Kent, phone: 206–526–4655, or email: *keeley.kent@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background and Need for Action

The purpose of this proposed rule is to reduce interactions between seabirds, especially Endangered Species Act-listed species, and groundfish longline gear. Seabirds are known to dive on baited hooks near the sea surface when fishing vessels deploy longline gear. Birds can become entangled with, or hooked by, the gear and drown.

Streamer lines, also known as tori lines, bird scaring lines, or bait saver lines, have been shown to deter seabirds from the fishing gear groundline for a distance beyond the stern of the vessel sufficient for the groundline to sink to a depth where bait is no longer accessible to diving birds (Section 1.2 of the Analysis).

The streamer line is a line that extends from a high point on a vessel (a mast, pole, or rigging) near the stern of the vessel to a drogue (usually a buoy with a weight, such as a section of chain). As the vessel moves forward, the drogue creates tension in the line, producing a span of area from the stern where the streamer line is aloft. The aloft section includes streamers made of UV protected, brightly colored tubing spaced every 16 feet (ft) (5 meters (m)). Streamers must be heavy enough to maintain a near-vertical fence in moderate to high winds. Individual streamers extend to the water to prevent aggressive birds from getting to the groundline and interacting with hooks. Streamer lines have been effective at reducing seabird bycatch in fisheries throughout the world, including Alaskan fisheries that are similar to Pacific Coast groundfish fisheries.

In limited instances, a buoy bag line may be used in place of a streamer line. Vessels without mast, poles, and rigging must deploy at least one buoy bag line. A buoy bag line extends from a high point on the vessel to a drogue (a buoy with a weight, such as a section of chain). The buoy bag line hangs over the area where baited hooks may be accessible to seabirds, which is generally within 6.5 feet (2 m) of the sea surface.

On the West Coast, longline vessels fishing under the Pacific Coast Groundfish Fishery Management Plan (FMP) interact with short-tailed albatross, which are listed as endangered under the Endangered Species Act (ESA). Short-tailed albatross typically only dive to depths of 6.6 ft (2 m) when feeding. A 2012 U.S. Fish and Wildlife Service (USFWS) Biological Opinion on the continued operation of the Pacific Coast groundfish fishery required vessels 55 ft (16.8 m) and longer length overall (LOA) using bottom longline gear (as defined in 50 CFR 660.11) to use streamer lines (80 FR 71975; November 18, 2015). Smaller vessels were not included in the requirement. However, research since then has shown that vessel size is not a limiting factor on seabird interactions (USFWS Biological Opinion 2017).

In 2015, the Pacific Fishery Management Council's (Council) Groundfish Endangered Species Act Workgroup estimated that incidental take of short-tailed albatross in groundfish longline fisheries exceeded the incidental take level allowed in the 2012 Biological Opinion (Section 1.2 of the Analysis). Thus, NMFS reinitiated consultation in 2016 with the USFWS pursuant to Section 7 of the ESA. On May 2, 2017, USFWS published its new Biological Opinion on the fishery. The Incidental Take Statement (ITS) in the Biological Opinion lists nondiscretionary terms and conditions, one of which requires NMFS to amend the fishery regulations to require vessels fishing for groundfish in Federal waters that use longline gear to:

(i) Employ streamer lines in the commercial longline fishery of the Pacific Coast Ground Fishery consistent with the Alaska streamer line regulations for Federal waters, including the use of single streamer lines on boats 26–55 feet (7.9–16.8 m) in length, or

(ii) Set longlines after civil sunset.

The ITS requires that NMFS implement these regulation changes as soon as practical, but initiation of implementation shall not exceed a three-year period after the date of the Biological Opinion.

The Council evaluated the requirements of the ITS and analyzed an action to amend the regulations implementing the FMP to address seabird bycatch in the fishery at its November 2018, April 2019, and June 2019 meetings. The Council recommended a preferred alternative at its April 2019 meeting and took final action in June 2019. NMFS is proposing modifications to the existing Seabird Avoidance Program regulations for the Pacific Coast groundfish fishery through this proposed rule to incorporate the Council's recommendation.

Description of the Pacific Coast Groundfish Longline Fishery

As described in Section 3.5.1 of the Analysis, groundfish longline vessels are grouped into the following four fisheries:

(1) Vessels with a sablefish fixed gear endorsed Federal groundfish limited entry permit may participate in the primary sablefish fishery with vessel-

specific sablefish catch limits assigned according to permit possession;

(2) Vessels with fixed gear endorsed Federal groundfish limited entry permit but without the sablefish endorsement;

(3) Vessels with a trawl endorsed groundfish limited entry permit participate in the Shorebased Individual Fishing Quota (IFQ) Program fishery and may use any legal groundfish gear. A portion of vessels possessing these endorsed permits and the necessary quota pounds use longline gear to catch sablefish (''gear switchers''). From an operational standpoint these vessels are comparable to the limited entry category described above; and,

(4) Vessels without a Federal permit are subject to daily and weekly trip limits for groundfish species. Vessels without a Federal permit participate in the open access fishery, and are subject to state permitting requirements as applicable.

Overlapping with these permit categories, vessels may be described as participating in the non-nearshore or nearshore fishery. The non-nearshore fishery principally targets sablefish on the continental slope and may also land other associated species such as thornyheads. The nearshore fishery, as the name implies, fishes closer to shore and primarily in state waters, principally landing various rockfish species (Section 3.5.1 of the Analysis). The 2017 Biological Opinion excluded any groundfish fisheries in state waters from the proposed action, therefore this proposed rule only applies to vessels fishing in federal waters, delineated as the exclusive economic zone, 3–200 nautical miles (5.6–370.4 kilometers) from shore.

Section 3.5.2 of the Analysis indicates that 37 large vessels (vessels greater than or equal to 55 ft (16.8 m) LOA) and 387 small vessels (vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA) participated in the non-nearshore fishery using longline gear during the 2013–2017 baseline period. During the baseline period, the Analysis found a considerable amount of variation in the number of participating vessels from year to year, especially in the small vessel category. On average, 22 large vessels and 199 small vessels participated in these federal fisheries annually, suggesting that vessels move in and out of the fishery over time.

Section 3.5.4 of the Analysis compares annual engagement levels to annual revenues for small and large vessels participating in the non-nearshore fishery. The Analysis indicates that most of the vessels participating in this fishery make relatively few trips annually. In terms of the number of trips, 80 percent of small vessels and 90 percent of large vessels make 10 or fewer trips per year. Despite the low apparent level of participation, the Analysis found that most vessels earn the majority of their annual revenue from this fishery. In terms of annual revenue, 77 percent of small vessels and 73 percent of large vessels derive 90 percent or more of total ex-vessel revenue from the fishery annually. The primary ports of landing for these vessels from 2013 to 2017 were Monterey, Fort Bragg, CA; Brookings, Coos Bay, Newport, OR; and ports on the south and central coast of Washington (Section 3.5.6 of the Analysis).

Proposed Seabird Bycatch Avoidance Measures

This proposed rule would amend the existing Seabird Avoidance Program regulations for the Pacific Coast groundfish fishery at 50 CFR 660.21 to implement the requirements of the 2017 USFWS Biological Opinion. The existing Seabird Avoidance Program regulations apply to vessels greater than or equal to 55 ft (16.8 m) LOA engaged in commercial fishing for groundfish with bottom longline gear. Vessels using snap gear must deploy a minimum of a single streamer line. Vessels not using snap gear must deploy paired stream lines. Pacific Coast treaty Indian fisheries and anglers engaged in recreational fishing for groundfish are exempt from the regulations. The existing regulations also exempt vessels when a National Weather Service Gale Warning is in effect.

This proposed rule would extend the streamer line requirements currently in place for vessels greater than or equal to 55 ft (16.8 m) LOA to vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA using bottom longline gear, as defined under 50 CFR 660.11, when fishing north of 36° N latitude. This proposed rule would also exempt all Pacific coast groundfish vessels subject to seabird avoidance requirements from streamer line requirements when night setting and exempt vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA from using streamer lines when a small craft advisory is declared. This section details the features of the proposed expanded seabird bycatch avoidance measures.

The Council recommended exempting vessels fishing south of 36° N latitude due to the rare presence of short-tailed albatross in this area, and as a result, decreased likelihood of interaction with fishing gear. This exemption would apply to all sizes of vessels; therefore, it would create a new exemption for the vessels greater than or equal to 55 ft (16.8 m) LOA that have been subject to streamer line requirements since 2015.

Bottom longline gear includes snap gear, which is a variant of this gear type in which the gangion and hook are attached to the groundline by means of a mechanical fastener or snap, usually during gear deployment. Because vessel operators may snap the gangion and hook to the groundline during deployment, this gear configuration often means that vessels deploy the gear at a slower speed than standard bottom longline gear. This action would require a different streamer line configuration for vessels using snap gear that are greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA to accommodate the slower snap gear deployment speed and would be consistent with the existing regulations for vessels greater than or equal to 55 ft (16.8 m) LOA.

A portion of the vessels participating in this fishery use floated longline gear. Floats are attached to the mainline at the midpoint between the weights that sink the gear to the seafloor. The floats elevate the mainline off the seafloor to minimize depredation by ''sea lice'' (isopods) and hagfish, which can occur when baited hooks are immobile on the seafloor. The Analysis found that because of the slower sink rate of floated longline gear, streamer lines are less effective in minimizing seabird bycatch. With floated gear, that portion adjacent to the float, is exposed to seabird attacks well beyond the extent of the streamer lines. As part of this action, the Council considered special seabird bycatch mitigation measure requirements for vessels using floated mainline gear (see Section 3.7 of the Analysis) due to differences in the length of gear within potential bird strike depths beyond the normal extent of streamer lines. Specifically, the Council considered whether to only allow vessels using this gear type to set at night. However, due to safety concerns raised during the analysis of the action, difficulty in assessing the number of participants this action would affect because of data limitations, and concerns about the burden such a requirement would place on vessels that may typically only conduct day trips, the Council did not recommend special requirements for floated mainline gear at this time. However, the Council acknowledged concerns with the effectiveness of streamer lines for reducing seabird interactions for floated mainline gear and requested NMFS and the industry collaborate on research on strategies to

modify floated mainline gear so that streamer lines are more effective, or adjust the configuration of streamer lines to make them more effective for floated mainline gear. NMFS intends to pursue further research both to meet the Council's recommendation and to fulfill the terms and conditions of the Biological Opinion, which directs NMFS to conduct research that investigates new or improved methods of reducing bycatch of short-tailed albatross that are safe and effective within the longline fishery. This term and condition also specifically notes that NMFS should pursue research on the effect of floating gear on albatross bycatch and improved methods to minimize risk of bycatch.

The Biological Opinion requires that the streamer line configurations of this action be consistent with the Alaska streamer line regulations (50 CFR 679.24(e)). To meet this term and condition, this proposed rule would require the following configurations of streamer lines for vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA.

Vessels with mast, poles, and rigging and not using snap gear would be required to deploy a single streamer line. The single streamer line must:

1. Be a minimum of 300 ft (91.4 m) in length;
2. Have streamers spaced every 16.4 ft (5 m);
3. Be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 131.2 ft (40 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water;
4. Have individual streamers that hang attached to the mainline to 9.8 in (0.25 m) above the waterline in the absence of wind;
5. Have at least eight streamers out of the water aft of the vessel; and
6. Have streamers constructed of material that is brightly colored, UV-protected plastic tubing or ⅜ inch polyester line or material of an equivalent density.

Vessels with mast, poles, and rigging and using snap gear must deploy a single streamer line. The single streamer line must:

1. Be a minimum of 147.6 ft (45 m) in length;
2. Have streamers spaced every 16.4 ft (5 m);
3. Be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 65.6 ft (20 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water;
4. Have individual streamers that hang attached to the mainline to 9.8 in (0.25 m) above the waterline in the absence of wind;
5. Have at least four streamers out of the water aft of the vessel; and
6. Have streamers constructed of material that is brightly colored, UV-protected plastic tubing or ⅜ inch polyester line or material of an equivalent density.

Vessels without mast, poles, and rigging must deploy at least one buoy bag line:

1. A buoy bag line consists of two components: A length of line (without streamers attached) and one or more float devices at the terminal end.
2. Have a buoy bag line that hangs over the area where baited hooks may be accessible to seabirds, which is generally within 6.5 feet (2 m) of the sea surface.

This proposed rule would exempt all Pacific coast groundfish vessels subject to seabird avoidance requirements from streamer line requirements when night setting. This proposed rule would define night setting as deployment of gear between civil dusk (defined as one hour after local sunset) and civil dawn (defined as one hour before local sunrise). As described in Section 3.7.1.1 of the Analysis, deploying gear between civil dusk and civil dawn is an effective seabird bycatch mitigation measure due to the primarily day-time foraging patterns of short-tailed albatross. This exemption would apply to all sizes of vessels; it therefore would create a new exemption for the vessels greater than or equal to 55 ft (16.8 m) LOA that have been subject to streamer line requirements since 2015.

Finally, this proposed rule would include weather safety exemptions due to the risk of entanglement of streamer lines in fishing gear in high winds. Currently, vessels greater than or equal to 55 ft (16.8 m) LOA are exempt from deploying streamer lines when fishing in an area under a National Weather Service (NWS) Gale warning (winds 34 to 47 knots). This proposed rule would create a weather safety exemption for vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA when fishing in an area under a NWS Small Craft Advisory (winds 21 to 33 knots) or in an area seaward of such an area.

Anticipated Effects of This Proposed Rule

This proposed rule would reduce the likelihood of interactions between seabirds and groundfish longline vessels and therefore reduce the risk of seabird bycatch in this fishery, specifically for endangered short-tailed albatross (Section 3.7.1.1 of the Analysis). As enumerated in Section 3.5.2 of the Analysis, this proposed rule would annually affect, on average, 199 vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA that would be subject to streamer line or night setting requirements. Additionally, this proposed rule would annually affect, on average, 22 vessels greater than or equal to 55 ft (16.8 m) LOA that would be exempt from the use of streamer lines when night setting.

Under this proposed rule, vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA would need to obtain and use a streamer line when setting their gear. A single streamer line costs around $125 in materials and labor. As part of this action, Oregon Sea Grant is distributing a number of streamer lines free of charge to fishery participants (Section 3.7.2.1 of the Analysis). Streamer lines may have to be replaced over time depending on wear and tear. Vessels may also choose to night set in lieu of obtaining and using a streamer line. If a vessel were not already equipped to night set, new or upgraded deck lighting may be necessary (Section 3.7.2.1 of the Analysis). There may be no additional costs borne by fishery participants subject to this proposed rule if participants obtain a free streamer line or are already equipped for night setting. Conversely, participants may be required to purchase a streamer line or deck lighting to facilitate night setting.

Using streamer lines adds to the complexity of deploying the gear. This would result in a modest increase in indirect cost (any additional labor involved in deploying streamer lines) and there is a small risk of the streamer lines entangling in the fishing gear if deployed improperly, which could reduce fishing time and thus catch (Section 3.7.3.1 of the Analysis). Relative to night setting, reduced visibility at night could make it more difficult to operate the vessel and conduct fishing operations. However, many vessels both small and large participating in the fishery make multi-day trips (see Section 3.5.5 of the Analysis) and some vessels already set gear at night, suggesting that the impact of voluntarily operating at night would be minimal (Section 3.7.3.1 of the Analysis). The Coast Guard requires navigation lights for all power-driven vessels (as defined in 33 CFR 83.26), regardless of whether the vessels exclusively operate during the day. Additionally, the Coast Guard provides recommendations for determining safe speeds for daytime and nighttime

operations (*https://www.navcen.uscg.gov/pdf/navRules/navrules.pdf*). Assuming vessels were following these requirements and guidance, vessels practicing prudent judgement could operate safely at night.

Information Solicited

Public comment is sought on all aspects of this proposed rule. In particular, NMFS is requesting information on implementing a weather exemption for vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA and whether the inclusion of areas seaward of a small craft wind advisory in a weather-based exemption from streamer line use is appropriate and understandable. See **ADDRESSES** above for information on how to submit a comment.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

There are no relevant federal rules that may duplicate, overlap, or conflict with this action.

An initial regulatory flexibility analysis (IRFA) was prepared for this action, as required by section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action is contained in the **SUMMARY** section and at the beginning of the **SUPPLEMENTARY INFORMATION** section of the preamble. A summary of the IRFA follows. A copy of the IRFA is available from NMFS (see **ADDRESSES**).

When an agency proposes regulations, the RFA requires the agency to prepare and make available for public comment an IRFA that describes the impact on small businesses, non-profit enterprises, local governments, and other small entities. The IRFA is to aid the agency in considering all reasonable regulatory alternatives that would minimize the economic impact on affected small entities.

The RFA (5 U.S.C. 601 *et seq.*) requires government agencies to assess the effects that regulatory alternatives would have on small entities, defined as any business/organization independently owned and operated and not dominant in its field of operation (including its affiliates). A small harvesting business has combined annual receipts of $11 million or less for all affiliated operations worldwide. A small fish-processing business is one that employs 750 or fewer persons for all affiliated operations worldwide.

For marinas and charter/party boats, a small business is one that has annual receipts not in excess of $7.5 million. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide. A nonprofit organization is determined to be ''not dominant in its field of operation'' if it is considered small under one of the following Small Business Administration (SBA) size standards: Environmental, conservation, or professional organizations are considered small if they have combined annual receipts of $15 million or less, and other organizations are considered small if they have combined annual receipts of $7.5 million or less.

The RFA defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.

Description and Estimate of the Number of Small Entities to Which the Rule Applies, and Estimate of Economic Impacts by Entity Size and Industry

This proposed rule would directly affect groundfish longline vessels. These vessels are defined as small entities based on the criteria provided above. Baseline information reported in Section 3.5.2 of the Analysis suggests that as many as 387 of such vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA could be subject to the requirement to use streamer lines or set gear at night. An additional 37 vessels greater than or equal to 55 ft (16.8 m) LOA could be subject to elements of the proposed action (area exemptions south of 36° N latitude, night setting option) and also qualify as small entities. These counts are the maximum estimate, as vessels move in and out of the fishery between years.

There is not a strict one-to-one correlation between vessels and entities; some persons or firms likely have ownership interests in more than one vessel. Furthermore, as discussed in Section 3.5.4 of the Analysis, most of these vessels had a relatively low level of participation in the fishery during the baseline period, although in principal any level of participation would trigger seabird avoidance requirements (streamer line use, night setting). Given these factors, the actual number of entities regulated by this action could be lower than the preceding estimates.

Description of Proposed Reporting, Record-Keeping, and Other Compliance Requirements of This Proposed Rule

There are no proposed reporting or record-keeping requirements with this proposed rule. All longline vessels, whether classified as small or not, would be subject to new compliance requirements under this proposed rule to either use streamer lines or night set in order to reduce seabird interactions.

Federal Rules Which May Duplicate, Overlap, or Conflict With This Proposed Rule

The proposed regulations do not create overlapping regulations with any state regulations or other federal laws.

A Description of any Significant Alternatives to the Proposed Rule That Accomplish the Stated Objectives of Applicable Statutes and That Minimize any Significant Economic Impact of the Proposed Rule on Small Entities

There are no significant alternatives to the proposed rule that would accomplish the stated objectives in a way that would reduce economic impacts of the proposed rule on small entities. This action responds to a non-discretionary term and condition in the 2017 USFWS Biological Opinion, which specifies the mitigation measures that must be implemented to reduce the risk of short-tailed albatross takes. For that reason, there are no significant alternatives to the proposed action evaluated in this IRFA.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 6, 2019.

Samuel D. Rauch, III,

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

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

PART 660—FISHERIES OFF WEST COAST STATES

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

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

■ 2. In § 660.21, revise paragraphs (b), (b)(1), (c)(1) through (3), to read as follows:

§ 660.21 Seabird Avoidance Program.

* * * * *

(b) *Applicability.* The requirements specified in paragraph (c) of this section apply to the following fishing vessels when operating within the EEZ north of 36° N latitude:

(1) Vessels greater than or equal to 26 ft (7.9 m) LOA engaged in commercial fishing for groundfish with bottom longline gear, including snap gear, as defined under ''Fishing gear'' in § 660.11, including those operating under the gear switching provisions of the Limited Entry Trawl Fishery, Shorebased IFQ Program as specified in § 660.140(k), or those operating under the limited entry fixed gear fishery in subpart E or under the open access fishery in subpart F of this part, except as provided in paragraphs (b)(2) of this section.

* * * * *

(c) * * *

(1) *General Requirements.* The operator of a vessel described in paragraph (b)(1) of this section must comply with the following requirements, unless operating under the provisions of paragraph (c)(3) of this section:

(i) Gear onboard. Have onboard the vessel seabird avoidance gear meeting the material standards specified in paragraph (c)(1)(iv) of this section and in accordance to the vessel size and gear type specific requirements as specified in paragraph (c)(2) of this section.

(ii) Gear inspection. Upon request by an authorized officer or observer, make the seabird avoidance gear available for inspection.

(iii) Gear use. Use seabird avoidance gear as specified in paragraph (c)(2) of this section that meets the material standards specified in paragraph (c)(1)(iv) of this section while bottom longline and snap gears are being deployed.

(iv) Material standards for all streamer lines. All streamer lines must:

(A) Have streamers spaced every 16.4 ft (5 m).

(B) Have individual streamers that hang attached to the mainline to 9.8 in (0.25 m) above the waterline in the absence of wind.

(C) Have streamers constructed of material that is brightly colored, UV-protected plastic tubing or ⅜ inch polyester line or material of an equivalent density.

(v) Handling of hooked short-tailed albatross. If a short-tailed albatross is hooked or entangled by a vessel, owners and operators must ensure that the following actions are taken:

(A) Stop the vessel to reduce the tension on the line and bring the bird on board the vessel using a dip net;

(B) Determine if the bird is alive or dead.

(C) If alive, follow these instructions:

(*1*) Cover the bird with a towel to protect its feathers from oils or damage while being handled;

(*2*) Remove any entangled lines or hooks from the bird without further injuring the bird;

(*3*) Place the bird in a safe enclosed place;

(*4*) If the hook has been ingested or is inaccessible, keep the bird in a safe, enclosed place and submit it to NMFS or the U.S. Fish and Wildlife immediately upon the vessel's return to port. Do not give the bird food or water.

(*5*) Assess whether the bird meets the following criteria for release:

(*i*) Able to hold its head erect and respond to noise and motion stimuli;

(*ii*) Able to breathe without noise;

(*iii*) Capable of flapping and retracting both wings to normal folded position on its back;

(*iv*) Able to stand on both feet with toes pointed forward; and

(*v*) Feathers are dry.

(*6*) If bird does not meet criteria for release:

(*i*) Immediately contact NMFS or the U.S. Fish and Wildlife Service at the numbers listed on the West Coast Seabird Avoidance Measures flyer and request veterinary guidance;

(*ii*) Follow the veterinary guidance regarding the handling and release of the bird.

(D) If dead, freeze the bird immediately with an identification tag attached directly to the specimen listing the species, location and date of mortality, and band number if the bird has a leg band. Attach a duplicate identification tag to the bag or container holding the bird. Any leg bands present must remain on the bird. Contact NMFS or the U.S. Fish and Wildlife Service at the numbers listed on the West Coast Seabird Avoidance Measures flyer, inform them that you have a dead short-tailed albatross on board, and submit the bird to NMFS or the U.S. Fish and Wildlife within 72 hours following completion of the fishing trip.

(E) All incidents involving the hooking of short-tailed albatross must be reported to U.S. Fish and Wildlife Service Law Enforcement by the vessel operator within 72 hours of taking an albatross by phoning 360–753–7764 (WA); 503–682–6131 (OR); or 916–414–6660 (CA).

(F) If a NMFS observer is on board at the time of a hooking event, the observer shall be responsible for the disposition of any captured short-tailed albatross and for reporting to U.S. Fish and Wildlife Service Law Enforcement. Otherwise, the vessel operator shall be responsible.

(2) *Gear Requirements and Performance Standards.* The operator of a vessel identified in paragraph (b)(1) of this section must comply with the following gear requirements:

(i) For vessels with masts, poles, or rigging using snap gear as defined at § 660.11, the following requirements apply:

(A) Vessels must deploy a minimum of a single streamer line in accordance with the requirements of paragraphs (c)(1)(iv) of this section, except as provided in paragraph (c)(2)(iv) of this section.

(B) Streamer lines must be a minimum length of 147.6 ft (45 m).

(C) Streamer lines must be deployed so that streamers are in the air a minimum of 65.6 ft (20 m) aft of the stern and within 6 ft 7 in (2 m) horizontally of the point where the main groundline enters the water before the first hook is set. A minimum of 4 streamers must be out of the water aft of the stern.

(ii) For vessels with masts, poles, or rigging using bottom longline other than snap gear, as defined under 660.11 ''Fishing Gear'' paragraph (6)(B), the following requirements apply:

(A) Streamer lines must be a minimum length of 300 feet (91.4 m).

(B) The number of streamer lines required and the streamer line deployment requirements vary by vessel length as follows:

(*1*) Vessels greater than or equal to 26 feet (7.9 m) and less than 55 feet (16.8 m) LOA must use a minimum of one streamer line. Streamer line must be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 131.2 ft (40 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water. A minimum of 8 streamers must be out of the water aft of the stern.

(*2*) Vessels greater than or equal to 55 feet (16.8 m) LOA must use paired streamer lines. At least one streamer line must be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 131.2 ft (40 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water. A minimum of 8 streamers must be out of the water aft of the stern. The second streamer line must be deployed within 90 seconds thereafter.

(*i*) For vessels deploying gear from the stern, the streamer lines must be

deployed from the stern, one on each side of the main groundline.

(*ii*) For vessels deploying gear from the side, the streamer lines must be deployed from the stern, one over the main groundline and the other on one side of the main groundline.

(iii) Vessels without masts, poles, or rigging. A minimum of 1 buoy bag line must be used by vessels without superstructure, including masts, poles, or rigging. The buoy bag line must hang over the area where baited hooks may be accessible to seabirds, which is generally within 6.5 feet (2 m) of the sea surface.

(iv) The following weather safety exemptions apply, based on vessel length:

(A) Vessels greater than or equal to 26 feet (7.9 m) and less than 55 feet (16.8 m) LOA are exempted from the requirements of paragraph (c)(1)(iii) of this section when a National Weather Service Small Craft Advisory for Winds is in effect, or other National Weather Service Advisory for wind speeds exceeding those that trigger a Small Craft Advisory for Winds. This exemption applies only during the time and within the area indicated in the National Weather Service Weather Advisory or in an area seaward of such an area.

(B) Vessels 55 feet and longer (16.8 m) LOA are exempted from the requirements of paragraph (c)(1)(iii) of this section when a National Weather Service Gale Warning is in effect. This exemption applies only during the time and within the area indicated in the National Weather Service Gale Warning.

(3) *Night setting.* The operator of a vessel described in paragraph (b)(1) of this section, that begins and completes deployment of gear between one hour after local sunset and one hour before local sunrise is exempt from the provisions of paragraphs (c)(1) and (c)(2) of this section.

[FR Doc. 2019–19705 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 84, No. 177
Thursday, September 12, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 9, 2019.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725—17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by October 15, 2019. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Organic Survey.

OMB Control Number: 0535–0249.

Summary of Collection: The primary objective of the National Agricultural Statistics Services (NASS) is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition as well as economic statistics, farm numbers, land values, on-farm pesticide usage, pest crop management practices as well as the Census of Agriculture. General authority for these data collection activities is granted under 7 U.S.C. 2204. This census of organic farmers is required by law under the ''Census of Agriculture Act of 1997,'' Pubic Law No. 105–113, 7 U.S.C. 2204(g), as amended. Response to this survey will be mandatory.

Need and Use of the Information: The information is vital to RMA in determining insurance payments to organic farmers. The Organic Survey will provide acreage, production, and sales data for a variety of organic crop and livestock commodities as well as to gather information on organic marketing practices. These data will be provided by certified organic farms, organic farms exempt from certification, and transitional farms in all 50 States. National and State estimates (where publishable) will be set for all items that are collected on the survey. The collected data will be used to enhance programs like the Environmental Quality Incentives Program (EQIP) by providing accurate, detailed data for agricultural products produced using organic practices.

Description of Respondents: Farmers and Ranchers.

Number of Respondents: 25,500.

Frequency of Responses: Reporting: One time.

Total Burden Hours: 19,743.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–19769 Filed 9–11–19; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0056]

Notice of Request for Extension of Approval of an Information Collection; Importation of Table Eggs From Regions Where Newcastle Disease Exists and Exportation of Poultry and Hatching Eggs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the importation of table eggs from regions where Newcastle disease exists and exportation of poultry and hatching eggs from the United States.

DATES: We will consider all comments that we receive on or before November 12, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0056.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0056, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0056* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m.,

Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of tables eggs and exportation of poultry and hatching eggs, contact Dr. Magde Elshafie, Senior Staff Veterinarian, Strategy and Policy, Veterinary Services, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737; (301) 851–3300. For more detailed information on the information collection, contact Mr. Joseph Moxey, APHIS' Information Collection Specialist, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Table Eggs From Regions Where Newcastle Disease Exists and Exportation of Poultry and Hatching Eggs.

OMB Control Number: 0579–0328.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (the Act, 7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and animal products to prevent the introduction into and dissemination within the United States of livestock diseases and pests. To carry out this mission, APHIS regulates the importation of animals and animal products into the United States. In addition, under the Act, APHIS collects information and conducts inspections to ensure that poultry and hatching eggs exported from the United States are free of communicable diseases.

The regulations contained in 9 CFR parts 93 and 94 govern the importation of carcasses, meat, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, and other birds to prevent the introduction of Newcastle disease (ND) and highly pathogenic avian influenza (HPAI) into the United States. There are requirements for the importation of table eggs from regions where ND and HPAI exists, including Mexico, and these requirements involve information collection activities that include a certificate for table eggs from ND and HPAI affected regions and a government seal issued by the veterinarian accredited by the national government who signed the certificate.

For the export of poultry and hatching eggs from the United States to other countries, there are specific requirements, including certification that the poultry and hatching eggs are free of diseases, along with a USDA seal and endorsement by an authorized APHIS veterinarian. In addition, APHIS requires owners and exporters of poultry and hatching eggs to provide health and identification information via a certificate for poultry and hatching eggs.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.5 hours per response.

Respondents: Owners of poultry and hatching egg operations, exporters, and national animal health authorities.

Estimated annual number of respondents: 201.

Estimated annual number of responses per respondent: 34.

Estimated annual number of responses: 6,803.

Estimated total annual burden on respondents: 3,405 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 6th day of September 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–19753 Filed 9–11–19; 8:45 am]

BILLING CODE 3410–34–P

ARCTIC RESEARCH COMMISSION

Notice of 112th Commission Meeting

A notice by the U.S. Arctic Research Commission on 10/09/2019.

Notice is hereby given that the U.S. Arctic Research Commission will hold its 112th meeting in Reykjavík, Iceland, on October 09, 2019. The business sessions, open to the public, will convene at 10:30 a.m. at the Radisson Blu 1919, Goðafoss meeting room, Pósthússtræti 2, 101 Reykjavík, Iceland.

The Agenda items include:

(1) Call to order and approval of the agenda
(2) Approval of the minutes from the 111th meeting
(3) Commissioners and staff reports
(4) Discussion of Arctic research activities

The meeting will focus on reports and updates relating to programs and research projects affecting Alaska and the greater Arctic.

The Arctic Research and Policy Act of 1984 (Title I Pub. L. 98–373) and the Presidential Executive Order on Arctic Research (Executive Order 12501) dated January 28, 1985, established the United States Arctic Research Commission.

If you plan to attend this meeting, please notify us via the contact information below. Any person planning to attend who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission of those needs 14 days in advance of the meeting.

Contact person for further information: Kathy Farrow, Communications Specialist, U. S. Arctic Research Commission, 703–525–0111 or TDD 703–306–0090.

Dated: September 6, 2019.

Kathy Farrow,

Communications Specialist.

[FR Doc. 2019–19719 Filed 9–11–19; 8:45 am]

BILLING CODE 7555–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Delaware Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Delaware Advisory Committee to the Commission will convene by conference

call, on Monday, September 16, 2019 at 4:00 p.m. (EDT). The purpose of the meeting is to discuss the status of the Committee's draft report on its civil rights project that examined implicit bias and policing in communities of color in Delaware.

DATES: Monday, September 16, 2019 at 4:00 p.m. (EDT).

ADDRESSES: Public Call-In Information: Conference call number: 1–866–556–2429 and conference call ID: 4512490.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–866–556–2429 and conference call ID: 4512490. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call number: 1–866–556–2429 and conference call ID: 4512490.

Members of the public are invited make statements during the Public Comment section of the meeting or to submit written comments; the written comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425 or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing, as they become available at: *https://gsageo.force.com/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlEAAQ,* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda

Monday, September 16, 2019 at 4:00 p.m. (EDT)

I. Welcome and Roll Call
II. Project Planning
—Discuss status of Draft Report
III. Other Business
IV. Public Comment
V. Next Meeting
VI. Adjourn

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: September 6, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–19712 Filed 9–11–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Utah Advisory Committee

AGENCY: U.S. Commission on Civil Rights

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meetings of the Utah Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Mountain Time) September 20 and 27, 2019. The purpose of these meetings is for the Committee to continue planning for their briefing on the gender wage gap.

DATES: These meetings will be held on September 20 and 27, 2019 at 12:00 p.m. MT.

ADDRESSES: Public Call Information: Dial: 800–367–2403 Conference ID: 2682089

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–367–2403, conference ID number: 2682089. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzltAAA*.

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approval of August 23, 2019 Meeting Minutes
III. Continue Discussion on Planning for Briefing on the Gender Wage Gap
IV. Public Comment
V. Next Steps
VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: September 9, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–19803 Filed 9–11–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Advisory Board Charter Renewal

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The Chief Financial Officer and Assistant Secretary of Commerce for Administration, after consultation with the General Services Administration, renewed the Charter for the United States Travel and Tourism Advisory Board on August 16, 2019.

DATES: The Charter for the United States Travel and Tourism Advisory Board was renewed on August 16, 2019.

FOR FURTHER INFORMATION CONTACT: Brian Beall, the United States Travel and Tourism Advisory Board, Room 10003, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: 202–482–0140, email: *TTAB@trade.gov.*

SUPPLEMENTARY INFORMATION: The Chief Financial Officer and Assistant Secretary of Commerce for Administration, after consultation with the General Services Administration, renewed the United States Travel and Tourism Advisory Board on August 16, 2019. This Notice is published in accordance with the Federal Advisory Committee Act (FACA) (Title 5, United States Code, Appendix, § 9). It has been determined that the Committee is necessary and in the public interest. The Committee was established pursuant to Commerce's authority under 15 U.S.C. 1512, established under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App., after consultation with the General Services Administration. The Committee provides advice to the Secretary of Commerce on government policies and programs that affect the U.S. travel and tourism industry.

Brian Beall,

Deputy Director for Policy and Planning, National Travel and Tourism Office, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2019–19721 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Corporation for Travel Promotion Board of Directors

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Second notice of an opportunity for travel and tourism industry leaders to apply for membership on the Board of Directors of the Corporation for Travel Promotion. The initial notice for this opportunity was published on Friday, July 19, 2019.

SUMMARY: The Department of Commerce is currently seeking applications from travel and tourism leaders from specific industries for membership on the Board of Directors (Board) of the Corporation for Travel Promotion (doing business as Brand USA). The purpose of the Board is to guide the Corporation for Travel Promotion on matters relating to the promotion of the United States as a travel destination and communication of travel facilitation issues, among other tasks.

DATES: All applications must be received by the National Travel and Tourism Office by close of business on Wednesday, September 25, 2019. Applicants who applied to the previously published **Federal Register** Notice (7/19/19) do not need to re-apply.

ADDRESSES: Please submit application information by email to *CTPBoard@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Julie Heizer, National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Avenue NW, MS10003, Washington, DC 20230; telephone: 202–482–0140; email: *CTPBoard@trade.gov.*

SUPPLEMENTARY INFORMATION: The Travel Promotion Act of 2009 (TPA) was signed into law on March 4, 2010 and was amended in July 2010 and December 2014. The TPA established the Corporation for Travel Promotion (the Corporation) as a non-profit corporation charged with the development and execution of a plan to (A) provide useful information to those interested in traveling to the United States; (B) identify and address misperceptions regarding U.S. entry policies; (C) maximize economic and diplomatic benefits of travel to the United States through the use of various promotional tools; (D) ensure that international travel benefits all States and the District of Columbia and identify opportunities to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and (E) give priority to countries and populations most likely to travel to the United States.

The Corporation is governed by a Board of Directors, consisting of 11 members with knowledge of international travel promotion or marketing, broadly representing various regions of the United States. The TPA directs the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State) to appoint the Board of Directors for the Corporation.

At this time, the Secretary will be selecting four individuals with the appropriate expertise and experience from specific sectors of the travel and tourism industry to serve on the Board as follows:

(A) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(B) 1 shall have appropriate expertise and experience in immigration policy and law, including visa requirements and United States entry procedures;

(C) 1 shall have appropriate expertise and experience in the land or sea passenger transportation sector; and

(D) 1 shall have appropriate expertise and experience in the passenger air sector.

To be eligible for Board membership, individuals must have knowledge of international travel promotion or marketing, be a current or former chief executive officer, chief financial officer, or chief marketing officer or have held an equivalent management position. Additional consideration will be given to individuals who have experience working in U.S. multinational entities with marketing budgets, and/or who are audit committee financial experts as defined by the Securities and Exchange Commission (in accordance with 15 U.S.C. 7265). Individuals must be U.S. citizens, and in addition, cannot be federally registered lobbyists or registered as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Those selected for the Board must be able to meet the time and effort commitments of the Board.

Board members serve at the discretion of the Secretary of Commerce (who may remove any member of the Board for good cause). The terms of office of each member of the Board appointed by the Secretary shall be three (3) years. Board members can serve a maximum of two consecutive full three-year terms. Board members are not considered Federal

government employees by virtue of their service as a member of the Board and will receive no compensation from the Federal government for their participation in Board activities. Members participating in Board meetings and events may be paid actual travel expenses and per diem by the Corporation when away from their usual places of residence.

Individuals who want to be considered for appointment to the Board should submit the following information by the Wednesday, September 25, 2019 deadline to the address listed in the **ADDRESSES** section above:

1. Name, title, and personal resume of the individual requesting consideration, including address, email address and phone number.

2. A brief statement of why the person should be considered for appointment to the Board. This statement should also address the individual's relevant international travel and tourism marketing experience and audit committee financial expertise, if any, and indicate clearly the sector or sectors enumerated above in which the individual has the requisite expertise and experience. Individuals who have the requisite expertise and experience in more than one sector can be appointed for only one of those sectors. Appointments of members to the Board will be made by the Secretary of Commerce.

3. An affirmative statement that the applicant is a U.S. citizen, is not a federally-registered lobbyist and further, is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

4. If applicable, a statement acknowledging that the applicant is an audit committee financial expert as defined by the Securities and Exchange Commission (in accordance with 15 U.S.C. 7265).

Dated: September 3, 2019.

Julie P. Heizer,

Deputy Director, National Travel and Tourism Office.

[FR Doc. 2019–19684 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2017

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the countervailing duty (CVD) order on polyethylene terephthalate film, sheet, and strip (PET film) from India. The period of review (POR) is January 1, 2017 through December 31, 2017. We preliminarily determine that Jindal Poly Films Ltd. (Jindal) and SRF Limited (SRF) received countervailable subsidies during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Elfi Blum, 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) 482–0197.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2018, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the countervailing duty order on PET film from India, for the POR.[1] In accordance with sections 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b)(1) and (2), in July 2018, we received four review requests. DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc. (collectively, the petitioners) requested reviews of Ester Industries Limited (Ester), Garware Polyester Ltd. (Garware), Polyplex Corporation Ltd. (Polyplex), SRF, Jindal, and Vacmet India Limited (Vacmet). Additionally, Polyplex USA LLC requested reviews for Ester, Garware, Jindal, MTZ Polyesters Ltd. (MTZ), Polyplex, SRF, Vacmet and Uflex Ltd. (Uflex). Finally, Jindal and SRF each self-requested to be reviewed in the instant review.

Subsequently, on September 10, 2018, in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice of initiation of an administrative review of the countervailing duty order on PET Film from India.[2] On October 15, 2018, we placed on the record U.S. Customs and Border Protection (CBP) import data [3] for purposes of respondent selection, and invited parties to comment.[4] Because Jindal entered its notice of appearance at a later point in time [5] and did not obtain its administrative protective order until after the comment period for the CBP data issued on October 15, 2018, Commerce re-released the CBP data on November 5, 2018, and extended the comment period on the CBP import data for Jindal only. We received no comments from interested parties. Subsequently, Polyplex USA timely withdrew its request for a review on November 21, 2018, for all companies.[6] Also, on December 10, 2018, SRF withdrew its request for a review.[7] We selected Jindal and SRF as mandatory respondents.[8]

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.[9] If the new deadline falls on a

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 31121, 31122 (July 3, 2018).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596, 45604 (September 10, 2018) (*Initiation Notice*).

[3] *Note:* The CBP import data released on September 19, 2018, was compiled based on the company names, and variations thereof, whereas the CBP import data release of October 15, 2018, was compiled based on the case number and POR, which captured Jindal's and SRF's shipments of subject merchandise during the entire POR.

[4] *See* Memorandum ''Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from India: Release of U.S. Customs Entry Data for Respondent Selection'' dated October 3, 2017.

[5] *See* Jindal's Letter, ''Polyethylene Terephthalate (Pet) Film from India: Entry of Appearance and APO Application,'' dated October 23, 2018 (Jindal Entry of Appearance).

[6] *See* Polyplex USA's Letter, ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from India: Request for Withdrawal of Countervailing Duty Administrative Review,'' dated November 21, 2018.

[7] *See* SRF's Letter, ''Polyethylene Terephthalate (PET) Film from India/Withdrawal of Request for countervailing Duty Admin Review of SRF Limited (SRF),'' dated December 10, 2018.

[8] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from India: Selection of Respondents for Individual Examination—2017'' dated December 17, 2018 (Respondent Selection Memorandum).

[9] *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

Continued

non-business day, in accordance with Commerce's practice, the deadline will become the next business day.[10] On April 26, 2019,[11] and July 10, 2019, we extended the deadline for the preliminary results of this review.[12] The revised deadline for the preliminary results is now September 6, 2019.

Scope of the Order

The products covered by this order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

Partial Rescission of Administrative Review

Commerce initiated a review of eight companies in this segment of the proceeding.[13] In response to timely filed withdrawal requests, we are rescinding this administrative review with respect to MTZ and Uflex, pursuant to 19 CFR 351.213(d)(1). Accordingly, the companies subject to the instant review are: Ester; Garware; Jindal; Polyplex; SRF; and Vacmet, of which Commerce has selected Jindal and SRF as the mandatory respondents.[14]

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Act. For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[15] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, dated concurrently with, and hereby adopted by, this notice. A list of 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 *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://trade.gov/enforcement/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Jindal and SRF were above *de minimis* and not based entirely on facts available, we applied, looking to section 705(c)(5)(A) of the Act for guidance, a subsidy rate based on a simple average of the subsidy rates calculated for Jindal and SRF because complete publicly ranged sales data was not submitted by all respondents selected for individual review.[16]

Preliminary Results of Review

We preliminarily determine the total estimated net countervailable subsidy rates for the period January 1, 2017, through December 31, 2017 to be:

Manufacturer/exporter	Subsidy rate (percent *ad valorem*)
Jindal Poly Films Limited of India	9.41
SRF Limited	7.22
Ester Industries Limited	8.32
Garware Polyester Ltd	8.32
Polyplex Corporation Ltd	8.32
Vacmet India Limited	8.32

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[17] Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance at a date to be determined. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[18] Rebuttal briefs must be limited to issues raised in the case briefs.[19] Parties who submit case or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[20]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system.[21] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.[22] Parties should confirm by telephone the date, time, and location of the hearing. Issues addressed at the hearing will be limited to those raised in the briefs.[23] All briefs and hearing requests must be filed electronically and received successfully in their entirety through ACCESS by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Assessment Rates and Cash Deposit Requirement

Upon issuance of the final results, Commerce shall determine, and U.S.

January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[10] *Id.*

[11] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review—2016'' dated March 23, 2018; *see also* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review'' dated June 1, 2018.

[12] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated April 26, 2019; Memorandum, ''Second Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review'' dated July 10, 2019.

[13] *See Initiation Notice,* 82 FR 42974, 42974 (September 13, 2017). The eight companies were Ester, Garware, Jindal, MTZ, Polyplex, SRF, Uflex, and Vacmet.

[14] *See* Respondent Selection Memorandum.

[15] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[16] Commerce intends to request complete publicly ranged quantity and value data from respondents in this segment of the proceeding.

[17] *See* 19 CFR 351.224(b).

[18] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[19] *See* 19 CFR 351.309(d)(2).

[20] *See* 19 CFR 351.309(c)(2) and (d)(2).

[21] *See* 19 CFR 351.310(c).

[22] *See* 19 CFR 351.310.

[23] *See* 19 CFR 351.310(c).

Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of review.

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties, in the amounts shown above for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. 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.

These preliminary results of review are issued and published in accordance with sections 751(a)(l) and 777(i)(l) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: September 6, 2019.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Partial Rescission of Administrative Review
4. Scope of the Order
5. Period of Review
6. Subsidies Valuation Information
7. Analysis of Programs
8. Recommendation

[FR Doc. 2019–19795 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–879]

Certain Corrosion-Resistant Steel Products From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review, and Rescission of Review, in Part; 2017

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Dongbu Steel Co., Ltd./Dongbu Incheon Steel Co., Ltd. (Dongbu) received countervailable subsidies that are above *de minimis,* and that Hyundai Steel Company (Hyundai Steel) received countervailable subsidies that are *de minimis.* The period of review (POR) is January 1, 2017 through December 31, 2017. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo or Jun Jack Zhao, 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) 482–2371 and (202) 482–1396, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2018, Commerce published a notice of initiation of an administrative review of the countervailing duty (CVD) order on CORE from Korea.[1] On January 28, 2019, 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] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day.[3] On April 16, 2019, and July 23, 2019, Commerce extended the deadline for the preliminary results. The revised deadline for the preliminary results of this administrative review is September 6, 2019.[4] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5] A list of topics discussed in the Preliminary Decision Memorandum is included at the 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 *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 at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is certain corrosion-resistant steel products. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, In Part

Commerce initiated a review of 23 companies in this segment of the proceeding.[6] The petitioners timely withdrew their request for review of Mitsubishi International Corp.,[7] and no other party requested a review of this company. We are, therefore, rescinding the review with respect to Mitsubishi International Corp., in accordance with 19 CFR 351.213(d)(1).

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution from an authority that gives rise to a benefit to the recipient, and that the subsidy is specific.[8] For a full description of the methodology underlying our conclusions, *see* the accompanying Preliminary Decision Memorandum.

Companies Not Selected for Individual Review

The statute and Commerce's regulations do not directly address the

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018) (*Initiation Notice*); *see also Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 50077 (October 4, 2018) *(Initiation Notice Correction),* n.4.

[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 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).

[4] *See* Memoranda, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review—2017,'' dated April 16, 2019 and July 23, 2019.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review; 2017: Certain Corrosion-Resistant Steel Products from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Initiation Notice* and *Initiation Notice Correction.*

[7] *See* the Petitioners' Letter, ''Withdrawal of Request for Administrative Review in Part, dated September 10, 2018.

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate an all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero, *de minimis,* or rates based entirely on facts available. In this review, the only preliminary subsidy rate above *de minimis* is the rate calculated for Dongbu. Therefore, for the companies for which a review was requested that were not selected as mandatory respondents, and for which we did not receive a timely request for withdrawal of review, and for which we are not finding to be cross-owned with the mandatory company respondents, we are applying the subsidy rate calculated for Dongbu.

Preliminary Results of Review

As a result of this review, we preliminarily determine the net countervailable subsidy rates to be:

Company	Net countervailable subsidy rate (percent *ad valorem*) 2017
Dongbu Steel Co., Ltd./ Dongbu Incheon Steel Co., Ltd.	7.17
Hyundai Steel Company	0.44 (*de minimis*)
Bukook Steel Co., Ltd	7.17
CJ Korea Express	7.17
DK Dongshin Co., Ltd	7.17
Dongbu Express	7.17
Hongyi (HK) Hardware Products Co., Ltd.	7.17
Hyundai Glovis Co., Ltd	7.17
Jeil Sanup Co., Ltd	7.17
POSCO	7.17
POSCO C&C	7.17
POSCO Daewoo Corp	7.17
POSCO P&S	7.17
Sejung Shipping Co., Ltd	7.17
SeAH Steel	7.17
Seil Steel Co., Ltd	7.17
SK Networks Co., Ltd	7.17
Soon Hong Trading Co., Ltd	7.17
Taisan Construction Co., Ltd	7.17
TCC Steel Co., Ltd	7.17
Young Sun Steel Co	7.17

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review. For companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR, 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.

Cash Deposit Rate

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose to parties to this proceeding the calculations performed in reaching the preliminary results no later than ten days after the date of public announcement, or if there is no public announcement, within five days after the date of publication of these preliminary results.[9] Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance at a date to be determined. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[10] Parties who submit case briefs or rebuttal briefs 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.[11]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[12] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce will inform parties of the scheduled date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined.[13] Issues addressed during the hearing will be limited to those raised in the briefs.[14] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

This administrative review and notice are issued and published 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: September 6, 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. Period of Review
IV. Scope of the Order
V. Rescission of Administrative Review, In Part
VI. Rate for Non-Examined Companies
VII. Subsidies Valuation Information
VIII. Analysis of Programs
IX. Recommendation

[FR Doc. 2019–19798 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *See* 19 CFR 351.310(c).

[13] *See* 19 CFR 351.310.

[14] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results, Partial Rescission, and Preliminary Determination of No Shipments, of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that no companies under review qualify for a separate rate and that these companies are, therefore, considered part of the Vietnam-Wide entity. The period of review (POR) is February 1, 2018 through January 31, 2019. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, 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) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2019, Commerce initiated an administrative review of certain frozen warmwater shrimp (shrimp) from the Socialist Republic of Vietnam (Vietnam) [1] for 125 producers and exporters of subject merchandise.[2]

Based on timely withdrawals of review requests from the petitioner,[3] ASPA,[4] and various Vietnamese companies, Commerce rescinded this review, in part, with respect to a total of 48 companies, and their name variations, as identified in the Appendices of the *First Partial Rescission* and the *Second Partial Rescission,* in accordance with 19 CFR 351.213(d)(1).[5]

On May 30, 2019, Trong Nhan Seafood Company Limited (Trong Nhan) withdrew its request for review.[6] After the *Second Partial Rescission,* on June 18, 2019, the petitioner and ASPA withdrew their respective review requests for Trong Nhan.[7] Consequently, there are no remaining requests for review of Trong Nhan on the record and Commerce intends to rescind this review with respect to Trong Nhan as discussed in ''Partial Rescission of Review'' below. The number of companies, accounting for duplicate names, including Trong Nhan, which have been rescinded from review is 49, leaving 76 companies under active review, three of which have claimed no shipments, as discussed below.

Respondent Selection

In the *Initiation Notice,* Commerce notified all interested parties that, ''in the event Commerce limits the number of respondents {pursuant to section 777A(c)(2) of the Tariff Act of 1930, as amended (Act)}, for individual examination, for administrative reviews . . . Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR.'' [8] Commerce placed CBP data on the record and invited comment from interested parties.[9] No parties filed comments on the CBP data or the selection of respondents for individual examination. Thereafter, consistent with section 777(A)(c)(2) of the Act, on June 25, 2019, Commerce limited the number of respondents selected as mandatory respondents in this administrative review to the two largest companies by U.S. import entry volume for which a review has been requested and not rescinded: Cadovimex Seafood Import-Export & Processing Joint-Stock Company (Cadovimex) [10] and Phuong Nam Co., Ltd. (Phuong Nam).[11] Commerce issued its questionnaire to both companies, via FedEx, and confirmed delivery of the packages to the companies.[12] Neither Cadovimex nor Phuong Nam responded to the Section A portion of the questionnaire by the established deadline of July 17, 2019, nor did they request extensions of this deadline.

Because neither Cadovimex nor Phuong Nam responded to our questionnaire, Commerce determined to select two additional mandatory respondents, representing the next two largest exporters under active review, based on the CBP data on the record: New Generation Seafood Joint Stock Company (New Generation) and Viet Asia Foods Company Limited (Viet Asia).[13] Commerce issued its questionnaire to New Generation and Viet Asia [14] on July 29, 2019. On July 30, 2019, New Generation timely withdrew its review request.[15] However, because the petitioner and ASPA did not withdraw their respective review requests of New Generation, the administrative review will continue for New Generation.[16] With regard to Viet Asia, the record shows that, according to FedEx tracking information, delivery of the questionnaire to Viet Asia was unsuccessful due to an ''incorrect address.'' [17] As the only information on the record with regard to Viet Asia's address was contained within the petitioner's request for administrative

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 18777 (May 2, 2019) (*Initiation Notice*).

[2] *Id.* While there were 217 individual names upon which we initiated an administrative review, the number of actual companies for which a review was initiated is 125 when accounting for numerous duplicate names and minor name variations of the same companies requested by multiple interested parties, or groupings of companies that have been collapsed and/or have been previously found affiliated.

[3] Ad Hoc Shrimp Trade Action Committee (the petitioner).

[4] American Shrimp Processors Association (ASPA).

[5] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Partial Rescission of Antidumping Duty Administrative Review; 2018–2019,* 84 FR 25238 (May 31, 2019) (*First Partial Rescission*); and *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Partial Rescission of Antidumping Duty Administrative Review; 2018–2019,* 84 FR 29172 (June 21, 2019) (*Second Partial Rescission*).

[6] *See* Trong Nhan Seafood Company Limited's Letter, ''Withdrawal of Entry of Appearance and Review Request,'' dated May 30, 2019. The petitioner and ASPA did not withdraw their respective review requests for Trong Nhan at the same time as Trong Nhan.

[7] *See* Petitioner's Letter, ''Domestic Producers' Partial Withdrawal of Review Requests,'' dated June 18, 2019; and ASPA's Letter, ''Partial Withdrawal of Review Requests,'' dated June 18, 2019.

[8] *See Initiation Notice,* 84 FR at 18777.

[9] *See* Memorandum, ''Customs Data of U.S. Imports of Certain Frozen Warmwater Shrimp for Respondent Selection,'' dated May 9, 2019.

[10] Cadovimex withdrew its request for review on May 30, 2019. *See* Cadovimex's Letter, ''Withdrawal of Entry of Appearance and Review Request,'' dated May 30, 2019. However, the petitioner and ASPA did not withdraw their requests for review of Cadovimex; thus, Cadovimex remains under active review.

[11] *See* Memorandum, ''Selection of Respondents for Individual Examination,'' dated June 25, 2019 (Respondent Selection Memo).

[12] *See* Memorandum, ''NME AD Questionnaire Delivery Confirmations,'' dated July 15, 2019.

[13] *See* Memorandum, ''Selection of Respondents for Individual Examination,'' dated July 29, 2019.

[14] As Viet Asia did not have counsel, we sent a hard-copy of the questionnaire via FedEx in addition to uploading it to ACCESS on July 29, 2019 (under ACCESS Barcode 3869876–01).

[15] *See* New Generation's Letter, ''Withdrawal of Review Request,'' dated July 30, 2019.

[16] While New Generation submitted a separate-rate application, Commerce subsequently selected New Generation for individual examination, which requires the company to complete the entire questionnaire for separate-rate eligibility. *See Initiation Notice,* 84 FR at 18778 (''For exporters and producers who submit a separate-rate application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status *unless* they respond to all parts of the questionnaire as mandatory respondents.'').

[17] *See* Memorandum, ''NME AD Questionnaire Delivery Confirmation,'' dated August 6, 2019, at Attachment 2.

review,[18] Viet Asia has no legal representation in this review, and Viet Asia did not retrieve the questionnaire from ACCESS,[19] there is no other reasonable method with which Commerce could have served Viet Asia with the questionnaire. Notwithstanding these facts, Viet Asia remains subject to the review, of which it was notified via the *Initiation Notice.* Neither New Generation nor Viet Asia responded to the Section A portion of the questionnaire by the established deadline of August 19, 2019, nor did they request extensions of this deadline.

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, provided in Appendix I, remains dispositive.[20]

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce 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 publication of the notice of initiation of the requested review. Because the petitioner, ASPA, and Trong Nhan all withdrew their requests for administrative review within 90 days of the date of publication of the *Initiation Notice,* and no other interested party requested a review of this company, Commerce is rescinding this review with respect Trong Nhan in accordance with 19 CFR 351.213(d)(1). Commerce will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period February 1, 2018 through January 31, 2019, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**.

Preliminary Determination of No Shipments

Based on our analysis of CBP information and information provided by BIM Foods Joint Stock Company (BIM), (2) Camranh Seafoods Co., Ltd. (Camranh), and (3) Vinh Hoan Corp. (Vinh Hoan) [21] and CBP's confirmation of no shipments [22] for these three companies, we preliminarily determine that these companies did not have any reviewable transactions during the POR. In addition, Commerce finds that, consistent with its assessment practice in non-market economy (NME) cases, it is appropriate not to rescind the review, in part, in these circumstances, but rather to complete the review with respect to these three companies and issue appropriate instructions to CBP based on the final results of the review.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Act. Because the four selected mandatory respondents in this administrative review have not responded to the questionnaire, we preliminarily determine that they are ineligible for a separate rate and are part of the Vietnam-Wide entity, subject to the Vietnam-Wide entity rate of 25.76 percent.

Vietnam-Wide Entity

Commerce finds that 73 companies (*see* Appendix II), including the four companies selected for individual examination, under active review have not established eligibility for a separate rate and are considered to be part of the Vietnam-wide entity for these preliminary results.[23] Commerce's policy regarding conditional review of the Vietnam-wide entity applies to this administrative review.[24] Under this policy, the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the Vietnam-wide entity, the entity is not under review and the entity's rate of 25.76 percent is not subject to change.

Preliminary Results of Review

Commerce finds that the four selected mandatory respondents did not respond to the questionnaire; thus, they have not established eligibility for a separate rate. Based on the above information, Commerce has not calculated any dumping margins for any companies under review, nor has Commerce granted separate rates to any companies under active review. As discussed above, Commerce has preliminarily determined that 73 companies under review, including the four mandatory respondents, to the Vietnam-wide entity, are subject to the Vietnam-wide entity rate of 25.76 percent (*see* Appendix II).

Disclosure and Public Comment

Normally, Commerce will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, here Commerce only applied the Vietnam-Wide rate, which was established in the underlying investigation, to the 73 companies identified in Appendix II.[25] Thus, there are no calculations to disclose.

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the publication of these preliminary results, and rebuttal comments within five days after the time limit for filing case briefs. Parties who submit case briefs or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[26] Rebuttal briefs must be limited to issues raised in the case briefs.[27]

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 within 30 days of the date of publication of this notice.

[18] *See* Petitioner's Letter, ''Request for Administrative Reviews,'' dated February 27, 2019, at 7.

[19] *See* Memorandum, ''NME AD Delivery Confirmation,'' dated August 20, 2019, at Attachment, identifying the parties that accessed Viet Asia's questionnaire, none of whom were Viet Asia.

[20] For a complete description of the Scope of the Order, *see* Appendix I.

[21] *See* BIM's Letter, ''No Shipment Certification,'' dated May 7, 2019; Vinh Hoan Submission, ''No Shipment Certification,'' dated May 13, 2019; and Camranh Submission, ''Notice of No Shipments,'' dated June 3, 2019.

[22] *See* Memorandum, ''No Shipment Inquiry Results,'' dated July 2, 2019.

[23] *See* Appendix II for a full list of the 73 companies (accounting for duplicate names initiated upon).

[24] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[25] *See Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from the Socialist Republic of Vietnam,* 69 FR 71005, 71008 (December 8, 2004) and accompanying Issues and Decision Memorandum at Comments 6 and 10C (''we have applied a rate of 25.76 percent, a rate calculated in the initiation stage of the investigation from information provided in the petition . . .'').

[26] *See* 19 CFR 351.309(c) and (d).

[27] *See* 19 CFR 351.309(d)(2).

Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. 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.[28] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless this deadline is extended.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[29] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. If we continue to find no shipments for the companies identified in the ''Preliminary Determination of No Shipments'' section above, Commerce will instruct CBP to liquidate any suspended entries of subject merchandise from those companies at the Vietnam-wide rate.[30]

For the final results, if we continue to treat the 73 companies identified in Appendix II as part of the Vietnam-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 25.76 percent to all entries of subject merchandise during the POR which were exported by those companies. 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.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For all Vietnam exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the existing rate for the Vietnam-wide entity of 25.76 percent; and (2) for all non-Vietnam exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnam exporter that supplied that non-Vietnam exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(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.

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 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 which is subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: September 6, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Order

The scope of the order includes certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,[31] deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (''HTS''), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the *Penaeidae* family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, white-leg shrimp (*Penaeus vannemei*), banana prawn (*Penaeus merguiensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of the order. In addition, food preparations, which are not ''prepared meals,'' that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of the order. Excluded from the scope are: (1) Breaded shrimp and prawns (HTS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); and (7) certain battered shrimp. Battered shrimp is a shrimp-based product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a ''dusting'' layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and 10 percent of the product's total weight after being dusted, but prior to being frozen; and (5) that is subjected to individually quick frozen (''IQF'') freezing immediately after application of the dusting layer. When dusted in accordance with the definition of dusting above, the battered shrimp product is also coated with a wet viscous layer containing egg and/or milk, and par-fried. The products covered by this order are currently classified under the following HTS subheadings: 0306.17.00.03, 0306.17.00.06,

[28] *See* 19 CFR 351.310(d).

[29] *See* 19 CFR 351.212(b).

[30] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[31] ''Tails'' in this context means the tail fan, which includes the telson and the uropods.

0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. These HTS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.[32]

Appendix II

Companies Subject To Review Determined To Be Part of the Vietnam-Wide Entity

1. A & CDN Foods Co., Ltd.
2. Amanda Seafood Co., Ltd.
3. An Huy B.T Co. Ltd.
4. Anh Koa Seafood
5. Anh Minh Quan Joint Stock Company
6. Asia Food Stuffs Import Export Co., Ltd.
7. B.O.P Company Limited
8. B.O.P. Limited Co.
9. Binh Dong Fisheries Joint Stock Company
10. Binh Thuan Import–Export Joint Stock Company (THAIMEX)
11. Ca Mau Agricultural Products and Foodstuff Imp-Exp Joint Stock Company (Agrimexco Camau)
12. Cadovimex Seafood Import-Export and Processing Joint Stock Company (''Cadovimex'')
    Cadovimex Seafood Import-Export and Processing Joint Stock Company (Cadovimex)
    Cai Doi Vam Seafood Import-Export Co. (''CADOVIMEX'')
13. Cholimex Food Joint Stock Company
14. CJ Cau Tre Foods Joint Stock Company
15. CJ Freshway (FIDES Food System Co., Ltd.)
16. Coastal Fisheries Development Corporation (''COFIDEC'')
17. Cty Tnhh Anh Khoa Seafood
18. Danang Seaproducts Import-Export Corporation (SEADANANG)
19. Dong Do Profo., Ltd.
20. Dong Hai Seafood Limited Company
21. Dong Phuong Seafood Co., Ltd.
22. Duc Cuong Seafood Trading Co., Ltd.
23. Fine Foods Company (FFC)
    Fine Foods Company (FFC) (Ca Mau Foods & Fishery Export Joint Stock Company)
24. Gallant Dachan Seafood Co., Ltd.
25. Gallant Ocean (Vietnam) Co., Ltd.
    Gallant Ocean Viet Nam Co., Ltd.
26. Green Farms Joint Stock Company
    Green Farms Seafood Joint Stock Company
    Green Farms Seafoods Joint Stock Company
27. Ha Cat A International Co., Ltd.
28. Hanh An Trading Service Co., Ltd.
29. Hanoi Seaproducts Import & Export Joint Stock Corporation (Seaprodex Hanoi)
30. Hoa Trung Seafood Corporation (HSC)
31. Hong Ngoc Seafood Co., Ltd.
32. Hung Bang Co., Ltd.
33. HungHau Agricultural Joint Stock Company
34. Huynh Huong Seafood Processing
35. Huynh Huong Trading and Import-Export Joint Stock Company
36. JK Fish Co., Ltd.
37. Kaiyo Seafood Joint Stock Company
38. Khai Minh Trading Investment Corporation
39. Khanh Hoa Seafoods Exporting Company (KHASPEXCO)
40. Lam Son Import-Export Foodstuff Company Limited (Lamson Fimexco)
    Lam Son Import-Export Foodstuffs Corporation
41. Long Toan Frozen Aquatic Products Joint Stock Company
42. Minh Bach Seafood Company (Minh Binh Seafood Foods Co., Ltd.)
    Minh Bach Seafood Company Limited
43. Minh Cuong Seafood Import Export Processing Joint Stock Company (''MC Seafood'')
    Minh Cuong Seafood Import-Export Processing (''MC Seafood'')
44. Minh Phu Seafood Corporation
45. Namcan Seaproducts Import Export Joint Stock Company (Seanamico)
46. New Generation Seafood Joint Stock Company
    New Generation Seafood Joint Stock Company (''New Generation'')
47. New Wind Seafood Co., Ltd.
48. Nha Trang Fisheries Joint Stock Company
    Nha Trang Fisheries Joint Stock Company (''Nha Trang Fisco'')
49. Nhat Duc Co., Ltd.
50. Nigico Co., Ltd.
51. Phu Cuong Jostoco Corp.
    Phu Cuong Jostoco Seafood Corporation
52. Phu Minh Hung Seafood Joint Stock Company
53. Phuong Nam Foodstuff Corp.
    Phuong Nam Foodstuff Corp., Ltd.
54. Quoc Ai Seafood Processing Import Export Co., Ltd.
55. Quoc Toan Seafood Processing Factory (Quoc Toan PTE)
56. Quy Nhon Frozen Seafoods Joint Stock Company
57. Saigon Aquatic Product Trading Joint Stock Company (APT Co.)
58. Saigon Food Joint Stock Company
59. Seafood Joint Stock Company No.4
60. South Ha Tinh Seaproducts Import-Export Joint Stock Company
61. Special Aquatic Products Joint Stock Company (SEASPIMEX VIETNAM)
62. T & P Seafood Company Limited
63. Tai Nguyen Seafood Co., Ltd.
64. Tan Phong Phu Seafood Co., Ltd. (''TPP Co., Ltd.'')
    Tan Phong Phu Seafood Co., Ltd. (TPP Co. Ltd.)
65. Tan Thanh Loi Frozen Food Co., Ltd.
66. Thien Phu Export Seafood Processing Company Limited
67. Thinh Hung Co., Ltd.
68. Trang Corporation (Vietnam)
69. Trang Khan Seafood Co., Ltd.
70. Viet Asia Foods Co., Ltd.
71. Viet Nam Seaproducts—Joint Stock Company
72. Viet Phu Foods and Fish Corp.
73. Viet Shrimp Export Processing Joint Stock Company

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[32] On April 26, 2011, Commerce amended the order to include dusted shrimp, pursuant to the U.S. Court of International Trade (CIT) decision in *Ad Hoc Shrimp Trade Action Committee* v. *United States,* 703 F. Supp. 2d 1330 (CIT 2010) and the U.S. International Trade Commission (USITC) determination, which found the domestic like product to include dusted shrimp. *See Certain Frozen Warmwater Shrimp from Brazil, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision,* 76 FR 23277 (April 26, 2011); *see also Ad Hoc Shrimp Trade Action Committee* v. *United States,* 703 F. Supp. 2d 1330 (CIT 2010); and *Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam* (Investigation Nos. 731–TA–1063, 1064, 1066–1068 (Review), USITC Publication 4221, March 2011.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–837]

Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that exporters of polyethylene terephthalate film, sheet, and strip (PET film) from Taiwan did not sell subject merchandise at prices below normal value (NV). Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith at (202) 482–5255, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2018, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD *Order* on PET film from Taiwan.[1] Nan Ya Plastics Corporation (Nan Ya) self-requested an administrative review of its sales on July 23, 2018.[2] On July 27, 2018, and July 31, 2018, Polyplex USA LLC (Polyplex USA), a domestic producer and interested party, and the petitioners,[3] each requested reviews of Nan Ya and Shinkong Materials Technology Corporation (SMTC).[4] On September 10,

[1] *See Antidumping or Countervailing Duty Order, Finding or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 31121 (July 3, 2018) (*Order*).

[2] *See* Nan Ya's Letter, ''Polyethylene Terephthalate (PET) Film from Taiwan,'' dated July 23, 2018.

[3] The petitioners are DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc.

[4] *See* Polyplex USA's Letter, ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from

2018, in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice of initiation of administrative review of the AD *Order* on PET film from Taiwan.[5]

On January 28, 2019, Commerce issued a memorandum tolling all deadlines for this administrative review by 40 days.[6] On May 8, 2019, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213(h)(2), Commerce extended the due date for the preliminary results by 50 days (from May 13, 2019, to July 2, 2019).[7] On June 24, 2019, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 51.213(h)(2),Commerce extended the due date for the preliminary results by an additional 66 days to September 6, 2019.[8]

Scope of the Order

The merchandise subject to the *Order* is PET film[9] and is currently classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States.[10] A full description of the scope of the *Order* is contained in the accompanying Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by SMTC and its affiliate, Shinkong Synthetic Fibers Corp. (SSFC), we preliminarily determine that SMTC had no shipments of the subject merchandise during the POR.

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of 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 *http://access.trade.gov* and is available to all parties in the Central Records Unit in 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 and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margin for the period July 1, 2017, through June 30, 2018.

Manufacturer/exporter	Weighted-average dumping margin (percent)
Nan Ya Plastics Corporation	0.00

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[11] 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.[12]

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. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time 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 briefs. 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.

Assessment Rates

Upon issuance of the final results in this administrative review, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b). If the weighted-average dumping margin for Nan Ya is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate the importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).

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.

Taiwan: Request for Antidumping Duty Administrative Review,'' dated July 27, 2018; *see also* the Petitioners' Letter, ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from Taiwan: Request for Antidumping Duty Administrative Review,'' dated July 31, 2018.

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018) (*Initiation Notice*).

[6] *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.

[7] *See* Memorandum, ''Polyethylene Terephthalate (PET) Film, Sheet and Strip from Taiwan: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review—2017–2018,'' dated May 8, 2019.

[8] *See* Memorandum, ''Polyethylene Terephthalate (PET) Film from Taiwan: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review (2017–2018),'' dated June 24, 2019.

[9] *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Taiwan,* 67 FR 44174 (July 1, 2002) (*Order*).

[10] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan; 2017–2018'' (Preliminary Decision Memorandum), which is hereby adopted by this notice.

[11] *See* 19 CFR 351.309(d).

[12] *See* 19 CFR 351.303 (for general filing requirements).

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 publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET film from Taiwan 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,* no cash deposit will be required); (2) for previously reviewed or investigated 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 2.40 percent.[13] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

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 the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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(h)(1).

[13] *See Order.*

Dated: September 6, 2019.

Christian Marsh,

Deputy 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. Preliminary Determination of No Shipments for SMTC
V. Comparisons to Normal Value
VI. Date of Sale
VII. Export Price
VIII. Normal Value
IX. Currency Conversion
X. Recommendation

[FR Doc. 2019–19792 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta From Italy: 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 Ghigi 1870 S.p.A. (Ghigi) and Pasta Zara S.p.A. (Pasta Zara) (collectively Ghigi/Zara) sold certain pasta from Italy (pasta) at less than normal value (NV) during the period of review (POR) July 1, 2017 through June 30, 2018, and Industria Alimentare Colavita S.p.A. (Indalco) did not sell pasta at less than NV during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Joy Zhang or George McMahon, 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) 482–1168 or (202) 482–1167, respectively.

Background

On September 10, 2018, Commerce published the notice of initiation of this administrative review of certain pasta from Italy covering the following companies: Agritalia S.r.L. (Agritalia), Francesco Tamma S.p.A. (Tamma), Ghigi, Ghigi Industria Agroalimentare Srl (Ghigi Industria),[1] Pasta Zara, Indalco, La Molisana S.p.A. (La Molisana), and Tesa SrL (Tesa).[2] 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.[3] On February 20, 2019, we rescinded the administrative review with respect to Tamma and La Molisana.[4] On April 16, 2019, Commerce extended the deadline of these preliminary results until September 6, 2019.[5] The events that have occurred between initiation and these preliminary results are discussed in the Preliminary Decision Memorandum.[6]

Scope of the Order

The merchandise subject to the *Order*[7] is certain pasta from Italy and is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price or export price is calculated in accordance with section 772 of the Act. Normal value is

[1] Ghigi and Ghigi Industria were listed separately in the *Initiation Notice.* In the 2015–16 administrative review of this order, Commerce determined that Ghigi 1870 S.p.A. was formerly known as Ghigi Industria. *See Certain Pasta From Italy: Final Results of Antidumping Duty Administrative Review;* 2015–2016, 82 FR 57428 (December 5, 2017). Accordingly, we are conducting the review on Ghigi and intend to assess antidumping duties calculated for Ghigi to any entries made by Ghigi Industria during the POR.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018) (*Initiation Notice*).

[3] *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.

[4] *See Certain Pasta from Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review,* 84 FR 5055 (February 20, 2019).

[5] *See* Memorandum, ''Certain Pasta from Italy: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review; 2017/2018,'' dated April 16, 2019.

[6] *See* Preliminary Decision Memorandum.

[7] *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy,* 61 FR 38547 (July 24, 1996) (*Order*).

calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary results, *see* 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 *https://access.trade.gov* and is available to all parties in the Central Records Unit, Room B–8024 of the main Commerce building. In addition, the Preliminary Decision memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html*. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of the Review

As a result of this review, we calculated a weighted-average dumping margin of 96.79 percent for Ghigi/Zara [8] and 0.00 percent for Indalco for the period July 1, 2017 through June 30, 2018. In accordance with section 735(c)(5)(A) of the Act, we assigned the weighted-average dumping margin calculated for Ghigi/Zara to the following companies that were not selected for individual examination in this review: Agritalia and Tesa.

Producer and/or exporter	Weighted-average dumping margin (percent)
Ghigi 1870 S.p.A. and Pasta Zara S.p.A	96.79
Industria Alimentare Colavita S.p.A	0.00
Agritalia S.r.L	96.79
Tesa SrL	96.79

Assessment Rates

Upon issuance of the final results in this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). If the weighted-average dumping margin for Ghigi/Zara or Indalco is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates on the basis on the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[9] 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 upon publication of the notice of final results of administrative review for all shipments of pasta from Italy entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 15.45 percent, the all-others rate established in the antidumping investigation as modified by the section 129 determination.[10] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose to the parties to the proceeding the calculations performed in connection with these preliminary results to interested parties within five days of publication of this notice.[11]

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.[12] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[13] 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.[14]

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. An electronically-filed request for a hearing must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[15] Hearing 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 issues raised in the 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.[16]

Commerce intends to issue the final results of this administrative review,

[8] In the current review, we continue to treat Ghigi and Zara as a single entity. *See Certain Pasta from Italy: Final Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 57428 (December 5, 2017), and accompanying Issues and Decision Memorandum at Comment 3 (discussing Commerce's determination to collapse Ghigi and Zara).

[9] In these preliminary results, we applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[10] *See Implementation of the Findings of the WTO Panel in US—Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders,* 72 FR 25261 (May 4, 2007).

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(c)(1)(ii).

[13] *See* 19 CFR 351.309(d)(1) and (2).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2) and 19 CFR 351.303 (for general filing requirements).

[15] *See* 19 CFR 351.310(c); 19 CFR 351.303(b)(1).

[16] *See* 19 CFR 351.310(c).

including the results of our analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[17]

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in 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(h)(1).

Dated: September 6, 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 Methodology
V. Recommendation

[FR Doc. 2019–19790 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–854]

Certain Steel Nails From Taiwan: 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 Liang Chyuan Industrial Co., Ltd. (LC); PT Enterprise, Inc. (PT Enterprise) and its affiliated producer Pro-Team Coil Nail Enterprise, Inc. (Pro-Team) (collectively, PT) and Unicatch Industrial Co. Ltd. (Unicatch) made U.S. sales of subject merchandise below normal value during the period of review (POR) July 1, 2017 through June 30, 2018. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, Suzanne Lam, or Joseph Dowling, 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) 482–6905, (202) 482–0783, or (202) 482–6905, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on certain steel nails from Taiwan. On September 10, 2018, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review on certain steel nails from Taiwan.[1] This review covers PT [2] [3] and Unicatch, and two additional companies not selected for individual examination. 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.[4] The tolled deadline for the preliminary results of this review fell on May 13, 2019. On March 4, 2018, we extended the deadline for the preliminary results to September 6, 2019.[5] For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[6]

Scope of the Order [7]

The merchandise covered by this order is certain steel nails. The certain steel nails subject to the order are currently classifiable under HTSUS subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to this order also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.

Methodology

Commerce has conducted this review in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act). Normal value is calculated in accordance with section 773 of the Act. Export price or constructed export price is calculated in accordance with section 772 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 B–8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the

[17] *See* section 751(a)(3)(A) of the Act.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018).

[2] Commerce has preliminarily determined that LC and Integral Building Products Inc. (Integral) are affiliated pursuant to section 771(33) of the Act and, further, that these companies comprise a single entity pursuant to 19 CFR 351.401(f). For a complete discussion of this determination, *see* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Steel Nails from Taiwan; 2017–2018,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[3] Commerce determined that Pro-Team and PT Enterprise comprise a single entity in a prior segment of the proceeding, and we find no new information in this segment that contradicts that finding. *See Certain Steel Nails from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review; 2015–2016,* 82 FR 36744 (August 7, 2017), and accompanying Preliminary Decision Memorandum, unchanged in *Certain Steel Nails from Taiwan: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review; 2015–2016,* 83 FR 6163 (February 13, 2018). Accordingly, we have preliminarily continued to treat PT Enterprise and Pro-Team as a single entity.

[4] *See* Memorandum, ''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.

[5] *See* Memorandum, ''Certain Steel Nails from Taiwan: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated March 4, 2019.

[6] *See* Preliminary Decision Memorandum.

[7] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (*Order*).

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 the appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins exist for the period July 1, 2017 through June 30, 2018:

Exporter/producer	Weighted-average dumping margin (percent)
Liang Chyuan Industrial Co., Ltd./Integral Building Products Inc	2.68
PT Enterprise, Inc./Pro-Team Coil Nail Enterprise, Inc	7.23
Unicatch Industrial Co. Ltd	28.36
Review-Specific Average Rate Applicable to the Following Companies [8]	
Hor Liang Industrial Corp	13.39
Romp Coil Nail Industries Inc	13.39

Disclosure and Public Comment

Commerce intends to disclose the calculations used in its analysis to parties in this review within five days of the date of publication of this notice.[9] Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the publication of these preliminary results, and rebuttal comments within five days after the time limit for filing case briefs, unless Commerce extends those deadlines.[10] Parties who submit case briefs or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Rebuttal briefs must be limited to issues raised in the case briefs.[12]

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 within 30 days of 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 parties intend to discuss. 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.[13] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless otherwise extended, 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, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[14] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* is 0.50 percent or more) in the final results of this review, 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, in accordance with 19 CFR 351.212(b)(1).[15] 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 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 of subject merchandise during the POR produced by each respondent for which it did not know 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.[16] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be the rate established in the final results of this review (except, if the *ad valorem* rate is *de minimis,* then the cash deposit rate will be zero); (2) for other manufacturers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 2.16 percent, the all-others rate in the LTFV investigation.[17] These cash 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

[8] This rate is based on the weighted-average of the margins calculated for those companies selected for individual review. *See* Memorandum, ''Calculation of the Review-Specific Weighted-Average Rate for the Preliminary Results,'' dated concurrently with this notice.

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(c)(1)(ii).

[11] *See* 19 CFR 351.309(c) and (d).

[12] *See* 19 CFR 351.309(d)(2).

[13] *See* 19 CFR 351.310(d).

[14] *See* 19 CFR 351.212(b).

[15] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[16] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[17] *See Certain Steel Nails from Taiwan: Final Determination of Sales at Less Than Fair Value,* 80 FR 28959 (May 20, 2015); *see also Certain Steel Nails from Taiwan: Notice of Court Decision Not in Harmony with Final Determination in Less Than Fair Value Investigation and Notice of Amended Final Determination,* 82 FR 55090 (November 20, 2017), wherein the All-Others rate was revised pursuant to litigation.

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 preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 5, 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. Affiliation/Single Entity
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2019–19789 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–878]

Corrosion-Resistant Steel Products From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminary determines that producers and/or exporters subject to this administrative review did not made sales of subject merchandise at less than normal value (NV) during the period of review (POR), July 1, 2017 through June 30, 2018. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang or Elfi Blum-Page, 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) 482–2316 or (202) 482–0197, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2016, Commerce published in the **Federal Register** an antidumping duty order on corrosion-resistant steel products (CORE) from the Republic of Korea (Korea).[1] On July 3, 2018, we published a notice of opportunity to request an administrative review of the *Order*.[2] On September 10, 2018, we initiated this review with respect to 16 producers and/or exporters of the subject merchandise based on timely filed requests.[3] Commerce selected Dongkuk Steel Mill Co., Ltd. (Dongkuk), and Hyundai Steel Company (Hyundai) for individual examinations. For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4] A list of the topics discussed in the Preliminary Decision Memorandum is attached as the 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 *http://access.trade.gov,* and 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 at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

On January 28, 2019, 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.[5] On April 30, 2019, Commerce postponed the preliminary results of this review until September 6, 2019.[6]

Scope of the Order

The products covered by this order are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

Samsung C&T Corporation (Samsung C&T), Hyosung Corporation (Hyosung) and Hyosung TNC each timely submitted certifications that they made no shipments of subject merchandise to the United States during the POR.[7]

[1] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); and *Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea, and Taiwan: Notice of Correction to the Antidumping Duty Orders,* 81 FR 58475 (August 25, 2016) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 31121 (July 3, 2018).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018) (*Initiation Notice*); *see also* Dongbu Steel, Co., Ltd.'s Letter, ''Corrosion-Resistant Steel Products from Korea, Case No. A–580–878: Request for Administrative Review,'' dated July 26, 2018; Dongbu Incheon Steel Co., Ltd.'s Letter, ''Corrosion-Resistant Steel Products from Korea, Case No. A–580–878: Request for Administrative Review,'' dated July 27, 2018; Dongkuk Steel Mill Co., Ltd.'s Letter, ''Certain Corrosion-Resistant Steel Products from the Republic of Korea: Request for Administrative Review for the Period July 1, 2017–June 30, 2018,'' dated July 30, 2018; Hyundai Steel Company's Letter, ''Corrosion-Resistant Steel Products (CORE) from the Republic of Korea: Administrative Review Request,'' dated July 31, 2018; and ArcelorMittal USA LLC, AK Steel Corporation, California Steel Industries, Inc., Steel Dynamics Inc., Nucor Corporation, and United States Steel Corporation's (collectively, petitioners) Letter, ''Corrosion-Resistant Steel Products from the Republic of Korea: Petitioners' Request for Administrative Review,'' dated July 31, 2018.

[4] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Corrosion-Resistant Steel Products from the Republic of Korea, 2017–2018,'' dated September 6, 2019 (Preliminary Decision Memorandum).

[5] *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.

[6] *See* Memorandum, ''Certain Corrosion-Resistant Steel Products from the Republic of Korea: Extension of Deadline for Preliminary Results of Antidumping Administrative Review,'' dated April 30, 2019.

[7] *See* Samsung C&T's Letter, ''Antidumping Duty Administrative Review of Corrosion-Resistant Steel Products (CORE) from the Republic of Korea: Notice of No Sales,'' dated October 2, 2018; *see also* Hyosung TNC's Letter, ''Certain Corrosion-Resistant

Based on each company's certification and our analysis of U.S. Customs and Border Protection (CBP) information, we preliminarily determine that these companies had no reviewable transactions during the POR. Consistent with our practice, we are not preliminarily rescinding the review with respect to these companies. Rather, we will complete the review for these companies and issue appropriate instructions to CBP based on the final results of this review. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation, for guidance when calculating the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' However, section 735(c)(5)(B) of the Act states that if the weighted-average dumping margins for all individually examined exporters or producers are zero or *de minimis* or based entirely on facts available, then Commerce may use ''any reasonable method'' to establish the all-others rate, including averaging the weighted-average dumping margins for the individually examined companies.

Consistent with section 735(c)(5)(B) of the Act, we have determined that a reasonable method for determining the weighted-average dumping margin for each of the non-selected companies is to use the weighted-average dumping margin calculated for the mandatory respondents in this administrative review. Although the weighted-average dumping margin calculated for both mandatory respondents is zero, these are the only rates calculated in this review and, thus, Commerce has determined the weighted-average dumping margin for the non-examined companies to be zero.[8]

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period July 1, 2017 through June 30, 2018:

Exporter/ producer	Weighted-average dumping margin (percent)
Dongkuk Steel Mill Co., Ltd	0.00
Hyundai Steel Company	0.00
Non-Examined Companies[9]	0.00

Assessment Rates

Upon issuance of the final results in this administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). Where the mandatory respondents reported the entered value for their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the mandatory respondents did not report entered value, we calculated the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the average of the cash deposit rates calculated for the two mandatory respondents. 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.[10]

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 liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the underlying investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 8.32 percent, the all-others rate established in the underlying investigation.[11] These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to

Steel Products from the Republic of Korea: No Shipment Letter,'' dated October 10, 2018.

[8] *See Certain Lined Paper Products from India: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 84 FR 23017 (May 21, 2019).

[9] The Non-Examined Companies are: (1) Anjeon Tech Co., Ltd., (2) Benion Corp., (3) Dongbu Steel, Co., Ltd., (4) Dongbu Incheon Steel Co., Ltd., (5) GS Global Corp., (6) Kima Steel Corporation Ltd., (7) Mitsubishi Corp. (Korea) Ltd., (8) POSCO, (9) POSCO Coated & Color Steel Co., Ltd., (10) POSCO Daewoo Corporation, (11) SeAH Coated Metal Corporation, (12) Young Steel Co., Ltd.

[10] *See* section 751(a)(2)(C) of the Act.

[11] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016), as amended by *Certain Corrosion-Resistant Steel Products from the Republic of Korea: Notice of Court Decision Not in Harmony with Final Determination of Investigation and Notice of Amended Final Results,* 83 FR 39054 (August 8, 2018).

interested parties within five days after the date of publication of this notice.[12]

Interested parties may submit case briefs for all issues except the alleged particular market situations no later than 30 days after the date of publication of this notice.[13] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[14] 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.[15] Case and rebuttal briefs should be filed using ACCESS.[16]

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. An electronically-filed request for a hearing must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[17] Hearing 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 issues raised in the 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.[18]

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[19]

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in 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: September 6, 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. Companies Not Selected for Individual Examination
V. Preliminary Determination of No Shipments
VI. Affiliation and Collapsing
VII. Particular Market Situation
VIII. Comparisons to Normal Value
IX. Date of Sale
X. Export Price and Constructed Export Price
XI. Normal Value
XII. Currency Conversion
XIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–856]

Certain Corrosion-Resistant Steel Products From Taiwan: 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 producers/exporters subject to this review made sales of subject merchandise at less than normal value during the period of review (POR) July 1, 2017 through June 30, 2018. We invite interested parties to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Shanah Lee, Stephanie Berger, or Charles Doss, 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) 482–6386, (202) 482–2483, and (202) 482–4474, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty (AD) order on certain corrosion-resistant steel products (CORE) from Taiwan,[1] covering the following three respondents: (1) The previously collapsed Yieh Phui Enterprise Co., Ltd. (YP) and Synn Co., Ltd. (Synn) entity (collectively, YP/Synn); (2) Prosperity Tieh Enterprise Co., Ltd. (Prosperity); and (3) Sheng Yu Steel Co., Ltd. (SYSCO). For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[2] A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice.

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.[3] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The deadline for the preliminary results of this review is now September 6, 2019.

Scope of the Order [4]

The products covered by the order are flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The subject merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0091, 7210.49.0095, 7210.61.0000,

[12] *See* 19 CFR 351.224(b).

[13] Commerce will issue a briefing schedule for the alleged particular market situation at a date to be determined.

[14] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[15] *See* 19 CFR 351.309(c)(2) and (d)(2).

[16] *See* 19 CFR 351.303.

[17] *See* 19 CFR 351.310(c); 19 CFR 351.303(b)(1).

[18] *See* 19 CFR 351.310(c).

[19] *See* Section 751(a)(3)(A) of the Act.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018).

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Corrosion-Resistant Steel Products from Taiwan, 2017–2018,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[3] *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.

[4] For the full text of the scope of the order, *see* the Preliminary Decision Memorandum.

7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, and 7212.60.0000. The products subject to the orders may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.91.0000, 7225.92.0000, 7225.99.0090, 7226.99.0110, 7226.99.0130, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000. The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1) and (2) of Tariff Act of 1930, as amended (the Act). Export price and constructed export price were calculated in accordance with section 772 of the Act. Normal value is 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 *https://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, the complete 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.

Preliminary Results of the Review

We preliminarily determine the following weighted-average dumping margins exist for the POR:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Prosperity Tieh Enterprise Co., Ltd	0.60
Yieh Phui Enterprise Co., Ltd. and Synn Industrial Co., Ltd	0.51
Sheng Yu Steel Co., Ltd	6.76

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.

If the weighted-average dumping margin for YP/Synn, Prosperity, and SYSCO is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importers examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[5] 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* (*i.e.,* 0.5 percent). 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. 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 where applicable.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate of 3.66 percent [6] if there is no rate for the intermediate company(ies) involved in the transaction.[7] We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of CORE from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication provided by section 751(a)(2) of the Act: (1) The cash deposit rate for each company listed above will be equal to the dumping margins established in the final results of this review except if the ultimate rates are *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.66 percent, the all-others rate established in *Amended Final Determination*.[8] These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[9] Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[10] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with

[5] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[6] *See Corrosion-Resistant Steel Products from Taiwan: Notice of Court Decision Not in Harmony with Final Determination of Antidumping Duty Investigation and Notice of Amended Final Determination of Investigation,* 84 FR 6129 (February 26, 2019) (*Amended Final Determination*).

[7] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[8] *See Amended Final Determination.*

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(d).

the argument: (1) A statement of the issue, (2) a summary of the argument, and (3) a table of authorities.[11] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.[12] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.[13] Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, within 120 days after issuance of these preliminary results.

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 doubled antidumping duties.

Notification to Interested Parties

These preliminary results of review is are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: September 5, 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. Date of Sale
VI. Product Comparisons
VII. Export Price and Constructed Export Price
VIII. Normal Value
IX. Currency Conversion
X. Recommendation

[FR Doc. 2019–19799 Filed 9–11–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–814]

Utility Scale Wind Towers From the Socialist Republic of Vietnam: 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 utility scale wind towers (wind towers) from the Socialist Republic of Vietnam (Vietnam) for the period of review (POR) February 1, 2018 through January 31, 2019, based on the withdrawal of the request for review.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Ariela Garvett, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3609.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2019, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on wind towers from Vietnam for the POR February 1, 2018, through January 31, 2019.[1] On February 26, 2019, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), Commerce received a timely request from the Wind Tower Trade Coalition, (the petitioner) with respect to CS Wind Group, Vina Halla Heavy Industries Ltd., and UBI Tower Sole Member Company Ltd.[2]

Pursuant to this request, and in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), on May 2, 2019, Commerce published a notice of initiation of an administrative review of the antidumping duty order on wind towers from Vietnam with respect to these companies.[3] On May 16, 2019, the petitioner timely withdrew its request for an administrative review of these companies.[4] No other party requested a review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce 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 publication date of the notice of initiation of the requested review. As noted above, the petitioner withdrew its request for review within the 90-day of the publication date of the *Initiation Notice.* No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review on wind towers from Vietnam covering 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 of wind towers from Vietnam during the February 1, 2018, through January 31, 2019 period, at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *See* 19 CFR 351.310(c).

[13] *See* 19 CFR 351.310.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 84 FR 2816 (February 8, 2019).

[2] *See* Letter from the petitioner, ''Utility Scale Wind Towers from the Socialist Republic of Vietnam: Request for Administrative Review,'' dated February 26, 2019.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 18777 (May 2, 2019) (*Initiation Notice*).

[4] *See* Letter from the petitioner, ''Utility Scale Wind Towers from the Socialist Republic of Vietnam: Withdrawal of Request for Administrative Review,'' dated May 16, 2019.

Notification to Importers

This notice serves as the only 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.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective orders (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.

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: September 9, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–19791 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission 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 finds that exporters of polyethylene terephthalate film, sheet, and strip (PET film) from India sold subject merchandise below normal value. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith at (202) 482–5255; AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2018, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty *Order* on PET film from India, for the period July 1, 2017 through June 30, 2018.[1] In accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213(b)(1), in July 2018, we received requests for reviews of the following companies: Ester Industries Limited (Ester); Garware Polyester Ltd. (Garware); MTZ Polyesters Ltd. (MTZ); Polyplex Corporation Ltd. (Polyplex); SRF Limited of India (SRF); Jindal Poly Films Ltd. (India) (Jindal); Uflex Ltd. (Uflex); and Vacmet India Limited (Vacmet).[2]

Subsequently, on September 10, 2018, in accordance with 19 CFR 351.221(b)(1), Commerce published a notice of initiation of an administrative review of the antidumping duty order on PET film from India.[3]

On September 25, 2018, we released U.S. Customs and Border Protection (CBP) import data to eligible parties under the Administrative Protective Order and invited interested parties to submit comments with respect to the selection of respondents for individual examination.[4] On November 1, 2018, we released the CBP import data again for Jindal to have the opportunity to submit comments, since it did not receive its APO until after the original deadline for comments had passed.[5]

On December 12, 2018, Commerce determined to limit the number of companies subject to individual examination in this administrative review, and selected Jindal Poly Films Ltd. (India) (Jindal) and SRF Limited of India (SRF) as mandatory respondents.[6]

We issued our initial questionnaires to Jindal and SRF on March 14, 2019. The deadline for withdrawal requests was December 9, 2018.[7]

On January 28, 2019, Commerce issued a memorandum tolling all deadlines for this administrative review by 40 days.[8] On May 8, 2019, in accordance with section 751(a)(3)(A) of the Act, and 19 CFR 351.213(h)(2), Commerce extended the due date for the preliminary results by an additional 65 days, from May 13, 2019, to July 16, 2019.[9] On July 5, 2019, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce extended the due date for the preliminary results by an additional 52 days. The current deadline is September 6, 2019.[10]

[1] *See Antidumping or Countervailing Duty Order, Finding or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 31121 (July 3, 2018); *see also See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Film, Sheet, and Strip from India* 67 FR 44176 (July 1, 2002) (*Order*).

[2] *See* Petitioners' Letter, ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from India: Request for Antidumping Duty Administrative Review,'' dated July 31, 2018; *see also* Polyplex USA LLC's Letter, ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from India: Request for Antidumping Duty Administrative Review,'' dated July 27, 2018; Jindal's Letter, ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from India: Request for Administrative Review,'' dated July 30, 2018; and SRF Limited's Letter, ''Polyethylene Terephthalate (PET) Film from India: Requests for Antidumping Admin Review,'' dated July 30, 2018.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018) (*Initiation Notice*).

[4] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip (PET) Film from India: Release of U.S. Customs Entry Data for Respondent Selection; 2017–2018,'' dated September 25, 2018 (September 2018 Import Data Memo). The ''Countervailing Duty Order'' in the title is an error. This is the Import Data for the antidumping duty administrative review as indicated by the case number (A–533–824) in the upper right-hand corner.

[5] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip Film from India: Release of U.S. Customs Entry Data for Respondent Selection; 2017–2018,'' dated November 1, 2018 (November 2018 Import Data Memo). The ''Countervailing Duty Order'' in the title is an error. This is the Import Data for the antidumping duty administrative review as indicated by the case number (A–533–824) in the upper right-hand corner.

[6] *See* Memorandum, ''Administrative Review of the Antidumping Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from India: Selection of Respondents for Individual Examination,'' dated December 12, 2018 (Respondent Selection Memorandum). SRF Limited of India and SRF limited are the same company.

[7] *See* 19 CFR 351.213(d)(1).

[8] *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.

[9] *See* Memorandum ''Polyethylene Terephthalate Film, Sheet and Strip from India: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review'' dated May 8, 2019.

[10] *See* Memorandum, ''Polyethylene Terephthalate Film, Sheet, and Strip from India: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review (2017–2018),'' dated July 5, 2019.

Scope of the Order

The merchandise subject to the *Order* is PET film and is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. A full description of the scope of the Order is contained in the accompanying Preliminary Decision Memorandum.[11]

Partial Rescission of Administrative Review

Commerce initiated a review of eight companies in this proceeding.[12] We are rescinding this administrative review with respect to MTZ and Uflex, pursuant to 19 CFR 351.213(d)(1), because all review requests of these companies were timely withdrawn.[13] Accordingly, the companies that remain subject to the instant review are: Ester; Garware; Jindal; Polyplex; SRF; and Vacmet.

Companies Not Selected for Individual Examination

Based upon the guidance provided in section 735(c)(5) of the Tariff Act of 1930, as amended (the Act), we have preliminarily assigned to those companies not selected for individual examination the rate calculated for Jindal in this administrative review. Because SRF's preliminary rate is *de minimis,* we are not including it in the calculation for companies not selected for individual examination.[14]

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of 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 *http://access.trade.gov* and is available to all parties in the Central Records Unit in Room B8024 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period July 1, 2017, through June 30, 2018.

Manufacturer/exporter	Weighted-average margin (percent)
Jindal Poly Films Ltd. (India)	6.55
SRF Limited of India	0.00
Ester Industries Limited	6.55
Garware Polyester Ltd	6.55
Polyplex Corporation Ltd	6.55
Vacmet India Limited	6.55

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[15] 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.[16]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time 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 briefs. 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.

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[17] 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 not zero or *de minimis.* If either individually-selected respondents' weighted-average dumping margin 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 this review where applicable.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Jindal Poly Films (India) or SRF Limited of India for which each company did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those 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 publication date of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of

[11] *See* Memorandum, ''Decision Memorandum for the Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from India; 2017–2018,'' dated concurrently with, and hereby adopted, by this notice (Preliminary Decision Memorandum) at 2–3.

[12] *See Initiation Notice.*

[13] *See* Preliminary Decision Memorandum at 4.

[14] *See* the Preliminary Decision Memorandum.

[15] *See* 19 CFR 351.309(d).

[16] *See* 19 CFR 351.303 (for general filing requirements).

[17] In these preliminary results, Commerce applied the assessment rate calculation methodology adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

PET film from India 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,* no cash deposit will be required); (2) for previously reviewed or investigated 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 5.71 percent.[18] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

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 the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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(h)(1).

Dated: September 6, 2019.

Christian Marsh,

Deputy 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. Partial Rescission of Administrative Review
V. Companies Not Selected for Individual Examination
VI. Comparisons to Normal Value
VII. Date of Sale
VIII. Export Price and Constructed Export Price
IX. Normal Value
X. Currency Conversion
XI. Recommendation

[18] *See Order.*

[FR Doc. 2019–19796 Filed 9–11–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–109]

Ceramic Tile From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of ceramic tile from the People's Republic of China (China). The period of investigation is January 1, 2018 through December 31, 2018. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, Moses Song, or John McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3813, (202) 482–7885, or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on May 8, 2019.[1] On June 24, 2019, Commerce postponed the preliminary determination of this investigation and the revised deadline is now September 6, 2019.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II 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 *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 at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is ceramic tile from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[6] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient,

[1] *See Ceramic Tile from the People's Republic of China: Initiation of Countervailing Duty Investigations,* 84 FR 20101 (May 8, 2019) (*Initiation Notice*).

[2] *See Ceramic Tile from the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 84 FR 29497 (June 24, 2019).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination: Countervailing Duty Investigation of Ceramic Tile from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* Memorandum, ''Ceramic Tile from the People's Republic of China: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated September 6, 2019.

and that the subsidy is specific.[7] In making these findings, we relied, in part, on facts available and, because one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.[8] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Preliminary Negative Determination of Critical Circumstances

In accordance with section 703(e)(1) of the Act, Commerce preliminarily determines that information provided in the critical circumstances allegation does not demonstrate the existence of critical circumstances with respect to imports of ceramic tile from China. For a full description of the methodology and results of Commerce's analysis, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of ceramic tile from China based on a request made by the Coalition for Fair Trade in Ceramic Tile (the petitioner).[9] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than January 21, 2020, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted-average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. In this investigation, Commerce preliminarily assigned a rate based entirely on facts available to Temgoo International Trading Limited. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Foshan Sanfi Imp & Exp Co., Ltd. (Sanfi). Consequently, the rate calculated for Sanfi is also assigned as the rate for all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Temgoo International Trading Limited	222.24
Foshan Sanfi Imp & Exp Co., Ltd.[10]	103.77
All Others	103.77

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[11] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation 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.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. 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 time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination, whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: September 6, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is ceramic flooring tile, wall tile, paving tile, hearth tile, porcelain tile, mosaic tile, flags, finishing tile, and the like

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] *See* sections 776(a) and (b) of the Act.

[9] *See* Petitioner's Letter, ''Countervailing Duty Investigation of Ceramic Tile from the People's Republic of China: Request to Align Countervailing Duty Final Determination with Companion Antidumping Final Determination,'' dated August 15, 2019.

[10] As discussed in the Preliminary Decision Memorandum, Commerce has found Guangdong Sanfi Ceramics Group Co., Ltd. to be cross-owned with Sanfi.

[11] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

(hereinafter ceramic tile). Ceramic tiles are articles containing a mixture of minerals including clay (generally hydrous silicates of alumina or magnesium) that are fired so the raw materials are fused to produce a finished good that is less than 3.2 cm in actual thickness. All ceramic tile is subject to the scope regardless of end use, surface area, and weight, regardless of whether the tile is glazed or unglazed, regardless of the water absorption coefficient by weight, regardless of the extent of vitrification, and regardless of whether or not the tile is on a backing. Subject merchandise includes ceramic tile with decorative features that may in spots exceed 3.2 cm in thickness and includes ceramic tile ''slabs'' or ''panels'' (tiles that are larger than 1 meter^2 (11 ft.^{2})).

Subject merchandise includes ceramic tile that undergoes minor processing in a third country prior to importation into the United States. Similarly, subject merchandise includes ceramic tile produced that undergoes minor processing after importation into the United States. Such minor processing includes, but is not limited to, one or more of the following: Beveling, cutting, trimming, staining, painting, polishing, finishing, additional firing, or any other processing that would otherwise not remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product.

Subject merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the following subheadings of heading 6907: 6907.21.1005, 6907.21.1011, 6907.21.1051, 6907.21.2000, 6907.21.3000, 6907.21.4000, 6907.21.9011, 6907.21.9051, 6907.22.1005, 6907.22.1011, 6907.22.1051, 6907.22.2000, 6907.22.3000, 6907.22.4000, 6907.22.9011, 6907.22.9051, 6907.23.1005, 6907.23.1011, 6907.23.1051, 6907.23.2000, 6907.23.3000, 6907.23.4000, 6907.23.9011, 6907.23.9051, 6907.30.1005, 6907.30.1011, 6907.30.1051, 6907.30.2000, 6907.30.3000, 6907.30.4000, 6907.30.9011, 6907.30.9051, 6907.40.1005, 6907.40.1011, 6907.40.1051, 6907.40.2000, 6907.40.3000, 6907.40.4000, 6907.40.9011, and 6907.40.9051. Subject merchandise may also enter under subheadings of headings 6914 and 6905: 6914.10.8000, 6914.90.8000, 6905.10.0000, and 6905.90.0050. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope Comments
IV. Scope of the Investigation
V. Injury Test
VI. Preliminary Negative Determination of Critical Circumstances
VII. Application of the CVD Law to Imports from China
VIII. Subsidies Valuation
IX. Benchmarks and Interest Rates
X. Diversification of China's Economy
XI. Use of Facts Otherwise Available and Adverse Inferences
XII. Analysis of Programs
XIII. Calculation of the All-Others Rate
XIV. ITC Notification
XV. Disclosure and Public Comment
XVI. Verification
XVII. Recommendation

[FR Doc. 2019–19794 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XQ005

Northwest Atlantic Fisheries Organization Consultative Committee Meeting

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the Northwest Atlantic Fisheries Organization Consultative Committee. This meeting will help to ensure that the interests of U.S. stakeholders in the fisheries of the Northwest Atlantic Ocean are adequately represented at the Annual Meeting of the Organization. Northwest Atlantic Fisheries Organization Consultative Committee members and all other interested U.S. stakeholders are invited to attend.

DATES: The meeting will be held September 16, 2019, from 1 p.m. to 3:30 p.m. EST.

ADDRESSES: The meeting will be held at National Marine Fisheries Service's Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Please notify Moira Kelly (see **FOR FURTHER INFORMATION CONTACT**) by September 16, 2019, if you plan to attend the meeting in person or remotely. The meeting will be accessible by webinar—instructions will be emailed to meeting participants who provide notice.

FOR FURTHER INFORMATION CONTACT: Elizabethann Mencher by email at *Elizabethann.Mencher@noaa.gov,* or by phone at 301–427–8362; or Moira Kelly by email at *Moira.Kelly@noaa.gov,* or by phone at 978–281–9218.

SUPPLEMENTARY INFORMATION: The Northwest Atlantic Fisheries Organization (NAFO) is a regional fisheries management organization that coordinates scientific study and cooperative management of the fisheries resources of the Northwest Atlantic Ocean, excluding salmon, tunas/marlins, whales and sedentary species (*e.g.,* shellfish). NAFO was established in 1979 by the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. The United States acceded to the Convention in 1995, and has participated actively in NAFO since that time. In 2005, NAFO launched a reform effort to amend the Convention in order to bring the Organization more in line with the principles of modern fisheries management. As a result of these efforts, the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries entered into force in May 2017.

NAFO currently has 12 Contracting Parties, including Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Norway, Republic of Korea, Russian Federation, Ukraine and the United States.

16 U.S.C. 5607 provides that the Secretaries of Commerce and State shall jointly establish a NAFO Consultative Committee (NCC) to advise the Secretaries on issues related to the NAFO Convention. Membership in the NCC is open to representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean. Members shall be appointed to a 2-year term and are eligible for reappointment. The NCC is exempted from the Federal Advisory Committee Act. NCC members are invited to attend all non-executive meetings of the U.S. Commissioners and at such meetings are given an opportunity to examine and to be heard on all proposed programs of study and investigation, reports, recommendations, and regulations of issues relating to the Act and proceedings of NAFO. In addition, NCC members may attend all public meetings of the NAFO Commission and any other meetings to which they are invited.

If you are interested in becoming a member of the NCC, please contact Elizabethann Mencher (see **FOR FURTHER INFORMATION CONTACT**) for additional details.

The NAFO Annual Meeting will be held September 23–27, 2019, in Bordeaux, France. Additional information about the meeting can be found at: *https://www.nafo.int/Meetings/AM.*

Special Accommodations

The meeting location is physically accessible to people with disabilities.

Dated: September 9, 2019.

Alexa Cole,

Acting Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2019–19738 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV060

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 68 data scoping webinar for Gulf of Mexico and Atlantic scamp.

SUMMARY: The SEDAR 68 assessment of Gulf of Mexico and Atlantic scamp will consist of a Data workshop, a series of assessment webinars, and a Review workshop, See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 68 data scoping webinar will be held on October 10, 2019, from 10 a.m. to 12 p.m., Eastern Standard Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the data scoping webinar is as follows:

Participants will discuss what data may be available for use in the assessment of Gulf of Mexico and Atlantic scamp.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–19734 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV062

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Mackerel and Cobia Advisory Panel.

DATES: The meeting will be held on October 7, 2019, from 1 p.m. until 5 p.m. and October 8, 2019, from 8:30 a.m. until 12 p.m.

ADDRESSES:

Meeting address: The meetings will be held at the Town and County Inn, 2008 Savannah Highway, Charleston, SC 29407.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Mackerel Cobia Advisory Panel (AP) will receive updates on recent management actions approved by the Council relative to Coastal Migratory Pelagic species in federal waters including Framework Amendment 6 to increase Season 1 commercial king mackerel trip limits in the Atlantic Southern Zone, and the Council's emergency action request for the commercial Atlantic migratory group king mackerel fishery. The AP will also receive updates and discuss management measures relative to: Framework Amendment 8 (commercial trip limits for Atlantic migratory group king mackerel); recent closures in the commercial Atlantic migratory group Spanish mackerel fishery; proposed future port meetings for the commercial and recreational king and Spanish

mackerel fisheries; citizen science projects; the Draft Environmental Impact Statement to modify boundaries and update regulations in the Florida Keys National Marine Sanctuary, and any other identified issues important to Coastal Migratory Pelagic species. The AP will provide recommendations as appropriate.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the public hearings.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–19732 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV064

South Atlantic 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 South Atlantic Fishery Management Council (Council) will hold a meeting of the Snapper Grouper Advisory Panel (AP).

DATES: The Snapper Grouper AP meeting will take place October 9, 2019, from 1:30 p.m. to 5 p.m.; October 10, 2019, from 8:30 a.m. until 5 p.m.; and October 11, 2019, from 8:30 a.m. until 12 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC 29407; phone: (843) 571–1000.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29406.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone 843/571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Snapper Grouper AP meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information, a public comment form, and other meeting materials will be posted to the Council's website at: *http://safmc.net/safmc-meetings/current-advisory-panel-meetings/* as it becomes available.

Agenda items for the Snapper Grouper AP meeting include the following: An update on amendments to fishery management plans that are currently undergoing Secretarial review and those under development by the Council that impact the snapper grouper fishery. Amendments currently under development include draft Regulatory Amendment 33 addressing modifications to red snapper seasons and draft Regulatory Amendment 34 addressing Special Management Zones in North Carolina and South Carolina. The AP will receive an update on the Southeast Data, Assessment, and Review (SEDAR) stock assessment program and address participation as needed. AP members will also receive an update and provide input on management measures relative to the Draft Environmental Impact Statement to modify boundaries and update regulations within the Florida Key National Marine Sanctuary.

The AP will also receive an update on the Council's Citizen Science Program, and presentations on the economic performance of the snapper grouper commercial fishery, electronic reporting for the commercial sector, and other presentations as needed. The AP will discuss agenda items as directed by the Council and develop recommendations for consideration by the Council's Snapper Grouper Committee.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–19730 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV061

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its System Management Plan (SMP) Workgroup.

DATES: The SMP Workgroup will meet October 8, 2019, from 1 p.m. until 5 p.m. and October 9, 2019, from 8:30 a.m. until 12 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC 29407; phone (843) 571–1000. The meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information, a public comment form, meeting agenda, and other meeting materials will be posted to the Council's website at: *https://safmc.net/safmc-meetings/other-meetings/* as they become available.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The SMP Workgroup is an advisory group for the Council that reviews actions items, evaluates managed areas, and reviews management of managed areas recommended by the Council. The workgroup is holding a meeting to discuss components of SMPs and Oculina Bank Experimental Closed Area Evaluation Plan created by the Council. The Workgroup is responsible for development of a report to the Council with recommendations. Components of the report include background information on managed areas; biological and habitat monitoring; socio-economic factors; enforcement and compliance; research recommendations; and outreach.

Agenda items for this meeting include:

The workgroup will receive an overview of the current outreach web

page for Spawning Special Management Zones and discuss improvements as needed. The workgroup will also receive an overview of the Oculina Experimental Closed Area Evaluation Plan and discuss drafting sections for the Biology, Socio-Economic, Law Enforcement, and Outreach components of the Plan. Following breakout group discussions, the workgroup will provide recommendations as appropriate. The workgroup will also discuss research recommendations and data needs for other managed areas.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the public meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–19733 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV063

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 58 Assessment Milestone 5 Webinar.

SUMMARY: The SEDAR 58 assessment of the Atlantic stock of Cobia will consist of a series of workshops and webinars: Data Workshop, Assessment Webinars, and a Review Workshop.

DATES: The SEDAR 58 Assessment Milestone 5 Webinar has been scheduled for Thursday, Oct 10, 2019, from 1 p.m. until 4 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Registration is available online at: *https://register.gotowebinar.com/register/6169722983596592397.*

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *Kathleen.Howington@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Assessment Milestone 5 webinar are as follows:

- Review projection results
- Review Assessment report and responses to Terms of Reference

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–19731 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV065

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Sablefish Management and Trawl Allocation Attainment Committee (SaMTAAC) will hold a meeting, which will be open to the public.

DATES: The meeting will be held Wednesday, October 9 and Thursday, October 10, 2019, starting at 8 a.m. Pacific Daylight Time and will end when business for the day has been completed.

ADDRESSES: The meeting will be held at the Sheraton Portland Airport, Mt. Adams Room, 8235 NE Airport Way, Portland, OR 97220; telephone: (503) 281–2500.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Dr. Jim Seger, Pacific Council; telephone: (503) 820–2416.

SUPPLEMENTARY INFORMATION: At its meeting, the SaMTAAC will continue to develop alternatives that address obstacles to achieving the goals and objectives of the groundfish trawl catch share plan related to under-attainment of non-sablefish shore based trawl allocations. The SaMTAAC's work on alternatives will be presented at the November 2019 Pacific Council meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, (*kris.kleinschmidt@noaa.gov;* (503) 820–2411), at least 10 days prior to the meeting date.

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

Dated: September 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–19729 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XV066

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a meeting to discuss issues related to management and science of the central subpopulation of northern anchovy (CSNA). This meeting will include representatives from the Pacific Council's Coastal Pelagic Species Management Team (CPSMT), the Coastal Pelagic Species Advisory Subpanel (CPSAS), the Scientific and Statistical Committee (SSC), and the National Oceanic and Atmospheric Administration (NOAA) Southwest Fisheries Science Center (SWFSC). This meeting is open to the public.

DATES: The meeting will be held Thursday, October 3 and Friday, October 4, 2019. The meeting will begin at 8:30 a.m. each day and will continue until 5 p.m. or until business for the day has been completed.

ADDRESSES:

Meeting address: The meeting will be held in the Pacific Room of the NOAA Southwest Fisheries Science Center (SWFSC), 8901 La Jolla Shores Drive, La Jolla, CA 92037.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Pacific Council; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to evaluate options and analyses relative to management of the CSNA, including evaluation of methods for estimating the nearshore component of the stock, options for periodic review of management reference points, and evaluation of elements related to the California Department of Fish and Wildlife/California Wetfish Producers Association aerial survey methodology. Meeting principals will be representatives of the CPSMT, CPSAS, the SSC's CPS Subcommittee, and the NOAA SWFSC.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Dale Sweetnam (*dale.sweetnam@noaa.gov;* (858) 546–7170) at least 10 days prior to the meeting date.

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

Dated: September 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–19728 Filed 9–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Wilmington Harbor Navigation Improvement Project Integrated Feasibility Study and Environmental Report, New Hanover and Brunswick Counties, NC

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The North Carolina State Ports Authority (NCSPA) has prepared a feasibility study and draft environmental report pursuant to Section 203 of Water Resources Development Act of 1986 (WRDA) that evaluates potential improvements to the Wilmington Harbor federal navigation channel in New Hanover and Brunswick Counties, North Carolina. On June 26th, 2019, the NCSPA submitted the study to the Assistant Secretary of the Army for Civil Works [ASA(CW)] for purposes of review and determining whether the study, and the process under which the study was developed, complies with Federal laws and regulations applicable to feasibility studies for potential water resources development projects. This notice advises the public that the U.S. Army Corps of Engineers (USACE), Wilmington District (Corps), at the direction of the ASA(CW), intends to prepare a Draft Environmental Impact Statement (DEIS) to support the ASA(CW) review of the NCSPA study. The Wilmington Harbor Navigation Improvement Project (WHNIP) DEIS is being prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended.

DATES: The earliest the DEIS will be available for public review would be November 2019.

ADDRESSES: U.S. Army Engineer District, Wilmington; 69 Darlington Avenue, Wilmington, North Carolina 28403.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DEIS can be directed to Emily

Hughes, Environmental Resources Section; U.S. Army Engineer District, Wilmington; 69 Darlington Avenue, Wilmington, North Carolina 28403; telephone: 910–251–4635; email: *Emily.b.hughes@usace.army.mil.*

SUPPLEMENTARY INFORMATION: (a) Background. The existing Wilmington Harbor federal navigation channel originates offshore and extends approximately 38 miles through the Atlantic Ocean and up the Cape Fear River to the City of Wilmington, NC where it services the Port of Wilmington. The existing project provides for a channel -44 feet Mean Lower Low Water (MLLW) through the ocean bar and entrance channel, changing to -42 feet (MLLW) extending to just downstream of the Cape Fear Memorial Bridge. The Port of Wilmington has experienced significant increases in cargo volume and in the size of vessels calling at the port since the last major channel improvements were completed by the USACE under the Wilmington Harbor 1996 WRDA Project. Due to expansion of the Panama Canal and navigation improvement projects at all other major U.S. East Coast ports, the U.S. East Coast to Asia shipping alliances are currently transitioning to vessels that are substantially larger and more economically efficient than the vessels that the -42-foot channel was designed to accommodate.

Currently authorized channel dimensions at Wilmington Harbor are impacting trade at the Port of Wilmington and are projected to have a greater detrimental impact on trade in the future as ocean carriers continue to transition to larger containerships.

Purpose. The purpose of the proposed project is to accommodate larger cargo vessels and improve the efficiency of cargo vessel operations at Wilmington Harbor and the Port of Wilmington. The proposed navigation improvements would enable the Port of Wilmington to continue as a port-of- call for shipping alliances with direct service to Asian markets.

(b) Alternatives. Structural and non-structural measures are being evaluated to meet planning objectives. Measures that contribute to meeting the planning objectives will be combined to develop alternative plans. Potential harbor improvements under consideration include deepening the existing federal navigational channel to the Port of Wilmington, extending the ocean entrance channel farther offshore, and widening channels in the Cape Fear River where needed. The range of depths being considered is from -44 feet to -48 feet. Under the No Action alternative, no improvements would be made to the Wilmington Harbor project.

(c) Environmental Impacts. Environmental impacts to be addressed in the DEIS include, but are not limited to: (1) Endangered and threatened species; (2) Marine and estuarine resources; (3) Beach and dune resources; (4) Fish and wildlife and their habitats; (5) Essential Fish Habitat (EFH); (6) Salinity and tidal amplitude; (7) Water quality; (8) Air quality; (9) Socioeconomic resources; (10) Cultural resources; (11) Groundwater; (12) Shoreline erosion; (13) Hazardous, Toxic, and Radioactive Waste (HTRW); (14) Noise; and (15) Socioeconomics.

(d) Scoping. All private parties and Federal, State, and local agencies having an interest in the study are invited to comment at this time. A scoping letter requesting comments on the study will be sent to all known interested parties. All interested parties will be invited to attend a public scoping meeting to be held in Wilmington, NC in September 2019. All comments received as a result of this NOI, the scoping letter, and the scoping meeting will be considered in the preparation of the DEIS.

(e) Authority. Studies of potential navigation improvements to the Wilmington Harbor navigation channel are being conducted under the authority granted by Section 203 of the Water Resources Development Act (WRDA) of 1986 (Pub. L. 99–662), as amended. Section 203 of WRDA 86, as amended, states:

Sec 203. Studies of Projects by Non–Federal Interests.

Public Law 99–662, Nov. 17, 1986. 33 U.S.C. 2231

(a) SUBMISSION TO SECRETARY.

(1) In general. A non-Federal interest may on its own undertake a feasibility study of a proposed water resources development project and submit the study to the Secretary.

(2) Guidelines. To assist non-Federal interests, the Secretary shall, as soon as practicable, issue guidelines for feasibility studies of water resources development projects to provide sufficient information for the formulation of studies.

(b) REVIEW BY SECRETARY—The Secretary shall review each feasibility study received under subsection (a) (1) for the purpose of determining whether or not the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects.

(c) SUBMISSION TO CONGRESS—Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of representatives a report that describes.

(1) The results of the Secretary's review of the study under subsection (b), Including a determination of whether the project is feasible;

(2) Any recommendations the Secretary may have concerning the plan or design of the project; and

(3) Any conditions the Secretary may require for construction of the project.

Dated: September 5, 2019.

R.D. James,

Assistant Secretary of the Army, (Civil Works).

[FR Doc. 2019–19742 Filed 9–11–19; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Fusion Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: October 2, 2019; 8:30 a.m. to 5 p.m.

ADDRESSES: Hilton Washington DC/Rockville Hotel, 1750 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel J. Barish, Acting Designated Federal Officer, Office of Fusion Energy Sciences (FES); U.S. Department of Energy; Office of Science; 1000 Independence Avenue SW; Washington, DC 20585; Telephone: (301) 903–2917 or email at: *sam.barish@science.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the fusion energy sciences program.

Tentative Agenda Items:

- FES perspective
- FES community: status of its long-range strategic planning activity

- Continuing FESAC discussions on a long-range strategic plan for the FES program
- NAS report on sexual harassment of women
- Public comment
- Adjourn

Note: Remote attendance of the FESAC meeting will be possible via Zoom. Instructions will be posted on the FESAC website: *https://science.osti.gov/fes/fesac/Meetings* prior to the meeting and can also be obtained by contacting Dr. Barish by email: *sam.barish@science.doe.gov* or by telephone: (301) 903–2917.

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make an oral statement regarding any of the items on the agenda, you should contact Dr. Barish at (301) 903–1233 (fax) or *sam.barish@science.doe.gov* (email). Reasonable provision will be made to include the scheduled oral statements during the Public Comment time on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for public review and copying within 30 days on the Fusion Energy Sciences Advisory Committee website: *http://science.energy.gov/fes/fesac/*.

Signed in Washington, DC, on September 6, 2019.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2019–19682 Filed 9–11–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF19–6–000]

Notice of Intent To Prepare an Environmental Impact Statement for the Planned Louisiana Connector Extension Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions: Port Arthur Pipeline, LLC

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Louisiana Connector Extension Project involving construction and operation of facilities by Port Arthur Pipeline, LLC (PAPL) in Cameron, Calcasieu, Beauregard, Allen, Evangeline, St. Landry, Rapides, Grant, La Salle, Catahoula, Franklin, and Richland Parishes, Louisiana and in Jefferson and Orange Counties, Texas. The Commission will use this EIS in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EIS. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on October 7, 2019.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. Commission staff will consider all filed comments during the preparation of the EIS.

If you sent comments on this project to the Commission before the opening of this docket on June 21, 2019, you will need to file those comments in Docket No. PF19–6–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

A fact sheet prepared by the FERC entitled 'An Interstate Natural Gas Facility On My Land? What Do I Need To Know?' is available for viewing on the FERC website (*www.ferc.gov*) at *https://www.ferc.gov/resources/guides/gas/gas.pdf.* This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to *www.ferc.gov/docs-filing/esubscription.asp.*

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing'';

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (PF19–6–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426; or

(4) In lieu of sending written comments, the Commission invites you to attend the public scoping sessions its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Monday, September 23, 2019, 4:00–7:00 p.m [1]	Jack Hammons Community Center, 810 Adams Street, Winnsboro, LA, (318) 439–0043.
Tuesday, September 24, 2019, 4:00–7:00 p.m [1]	Holiday Inn Lake Charles, Ballrooms 1, 2, & 3, 330 Arena Road, Sulphur, LA 70665, (337) 527–0858.
Wednesday, September 25, 2019, 4:00–7:00 p.m [1]	Coushatta Casino, Resort, and Golf Course, Veranda Room & Chairman's Board Room, 777 Koasati Drive, Kinder, LA 70648, (800) 584–7263.
Thursday, September 26, 2019, 4:00–7:00 p.m [1]	Alexandria Convention Center, Sapphire Room A&B, 2301 North MacArthur Drive, Alexandria, LA 71301, (318) 619–3300.

[1] Please note that staff may conclude the session at 6:30 p.m. if all attendees planning to provide comments have done so.

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the EIS. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments, in a convenient way during the timeframe allotted.

Each scoping session is scheduled from 4:00 p.m. to 7:00 p.m. Central. You may arrive at any time after 4:00 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 7:00 p.m. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 6:30 p.m. Please see appendix 1 for additional information on the session format and conduct.[1]

Your scoping comments will be recorded by a court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see the end of this notice for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 3 to 5 minutes may be implemented for each commentor.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided verbally at a scoping session. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from PAPL will also be present to answer project-specific questions.

Please note this is not your only public input opportunity; refer to the review process flow chart in appendix 2.

Summary of the Planned Project

PAPL plans to construct and operate a natural gas infrastructure project (the Louisiana Connector Extension Project) in Louisiana and Texas. The project would provide about 2.5 billion standard cubic feet per day of natural gas to supply a previously approved natural gas liquefaction and export project in Jefferson County, Texas.[2]

The Louisiana Connector Extension Project would consist of the following facilities:

- A new 166-mile-long, 48-inch-diameter natural gas pipeline in Allen, Evangeline, Rapides, Grant, La Salle, Catahoula, Franklin, and Richland Parishes, Louisiana;
- a new header system pipeline totaling 15 miles in length with various diameters of pipeline;
- two new compressor stations, one in Allen Parish and one in Richland Parish, Louisiana;
- up to eight new interconnects and meter stations in Beauregard and Richland Parishes, Louisiana;
- appurtenant underground and aboveground facilities; and
- expansion of the previously approved Louisiana Connector Project's pipeline diameter from 42 inches to 48 inches between mileposts 0 and 86 in Jefferson County, Texas and Cameron, Calcasieu, Beauregard, and Allen Parishes, Louisiana.

The general location of the planned project facilities is shown in appendix 3.

Land Requirements for Construction

Construction of the planned aboveground and pipeline facilities would disturb about 3,000 acres of land. Following construction, PAPL would maintain about 1,000 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. About 70 percent of the planned pipeline route parallels existing pipeline, utility, or road rights-of-way.

The EIS Process

The EIS will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- socioeconomics;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

Commission staff will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, Commission staff have

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the end of this notice.

[2] This export project is referred to as the Port Arthur Liquefaction Project. It, along with the Port Arthur Texas Connector Project and Louisiana Connector Project, have been reviewed by FERC under Docket Nos. CP17–20–000, CP17–21–000, and CP18–7–000, and approved by the Commission in an Order dated April 18, 2019.

already initiated a NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present Commission staff's independent analysis of the issues. The draft EIS will be available in electronic format in the public record through eLibrary [3] and the Commission's website (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). If eSubscribed, you will receive instant email notification when the draft EIS is issued. The draft EIS will be issued for an allotted public comment period. After the comment period on the draft EIS, Commission staff will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure Commission staff have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2 of this notice.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate in the preparation of the EIS.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] The EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

Commission staff have already identified several issues that deserve attention based on a preliminary review of the planned facilities and the environmental information provided by PAPL. This preliminary list of issues may change based on your comments and our analysis.

- Impacts on wetlands;
- construction in and potential impacts on aquatic resources in Sabine Lake;
- colocation with existing pipelines; and
- utilization of the same or similar rights-of-way as other proposed pipeline projects.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

A *Notice of Availability* of the draft EIS will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached ''Mailing List Update Form'' (appendix 4).

Becoming an Intervenor

Once PAPL files its application with the Commission, you may want to become an intervenor which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp*. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project, after which the Commission will issue a public notice that establishes an intervention deadline.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.,* PF19–6). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: September 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–19752 Filed 9–11–19; 8:45 am]

BILLING CODE 6717–01–P

[3] For instructions on connecting to eLibrary, refer to the end of this notice.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–505–000]

Notice of Request Under Blanket Authorization: Spire Storage West LLC

Take notice that on August 30, 2019, Spire Storage West LLC (Spire Storage), 3773 Richmond Avenue, Suite 300, Houston, Texas 77046, filed in the

above referenced docket a prior notice request pursuant to sections 157.205 and 157.213 of the Commission's regulations under the Natural Gas Act and its blanket certificate issued in Docket No. CP11–24–000 for authorization to: (i) Convert two existing observation wells to injection/withdrawal usage; and (ii) construct related flowlines and appurtenances at its Belle Butte natural gas storage facility in Uinta County, Wyoming. Spire Storage states that the proposed project will optimize the injection and withdrawal network at the Belle Butte Storage Field to function at its currently certificated injection and withdrawal capabilities. Spire Storage estimates the cost of the project to be approximately $5.5 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Kirstin E. Gibbs, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004, by telephone at (202) 739–5026, by fax at (202) 739–3001, or by email at *kirstin.gibbs@morganlewis.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: September 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–19740 Filed 9–11–19; 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 rate filings:

Docket Numbers: ER16–435–003.

Applicants: Wabash Valley Power Association, Inc.

Description: Compliance filing of Wabash Valley Power Association, Inc.

Filed Date: 9/6/19.

Accession Number: 20190906–5051.

Comments Due: 5 p.m. ET 9/27/19.

Docket Numbers: ER16–444–003.

Applicants: Wabash Valley Power Association, Inc.

Description: Compliance filing of Wabash Valley Power Association, Inc.

Filed Date: 9/6/19.

Accession Number: 20190906–5053.

Comments Due: 5 p.m. ET 9/27/19.

Docket Numbers: ER19–2383–001.

Applicants: AEP Texas Inc.

Description: Tariff Amendment: SA772 AEPTX-Karankawa Wind Interconnection Agr 1st Amend & Restat—Amendment to be effective 6/20/2019.

Filed Date: 9/6/19.

Accession Number: 20190906–5004.

Comments Due: 5 p.m. ET 9/27/19.

Docket Numbers: ER19–2385–001.

Applicants: AEP Texas Inc.

Description: Tariff Amendment: SA776 AEPTX-Karankawa Wind Interconnection Agr 1st Amend & Restat—Amendment to be effective 6/27/2019.

Filed Date: 9/6/19.

Accession Number: 20190906–5011.

Comments Due: 5 p.m. ET 9/27/19.

Docket Numbers: ER19–2440–000; ER19–2441–001; ER19–2442–000; ER19–2443–000; ER19–2444–001; ER19–2470–000; ER19–2474–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Notice of Initial New Member (Mieco, Inc.) and Request for Partial Waiver of Tri-State Generation and Transmission Association, Inc.

Filed Date: 9/3/19.

Accession Number: 20190903–5196.

Comments Due: 5 p.m. ET 9/24/19.

Docket Numbers: ER19–2757–000.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2019–09–05 Order No. 831 Compliance to be effective 12/31/9998.

Filed Date: 9/5/19.

Accession Number: 20190905–5107.

Comments Due: 5 p.m. ET 9/26/19.

Docket Numbers: ER19–2758–000.

Applicants: ALLETE, Inc., Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–09–06_SA 3345 MP–GRE T–L (Swatara) to be effective 8/8/2019.

Filed Date: 9/6/19.

Accession Number: 20190906–5002.

Comments Due: 5 p.m. ET 9/27/19.

Docket Numbers: ER19–2759–000.

Applicants: Societe Generale Energy LLC.

Description: Notice of Cancellation of Market-Based Rate Tariff of Societe Generale Energy LLC.

Filed Date: 9/5/19.
Accession Number: 20190905–5113.
Comments Due: 5 p.m. ET 9/26/19.
Docket Numbers: ER19–2760–000.
Applicants: Puget Sound Energy, Inc.
Description: § 205(d) Rate Filing: Attachment K Northern Grid Filing to be effective 1/1/2020.
Filed Date: 9/6/19.
Accession Number: 20190906–5035.
Comments Due: 5 p.m. ET 9/27/19.
Docket Numbers: ER19–2761–000.
Applicants: Cambria CoGen Company.
Description: Tariff Cancellation: Notice of Termination of Reactive Supply Tariff to be effective 9/17/2019.
Filed Date: 9/6/19.
Accession Number: 20190906–5058.
Comments Due: 5 p.m. ET 9/27/19.
Docket Numbers: ER19–2762–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: NorthernGrid Attachment K to be effective 1/1/2020.
Filed Date: 9/6/19.
Accession Number: 20190906–5069.
Comments Due: 5 p.m. ET 9/27/19.
Docket Numbers: ER19–2763–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: OATT Revised Attachment K—NorthernGrid Transm Planning Process to be effective 1/1/2020.
Filed Date: 9/6/19.
Accession Number: 20190906–5070.
Comments Due: 5 p.m. ET 9/27/19.
Docket Numbers: ER19–2764–000.
Applicants: Avista Corporation.
Description: § 205(d) Rate Filing: Avista Corp OATT Attachment K Revisions to be effective 1/1/2020.
Filed Date: 9/6/19.
Accession Number: 20190906–5076.
Comments Due: 5 p.m. ET 9/27/19.
Docket Numbers: ER19–2765–000.
Applicants: MATL LLP.
Description: § 205(d) Rate Filing: NorthernGrid Attachment K to be effective 1/1/2020.
Filed Date: 9/6/19.
Accession Number: 20190906–5094.
Comments Due: 5 p.m. ET 9/27/19.
Docket Numbers: ER19–2766–000.
Applicants: Idaho Power Company.
Description: § 205(d) Rate Filing: Attachment K—NorthernGrid to be effective 1/1/2020.
Filed Date: 9/6/19.
Accession Number: 20190906–5121.
Comments Due: 5 p.m. ET 9/27/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–51–000.
Applicants: Louisville Gas & Electric Company.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Louisville Gas and Electric Company.
Filed Date: 9/6/19.
Accession Number: 20190906–5024.
Comments Due: 5 p.m. ET 9/27/19.
Docket Numbers: ES19–52–000.
Applicants: Kentucky Utilities Company.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Kentucky Utilities Company.
Filed Date: 9/6/19.
Accession Number: 20190906–5025.
Comments Due: 5 p.m. ET 9/27/19.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM19–4–000.
Applicants: Southwestern Public Service Company.
Description: Application to Terminate the Requirement to Enter Into New Contracts or Obligations with Qualifying Facilities of Southwestern Public Service Company.
Filed Date: 9/5/19.
Accession Number: 20190905–5117.
Comments Due: 5 p.m. ET 10/3/19.

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: September 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–19739 Filed 9–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC19–25–000]

Commission Information Collection Activities (FERC–551); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–551, (Reporting of Flow Volume and Capacity by Interstate Natural Gas Pipelines).

DATES: Comments on the collection of information are due November 12, 2019.

ADDRESSES: You may submit comments (identified by Docket No. IC19–25–000) by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–551, Reporting of Flow Volume and Capacity by Interstate Natural Gas Pipelines.

OMB Control No.: 1902–0243.

Type of Request: Three-year extension of the FERC–551 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission is authorized to facilitate price

transparency in markets for the sale or transportation of physical natural gas in interstate commerce, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers. FERC–551 uses the information provided by pipelines as part of its overall implementation of the statutory provisions of sections 23 of the Natural Gas Act, 16 U.S.C. 717t–2. More specifically, the Commission relies, in part, on section 23(a)(1) of the Natural Gas Act, for authority to collect this information and uses the pipelines' FERC–551 postings as part of fulfilling the transparency provisions of section 23(a)(1) of the Natural Gas Act. The data requirements for pipelines are in listed the Code of Federal Regulations (CFR) under 18 CFR 284.13, reporting requirements for interstate pipelines. The Commission has directed that the data requirements under FERC–551 are to be posted on interstate pipelines' websites and provided in downloadable file formats, in conformity with 18 CFR 284.12.

The posting requirements are based on the Commission's authority under section 23 of the NGA (as added by the Energy Policy Act of 2005), which provides, in relevant part, that the Commission may issue such rules as necessary and appropriate to provide for the dissemination of ''information about the availability and prices of natural gas at wholesale and in interstate commerce . . . .'' [1] This provision enhances the Commission's authority to ensure confidence in the nation's natural gas markets. The Commission's market-oriented policies for the wholesale natural gas industry require that interested persons have broad confidence that reported market prices accurately reflect the interplay of legitimate market forces. Without confidence in the efficiency of price formation, the true value of transactions is very difficult to determine. Further, price transparency facilitates ensuring that jurisdictional prices are ''just and reasonable.'' [2]

The posting of FERC–551 information occurs on a daily basis. The data must be available for download for not less than 90 days from the date of posting and must be retained by the pipeline for three years.

The daily posting requirements for major non-interstate pipelines prescribed in the Commission's Order No. 720 are no longer required. The number of respondents used to develop the burden estimates do not include any major non-interstate pipelines.

Type of Respondents: Interstate Natural Gas Pipelines.

Estimate of Annual Burden: [3] The Commission estimates the total public reporting burden and cost for this information collection as follows:

FERC–551—Reporting of Flow Volume and Capacity by Interstate Natural Gas Pipelines

	Number NGA of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [4]	Total annual burden hours & total annual cost	Burden hour & cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
FERC–551	172	365	62,780	0.5 hours; $32.69	31,390 hrs.; $2,052,278.20	182.5 hrs. ; $11,931.85.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–19750 Filed 9–11–19; 8:45 am]

BILLING CODE 6717–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Existing Collection

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of Information Collection—Request for new Control Number for a Currently Approved Collection: Employer Information Report (EEO–1) Component 1; Revision of Existing Approval for EEO–1 Component 2.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a three-year PRA approval of Component 1 of the Employer Information Report (EEO–1). The EEOC intends to seek OMB approval to remove Component 1 from OMB control number 3046–0007 and to request its approval under a new control number. The EEOC does not intend to submit to OMB a request to renew Component 2 under OMB control number 3046–0007. The EEO–1 Component 1 collections for 2016, 2017, and 2018 under the 3046–0007 control number have been completed. However, the EEO–1 Component 2 collections for 2017 and 2018 are now underway under this same control number, and as discussed in *National Women's Law Center, et al.* v. *Office of Management and Budget, et al.,* Component 2 approval under control number 3046–0007 will expire no later than April 5, 2021, by order of the court. The EEOC believes a new OMB control number for Component 1 that is separate from the current control number for the Component 2 collection will minimize confusion for EEO–1 filers.

DATES: Written comments on this notice must be submitted on or before November 12, 2019.

[1] Section 23(a)(2) of the NGA, 15 U.S.C. 717t–2(a)(2) (2000 & Supp. V 2005).

[2] *See* sections 4 and 5 of the NGA, 15 U.S.C. 717c and 717d.

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[4] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $65.38/hour = Average cost/response. The figure includes wages plus benefits and comes from the Bureau of Labor Statistics (*https://www.bls.gov/oes/2017/may/oes131111.htm* data from May, 2017) using Management Analyst category code (13–1111) for wages and the Management, business, and financial occupational group (*https://www.bls.gov/news.release/ecec.t04.htm*) for benefits.

ADDRESSES: You may submit comments by any of the following methods—please use only one method:

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

Mail: Comments may be submitted by mail to Bernadette B. Wilson, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.

Fax: Comments totaling six or fewer pages can be sent by facsimile (''fax'') machine to (202) 663–4114. (This is not a toll-free number.) Receipt of fax transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (800) 669–6820 (TTY). (These are not toll-free telephone numbers.)

Instructions: All comments received must include the agency name and docket number. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. However, the EEOC reserves the right to refrain from posting libelous or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech directed at race, color, sex, national origin, age, religion, disability, or genetic information; or that promote or endorse services or products.

All comments received, including any personal information provided, also will be available for public inspection during normal business hours by appointment only at the EEOC Headquarters' Library, 131 M Street NE, Washington, DC 20507. Upon request, individuals who require assistance viewing comments are provided appropriate aids such as readers or print magnifiers. To schedule an appointment to inspect the comments at the EEOC's library, contact the library staff at (202) 663–4630 (voice) or (800) 669–6820 (TTY). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Rashida Dorsey, Ph.D., MPH, Director, Data Development and Information Products Division and Senior Advisor on Data Strategy, Office of Enterprise Data and Analytics, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507, (202) 663–4355 (voice) or (202) 663–7063 (TTY). Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663–4191 (voice) or (202) 663–4494 (TTY).

SUPPLEMENTARY INFORMATION: Since 1966, the EEOC has required EEO–1 filers to submit demographic data (Component 1) on an annual basis. All private employers that are covered by Title VII and have 100 or more employees are required to file the Component 1 data. In addition, Office of Federal Contract Compliance Programs (OFCCP) regulations require certain federal contractors to file the EEO–1 if they have 50 or more employees and are not exempt as provided for by 41 CFR 60–1.5.[1] In 2016, the EEOC proposed to revise the EEO–1 report to add the collection of specific summary pay data (Component 2) and sought OMB approval under the PRA. OMB approved the proposed collection of Component 2 data for calendar years 2017 and 2018 under OMB control number 3046–0007 on September 29, 2016. OMB's approval on this date also covered the 2016, 2017, and 2018 collection of Component 1 data.

Exercising its authority under the PRA, on August 29, 2017, OMB stayed the EEOC's collection of Component 2 data (OMB did not stay the collection of Component 1 data). During the term of this stay, the EEOC collected only Component 1 data for reporting years 2017 and 2018. Subsequently, on March 4, 2019, the court in *National Women's Law Center, et al.* v. *Office of Management and Budget, et al.,* Civil Action No. 17–cv–2458 (D.D.C.), vacated OMB's stay of Component 2 and ordered that the previous approval of the revised EEO–1 was in effect. On April 25, 2019, the court further ordered that the PRA approval for the EEO–1 including Component 2 data, OMB control number 3046–0007, would expire no later than April 5, 2021, and that the collection of Component 2 would not be deemed complete until the percentage of filers submitting Component 2 reports equals or exceeds the mean percentage of EEO–1 reporters that actually submitted EEO–1 reports in each of the past four reporting years. The court further ordered that the EEOC must collect the Component 2 data for 2017 and 2018 by September 30, 2019. This case is now pending on appeal before the U.S. Court of Appeals for the D.C. Circuit. *National Women's Law Center, et al.* v. *Office of Management and Budget, et al.,* Case No. 19–5130 (D.C. Cir.).

Because OMB did not stay the EEOC's collection of Component 1 data on August 29, 2017, the EEOC collected EEO–1 Component 1 data for each of the three years covered by the September 29, 2016 PRA approval. Accordingly, under the PRA, the EEOC must now seek from OMB an extension in order to continue to collect EEO–1 Component 1 data for 2019, 2020, and 2021. To minimize confusion in light of the above-referenced litigation, the EEOC will be asking OMB to approve Component 1 under a new OMB control number.

In May 2018, the EEOC created the Office of Enterprise Data and Analytics (OEDA) with the goal of creating a 21st century data and analytics organization at the agency. OEDA is largely staffed by data scientists and statisticians who did not work at the EEOC in 2016 when the Commission was developing the previous EEO–1 approval. In March 2019, the EEOC began preparing to seek continued approval of the EEO–1 collection under the PRA. Staff in OEDA revisited the previous methodology for calculating burden estimates utilized by the EEOC for the EEO–1, taking into consideration Government Accountability Office (GAO) and OMB guidance on the appropriate methodology for calculating burden estimates in federal information collections.[2] In light of these

[1] Unless otherwise noted, the term ''contractor'' refers to federal contractors and first-tier subcontractors that satisfy the employee and contract size coverage criteria that subject them to the EEO–1 reporting obligations. The term ''private employers'' or ''private industry'' refers to all other entities required to file the EEO–1 that are not included in the ''contractor'' designation. The term ''employer'' or ''filer'' refers collectively to all entities that are required to file EEO–1 data.

[2] *See* Government Accountability Office Report GAO–18–381, ''*PAPERWORK REDUCTION ACT, Agencies Could Better Leverage Review Processes and Public Outreach to Improve Burden Estimates,*'' July 2018, *https://www.gao.gov/assets/700/693057.pdf,* p. 8, Footnote a to Figure 2. (''A single information collection request may contain multiple burden hour estimate formulas depending, for example, on whether there are different forms or different types of respondents. The total annual burden hour estimate is the sum of all of individual burden hour estimate formulas. If the information request is for the maximum 3-year period, then the annual burden estimate is the average over that 3-year period.''); *see also* ROCIS HOW TO Guide for Agency Users of the (ICR) Module, April 5, 2017, *https://www.rocis.gov/rocis/jsp3/common/ROCIS_HOW_TO_Guide_for_AGENCY_Users_of_ICR_Module-04052017.pdf,* p. 105, ¶ 12. (''Provide estimates of the hour burden of the collection of information. The statement should:

* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates

Continued

considerations, OEDA staff believed that the EEOC's previous burden estimate for the EEO–1 had insufficiently calculated what the burden would be to submit the data. On May 15, 2019, Janet Dhillon was sworn in as Chair of the EEOC, restoring the EEOC's quorum, which it had lost in January 2019. After Chair Dhillon assumed this role, the Director of OEDA informed her of OEDA's concerns about the previous burden estimates for the EEO–1.

Accordingly, the EEOC re-examined the methodology used to calculate the 2016 burden for the collection of EEO–1 data and concluded that the methodology did not adhere to the standard approach for estimating burden in federal data collections. Unlike the guidance provided by both GAO and OMB, the EEOC had estimated burden at the individual employer level in the 2016 package and not at the individual form level.[3] Not adhering to this standard practice resulted in an extremely low estimate of the burden on employers. Based on the following analysis and as specified below, the EEOC now concludes that the burden estimate associated with the EEO–1 is higher than it has previously estimated.

In 2016, the methodology used to calculate the burden relied almost exclusively on the number of employers or ''EEO–1 filers'' without considering the variation in burden attributable to the different number and types of EEO–1 reports that different employers file. Essentially, the 2016 methodology treated all employers the same. The EEO–1 Instructions direct an employer with only a single location to file one EEO–1 report, while directing an employer with numerous locations to file a corresponding number of EEO–1 ''establishment'' reports, as well as a headquarters report and a consolidated report.[4] The time and resources used to collect and report data for a large number of these reports at different locations, some of which are more detailed than others, is necessarily greater than that needed to prepare a single report or a few reports at one or two locations. Nonetheless, the initial 2016 burden methodology ''was [exclusively] based on the number of firms filing one or more EEO–1 reports, not on the number of reports submitted or the number of separate establishments submitting reports.'' [5] The final 2016 methodology acknowledged that the number of reports could change the burden on employers, but it still assumed ''that the bulk of the tasks performed in completing the EEO–1 report will be completed at the firm level due to the centrality of automation.'' [6] Applying this 2016 methodology, the EEOC concluded that ''the total estimated *annual* burden hour costs for employers and contractors that will complete both Components 1 and 2 in 2017 and 2018 will be $53,546,359.08.'' [7]

The EEOC has developed a more accurate methodology that deconstructs the total number of reports submitted by report type and by filer type, and then estimates an average burden based on the number and types of reports submitted.[8] These estimates account for the different amounts of time required for different types of EEO–1 reports,[9] and are based on EEOC experience during the data submission process. (*See infra* note 21 for the specific number of hours for each type of EEO–1 report.) Even using modest assumptions about the time needed to complete various EEO–1 reports, as explained in detail below, the EEOC estimates with this new methodology that the burden hour costs for submitting both Components 1 and 2 would be $614,391,388 in 2017 and

should not include burden hours for customary and usual business practices.

* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.

* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.'')

[3] The EEOC refers to the various individual EEO–1 forms that employers must file as ''reports''. See footnote 4 for an explanation of the types of reports required to be filed.

[4] A single-establishment employer is required to submit only one EEO–1 data report—a type 1 EEO–1 Report. A multi-establishment employer is required to submit several reports: The type 2 'Consolidated Report' must include all employees of the employer categorized by race, gender and job category and the type 3 'Headquarters Report' must include employees working at the main office site of the employer and those employees that work from home that report to the corporate office. In addition, a separate EEO–1 report for the headquarters establishment is required even if there are fewer than 50 employees working at the headquarters establishment. Type 4 'Establishment Reports' must be submitted for each physical establishment with 50 or more employees. Employment data must be categorized by race or ethnicity, gender, and job category. Establishment sites with fewer than 50 employees must submit either a type 8 or a type 6 report. An employer submitting type 8 'Establishment Reports' should submit a separate report for each establishment employing fewer than 50 employees. Like the type 4 'Establishment Report', type 8 report employment data must also be categorized by race or ethnicity, gender, and job category. For type 6 'Establishment List' the establishment name, complete address, and total number of employees must be provided for each physical location where fewer than 50 employees are working. Employers choosing a type 6 data report for each establishment employing fewer than 50 employees must manually enter data categorized by race or ethnicity, gender, and job category to the type 2 'Consolidated Report' to include all company employees. Filers choosing to create a type 8 report for each establishment employing fewer than 50 employees must enter employment data categorized by race or ethnicity, gender, and job category for each type 8 report. The employment data entered for each such establishment on a type 8 report will automatically populate the type 2 Consolidated Report.

[5] *Agency Information Collection Activities; Notice of Submission for OMB Review, Final Comment Request: Revision of the Employer Information Report (EEO–1),* 81 FR 45479, 45493 (July 14, 2016) (''the EEOC [initially] concluded that most employers would be filing the EEO–1 with a digital file upload by the time they file their EEO–1 reports for 2017 and 2018. Therefore, in the 60-Day Notice, the EEOC reasoned that 'each additional report filed [would have] just a marginal additional cost.' Accordingly, the burden calculation in the [2016] 60-Day Notice was based on the number of firms filing one or more EEO–1 reports, not on the number of reports submitted or the number of separate establishments submitting reports.'')

[6] *Id.* (''Second, the EEOC no longer assumes that all the EEO–1 reports for 2017 and 2018 will be submitted by one data upload filed by the firm on behalf of all the establishments. While still reflecting that the bulk of the tasks performed in completing the EEO–1 report will be completed at the firm level due to the centrality of automation, the EEOC's 30-Day Notice recognizes that there are certain tasks that will be performed at the establishment level for employers who enter their EEO–1 data directly onto the Joint Reporting Committee's secure portal. Therefore, the 30-Day Notice burden calculations are based on the number of hours needed to complete the tasks at the firm level and also at the establishment level for the proportion of EEO–1 filers who do not now use centralized, secure data uploads.'')

[7] *Id.*

[8] *See* footnote 2, *supra; see also, e.g., Mortality in Correctional Institutions,* 84 FR 1507, 1508–09 (2019).

[9] Using Component 1 2017 data as the basis for an example of the new methodology, 75,043 EEO–1 filers submitted a total of 1,597,036 Component 1 reports to the EEOC. Forty percent, or 30,203 filers, submitted a report for only a single establishment. Single establishment filers are referred to as ''Type 1'' filers by the EEOC. Each Type 1 filer submitted a single report, yielding a total of 30,203 reports in 2017. These Type 1 filers have the lowest burden, with an average estimated burden of 45 minutes annually to complete their submission of Component 1.

Multiple establishment filers are referred to as ''Type 2'' filers by the EEOC. In 2017, Type 2 filers accounted for 60%, or 44,840 filers of Component 1, and in 2017 submitted a total of 1,566,833 reports, or 98% of all Component 1 EEO–1 reports submitted. Type 2 filers have a higher reporting burden because they are required to submit a combination of reports: One type 2 (''consolidation'') report, one type 3 (''headquarters'') report, and a type 4 establishment report, a type 8 establishment report, or a type 6 establishment list for each establishment. The estimated burden for Type 2 filers varies between 3.5 and 9.5 hours, depending on the report type combination. This new method for calculating the filers' burden yielded a total estimated burden of 7,643,874 hours for 75,043 filers to submit 1,597,036 reports for data year 2017. Per U.S. Department of Labor's Bureau of Labor Statistics wage rates, the associated total annual burden hour cost is $297,381,066 for required filers. The EEOC estimates that the total cost of the administration of the EEO–1 Component data collection to the federal government is $2 million annually.

$622,015,798 in 2018.[10] Under the PRA, the EEOC must balance the utility of the data to its enforcement programs against the burden the data collection as structured imposes on the employers who must submit it. The Commission now concludes that it should consider information from the ongoing Component 2 data collection before deciding whether to submit a pay data collection to OMB. At this point in time, the unproven utility to its enforcement program of the pay data as defined in the 2016 Component 2 is far outweighed by the burden imposed on employers that must comply with the reporting obligation. Therefore, the EEOC is not seeking to renew Component 2 of the EEO–1.[11]

Despite the higher burden, the EEOC still intends to continue its collection of Component 1 data. Collection of Component 1 data is a long-held practice that has occurred for over 50 years and has already proven its utility to the EEOC's enforcement of employment discrimination laws in many ways. Component 1 EEO–1 data is an important internal resource for analysis of industries and regions, and also for investigators who use the EEO–1 along with other data sources as they start to assess allegations of discrimination. Under these circumstances, even with a higher burden estimate, the EEOC believes that the collection of Component 1 data is necessary for the proper performance of the agency's functions and has a practical utility to the fulfillment of the EEOC's mission.

Pursuant to the PRA and OMB regulation 5 CFR 1320.8(d)(1), the Commission solicits public comment on its intent to seek PRA approval of Component 1 of the EEO–1 under a new OMB control number to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility; (2) Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including 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.

Because the number of Component 1 filers increased to 87,021 by the close of data year 2018, the EEOC is estimating that the number of filers required to submit Component 1 will increase again to approximately 90,000 for data years 2019 through 2021. Accordingly, the EEOC is calculating the burden estimates in this notice based on this revised estimate of the number of filers. The agency is using the methodology outlined above.

Overview of Information Collection

Component 1

Collection Title: Employer Information Report (EEO–1) Component 1.

OMB Number: 3046–XXXX (previously was 3046–0007).

Frequency of Report: Annual.

Type of Respondent: Private employers with 100 or more employees and certain federal government contractors and first-tier subcontractors with 50 or more employees.

Description of Affected Public: Private employers with 100 or more employees and certain federal government contractors and first-tier subcontractors with 50 or more employees.

Reporting Hours: 9,167,393.

Respondent Burden Hour Cost: $297 million.[12]

Federal Cost: $2 million.

Number of Forms: 1.

Abstract: Section 709(c) of Title VII of the Civil Rights Act of 1964 (Title VII) requires employers to make and keep records relevant to the determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order.[13] Pursuant to this statutory authority, the EEOC in 1966 issued a regulation requiring certain employers to file executed copies of the EEO–1 in conformity with the directions and instructions on the form, which called for reporting employee data by job category, ethnicity, race, and sex.[14] Pursuant to Executive Order 11246,[15] the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, in 1978 issued its regulation describing the EEO–1 as a report ''promulgated jointly with the Equal Employment Opportunity Commission'' and requiring certain contractors to submit ''complete and accurate reports'' annually.[16] Currently, Component 1 of the EEO–1 directs certain covered employers with more than 50 employees (contractors) or 100 employees (private industry) to report annually the number of individuals they employ by job category and by race, ethnicity, and sex.[17] The data include seven race and ethnicity categories [18]

[10] The EEOC uses 2017 and 2018 data as an example because it is the agency's most recent data.

[11] Due to the high estimated burden associated with adding pay data collection to the EEO–1, if the EEOC seeks to pursue a pay data collection in the future it will do so using notice and comment rulemaking and a public hearing pursuant to Title VII of the Civil Rights Act of 1964. Furthermore, before undertaking a new pay data collection, the EEOC believes the process would benefit from a reexamination of the recommendations in the EEOC-commissioned 2012 study from the National Academy of Sciences (NAS), entitled ''Collecting Compensation Data from Employers,'' which examined the potential benefits and burdens of collecting pay data from employers.

[12] This estimate is based on the most recent median pay data from the Board of Labor Statistics. We estimated that a computer support specialist would account for 60% of the estimated hourly wage; a database administrator would account for 20%; an HR specialist would account for 10%; legal counsel would account for 5% and an CEO would account for 5%, for a total estimated hourly wage of $32.44. *See* U.S. Dept. of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook, https://www.bls.gov/ooh/business-and-financial/human-resources-specialists.htm.*

[13] 42 U.S.C. 2000e–8(c).

[14] The EEOC's EEO–1 regulation is at 29 CFR part 1602 Subpart B. The EEOC is responsible for obtaining OMB's PRA approval for the EEO–1 report.

[15] Exec. Order No. 11,246, 30 FR 12,319 (Sept. 24, 1965).

[16] 41 CFR 60–1.7(a). The EEOC may also share EEO–1 data with state and local Fair Employment Practices Agencies under the authority of section 709(d) of Title VII. Subject to their agreement to retain confidentiality as required by 42 U.S.C. 2000e–8(e), the EEOC shares EEO–1 reports with the Department of Justice (DOJ), the Federal Insurance Corporation (FDIC), and the National Credit Union Administration (NCUA). The FDIC and NCUA use EEO–1 data pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to help analyze diversity in management, employment, and business activities. DOJ uses the EEO–1 data when it defends OFCCP in litigation, in the event a federal contractor sues OFCCP to prevent debarment.

[17] The EEO–1 uses federal race and ethnicity categories, which were adopted by the Commission in 2005 and implemented in 2007.

[18] *Hispanic or Latino*—A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

White (Not Hispanic or Latino)—A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American (Not Hispanic or Latino)—A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)—A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Asian (Not Hispanic or Latino)—A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

American Indian or Alaska Native (Not Hispanic or Latino)—A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

Two or More Races (Not Hispanic or Latino)—All persons who identify with more than one of the above five races.

and ten job categories,[19] by sex. The individual EEO–1 reports are confidential. EEO–1 data are used by the EEOC to investigate charges of employment discrimination against employers in private industry and to provide information about the employment status of minorities and women.

Burden Statement: The previous annual estimated burden for Component 1 under the 2016 clearance [20] was 1,952,146 hours. After reviewing the methodology used to calculate the 2016 burden for Component 1, we identified an approach we believe is substantially more precise.

The methodology used in this notice to calculate the burden for Component 1 is to separate Type 1 (single establishment) and Type 2 (multi-establishment) filers and calculate the burden by considering the following factors: type of filer, the combination of report types submitted by the filer, and the total number of reports filers will certify to complete their EEO–1 submission.

An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The estimated number of respondents who must annually file EEO–1 Component 1 data for the next three years is 90,000 filers each year. The EEOC estimates that the 90,000 filers will submit 1,915,345 reports. Reports represent the annual number of responses. About 40% of Component 1 filers (36,223 filers) will submit a single report on a single establishment, and it is estimated that it will take these filers an average of 45 minutes per reporting year to complete their Component 1 EEO–1 report. About 60% of Component 1 filers (53,777 filers) will report data on multiple establishments. All multi-establishment filers must complete both type 2 and type 3 reports, in addition to completing either a type 4, 6, or 8 report for each establishment for each reporting year, for a total of 1,879,122 multi-establishment EEO–1 reports submitted by 53,777 multi-establishment filers. While the actual submission time for single and multi-establishment filers varies,[21] for purposes of this exercise we estimate that it will take a filer, on average, under 5 hours to complete their Component 1 EEO–1 report. Each filer will be asked to respond to Component 1 of the EEO–1 once annually. The burden estimate is based on data from prior administrations of Component 1 of the EEO–1.

An estimate of the total public burden (in hours) associated with the collection: The collection of EEO–1 Component 1 data for calendar years 2019, 2020, and 2021 is estimated to impose a total of 9,167,393 annual burden hours for 1,915,345 Component 1 reports. Filers are encouraged to report data electronically to decrease burden.

Dated: September 9, 2019.

For the Commission.

Janet Dhillon,

Chair.

[FR Doc. 2019–19767 Filed 9–11–19; 8:45 am]

BILLING CODE 6570–01–P

[19] The ten job groups are: Executive/Senior Level Officials and Managers; First/Mid Level Officials and Managers; Professionals; Technicians; Sales Workers; Administrative Support Workers; Craft Workers; Operatives; Laborers and Helpers; and Service Workers.

[20] The 2016 burden was estimated to be 6.6 hours per respondent, multiplied by 60,886 respondents. The EEOC has now determined that the proper unit of analysis to calculate burden should be the number of reports submitted by report type, rather than the number of respondents.

[21] Burden for single establishment filers is based on a single report. Burden for multi-establishment reporters is cumulative and is based on the report type combination. EEO–1 project staff estimate that the average completion time for the type 2 report would be 45 minutes, the completion of the type 3 report adds an average of 45 minutes to the burden, and the completion of type 4 reports adds an average of 2 hours to the burden, so a Type 2 filer completing type 4 reports will have an average burden of 3.5 hours (45 minutes for the type 2 report, plus 45 minutes for the type 3 report, plus 2 hours for the type 4 reports). A Type 2 filer completing type 6 reports will add—on average—8 hours to the burden, for a total burden of 9.5 hours. A Type 2 filer completing type 8 reports will add—on average—3 hours to the burden, for a total burden of 4.5 hours. While this analysis recognizes that individual filers' burdens will vary, on average a multi-establishment filer submitting 2/3/4 reports would have the lowest estimated burden of 3.5 hours while a filer submitting 2/3/6 reports would have the highest estimated average burden of 9.5 hours. Once Type 1, or single establishment filers, and filers submitting 2/3/8 are considered, the average estimated burden for EEO–1 filers is approximately 5 hours.

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0207]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before November 12, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

OMB Control Number: 3060–0207.

Title: Part 11—Emergency Alert System (EAS), Order, FCC 19–57.

Form No.: N/A.

Type of Review: Revision of currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents and Responses: 63,084 respondents; 3,588,830 responses.

Estimated Time per Response: 0.017 hours–0.68 hours.

Frequency of Response: Recordkeeping requirement and third-party disclosure requirements.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 154(i) and 606 of the Communications Act of 1934, as amended.

Total Annual Burden: 140,751 hours.
Total Annual Cost: No Cost.
Privacy Act Impact Assessment: No Impact(s).
Nature and Extent of Confidentiality: Logged information on receipt of the weekly test by Satellite Digital Audio Radio Service (SDARS) providers is retained for two years at the provider's headquarters, and available for public inspection upon reasonable request.
Needs and Uses: Part 11 contains rules and regulations addressing the nation's Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public during periods of national emergency over broadcast television and radio, cable, direct broadcast radio and other EAS Participants, as defined in Section 11.11(a) of the Commission's rules The EAS also provides state and local governments and the National Weather Service with the capability to provide immediate communications and information to the public concerning emergency situations posing a threat to life and property. Part 11 includes testing requirements to ensure proper and efficient operation of the EAS.

In the Order, EB Docket No. 04–296, PS Docket No. 15–94, FCC 19–57, the Commission amended the Part 11 EAS testing requirements applied to SDARS providers to (i) eliminate requiring SDARS providers to transmit weekly tests in favor of requiring them to only log receipt of the weekly test, and (ii) eliminate the requirement that SDARS providers transmit monthly test on all channels in favor of requiring them to transmit the monthly test on 10% of all of their channels, with channels tested varying from month to month, so that over the course of a given year, 100% of all of its channels are tested.

The Commission seeks OMB approval of these rule amendments as a modification of a previously approved information collection. These changes to the SDARS testing requirements were specifically requested by the lone entity authorized to provide SDARS service in the U.S. The amendments harmonize the EAS testing requirements applied to SDARS service with those applied to the similarly situated Direct Broadcast Satellite (DBS) service. Further, the changes to the SDARS test requirements represent a net reduction in the burden imposed on SDARS providers (of which there is only one). Specifically, the modified monthly test requirements for SDARS do not eliminate monthly testing but likely make such testing less burdensome to administer and schedule. The weekly test requirement for SDARS of substituting logging of receipt of a weekly test for conducting the weekly test, represents a reduced burden, as EAS equipment automatically records when weekly tests are received. Further, not having to transmit the EAS header codes and End of Message (EOM) code on all channels randomly once per week relieves the SDARS provider from having to coordinate and administer such testing.

Because the reduced burden is *de minimis* relative to the aggregate estimated in-house cost to all regulated entities subject to weekly EAS testing requirements, we are not seeking to change the currently approved burden inventory. Specifically, the currently approved burden for conducting weekly tests has been established at 0.017 hours per week, for 40 weeks (weekly tests are not required for the week in which a monthly test is conducted); thus, the annual burden for SDARS providers to conduct weekly tests is 0.68 hours, at an estimated annual in-house cost of $26 ((0.68) × ($38 per hour)). While it seems likely that this annual cost will be lessened under the modified weekly testing requirement—to some figure between $0 and $26—given that there is only one SDARS provider, that amount will be *de minimis* relative to the total estimated in-house cost to all respondents (currently approved at 42,840 hours at an aggregate cost of $1,627,920).

The following information collections contained in Part 11 may be impacted by the rule amendments described herein. The revised EAS testing requirements for SDARS providers affect one entity, who formally requested adoption of such amendments. As described above, the revised requirements represent a net reduction in burdens to SDARS providers. The rule amendments may impact currently existing paperwork collection requirements as discussed below.

Section 11.35 requires that all EAS Participants (the entities required to transmit federal EAS alerts) are responsible for ensuring that EAS Encoders/Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations/systems are in operation. EAS Participants must determine the cause of any failure to receive the required tests or activations. When the EAS is not operating properly, section 11.35 requires appropriate entries be made in the station/system logs indicating why any tests were not received for all broadcast streams and cable systems. All other EAS Participants must also keep record indicating reasons why any tests were not received and these records must be retained for two years, maintained at the EAS Participant's headquarters, and made available for public inspection upon reasonable request.

Section 11.61 requires EAS Participants to conduct periodic EAS tests. Tests of the EAS header codes, attention signal, test script and EOM code are required to be performed monthly. Tests of the EAS header codes and end of message codes are made at least once a week. National primary sources shall participate in tests as appropriate. DBS providers, Class D non-commercial educational FM stations and low power TV stations are not required to transmit this test but must log receipt of the test in conformance with Section 11.35. The FCC may request a report of the tests of the national primary sources. In addition, entries must be made in stations/systems logs/records as previously stated.

This information is used by FCC staff as part of routine inspections of EAS Participants. Accurate recordkeeping of this data is vital in determining the location and nature of possible equipment failure on the part of the transmitting or receiving entity. Furthermore, since the national level EAS is solely for the President's use, its proper operation must be assured.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2019–19760 Filed 9–11–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request Re: Information Collection for Generic Clearance for Prize Competition Participation

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC plans periodically to conduct prize competitions under authority of Section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 and the Federal Deposit Insurance Act.

On June 25, 2019, the FDIC requested comment for 60 days from the general public, including persons who may

have an interest in participating in FDIC-sponsored or co-sponsored prize competitions, and other Federal agencies to comment on the proposal, as required by the Paperwork Reduction Act of 1995 (PRA), on a proposal to create a new generic collection of information for prize competition participants. The FDIC received one comment that was supportive of the FDIC's forthcoming prize competitions but did not suggest any changes to the burden calculations associated with the generic information collection. The FDIC hereby gives notice of its plan to submit to the Office of Management and Budget (OMB) a request to approve the renewal of this collection, and again invites comment on this renewal.

DATES: Comments must be submitted on or before October 15, 2019.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *https://www.regulations.gov.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones, Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the above address located on F Street NW, on business days between 7:00 a.m. and 5:00 p.m., EST.

All comments should reference ''Information Collection for Generic Clearance for Prize Competition Participation.'' A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, at the FDIC mailing address above or by phone at 202–898–6768.

SUPPLEMENTARY INFORMATION: On June 25, 2019, the FDIC requested comment for 60 days from the general public, including persons who may have an interest in participating in FDIC-sponsored or co-sponsored prize competitions, and other Federal agencies to comment on the proposal, as required by the PRA, on a proposal to create a new generic collection of information for prize competition participants. The FDIC received one comment that was supportive of the FDIC's forthcoming prize competitions but did not suggest any changes to the burden calculations associated with the generic information collection. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

Proposal for the Following New Generic Collection of Information

1. *Title:* Generic Clearance for Prize Competition Participation.

OMB Number: 3064–NEW.

Form Number: None.

Affected Public: Innovators; technologists, coders, engineers and developers; consumers of financial services; consumer advocates; academics; members of trade groups and other associations; individuals connected to financial institutions, community banks, and financial and bank service and technology providers; software, data, and technology firms; and other members of the public.

Estimated Burden per Prize Competition:

Estimated Annual Number of Respondents: 300.

Estimated Average Time per Response: 20 hours.

Total Estimated Annual Burden per Prize Competition: 6,000 hours.

General Description of Collection: The FDIC seeks generic clearance for the collection of information requested from potential participants (including innovators; technologists, coders, engineers and developers; consumers of financial services; consumer advocates; academics; members of trade groups and other associations; individuals connected to financial institutions, community banks, and financial and bank service and technology providers; software, data, and technology firms; and other members of the public) with respect to solicitations for expressions of interest to participate in FDIC-sponsored or co-sponsored prize competitions of various types, including point solution competitions (designed to spur the development of solutions for a particular problem) and exposition (designed competitions to identify and promote a broad range of ideas and practices to facilitate further development by third parties). Prize competitions and the opportunity to submit applications to participate will be announced on the agency's publicly accessible government website, as well as possibly through other forms of public communication, such as publication in the **Federal Register**, issuance of Financial Institution Letters, use of challenge.gov website maintained by the U.S. General Services Administration, or social media advertisement.

In order for the FDIC to determine which applicants will be eligible and selected to participate in FDIC prize competitions, the FDIC will request that potential participants provide their name, contact information, address, and such other information that may be necessary to evaluate applicants' qualifications and ability to participate in the event as well as to match the applicants' anticipated role to the needs of the competition. Applicants will also be asked to acknowledge the terms and conditions of participating in the prize competition. Information will be collected during prize competitions through the solutions to the challenges or problems presented.

This information collection will be voluntary. Collection in the form of application will be conducted primarily online with alternative methods made available. Collection during the events will be in-person or electronic. The FDIC will consult with OMB regarding each specific information collection during the approval period.

The FDIC estimates that over the three-year clearance period of this request, up to five (5) competitions will be conducted across various divisions of the agency, involving a variety of topics and challenges associated with underserved communities and financial inclusion; consumer protection; the FDIC's use of information technology and data (including artificial intelligence and machine learning); and financial and technologically-driven innovation in banking. The total hourly burden attributed to this generic clearance will be 30,000 hours (6,000 hours per prize competition × 5 competitions per year).

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on September 6, 2019.

Federal Deposit Insurance Corporation

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2019–19715 Filed 9–11–19; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012056–001.

Agreement Name: WWOcean/EUKOR Joint Operating Agreement.

Parties: Wallenius Wilhelmsen Ocean AS and EUKOR Car Carriers, Inc.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment changes name of the WW party to the Agreement; updates addresses of the parties; updates the description of corporate relationship between parties; and revises officials of agreement and delegations of authority.

Proposed Effective Date: 9/5/2019.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/2021.

Dated: September 9, 2019.

Rachel Dickon,

Secretary.

[FR Doc. 2019–19749 Filed 9–11–19; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 15, 2019.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Kidd Partners, Ltd., Tyler, Texas;* to acquire up to 11.74 percent of the voting shares of Spirit of Texas Bancshares, Inc., Conroe, Texas, and thereby indirectly acquire shares of Spirit of Texas Bank, SSB, College Station, Texas.

2. *Spirit of Texas Bancshares, Inc., Conroe, Texas;* to acquire 100 percent of the voting shares of Chandler Bancorp, Inc., Tyler, Texas, and thereby indirectly acquire shares of Chandler Bancorp of Nevada, Inc., Carson City, Nevada, and Citizens State Bank, Tyler, Texas.

Board of Governors of the Federal Reserve System, September 9, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–19788 Filed 9–11–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–1500/1490S, CMS–10221, CMS–10237, CMS–R–5, CMS–10224 and CMS–287–19]

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 November 12, 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 *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–1500/1490S Health Insurance Common Claims Form
CMS–10221 Independent Diagnostic Testing Facilities (IDTFs) Site Investigation Form Revisions
CMS–10237 Applications for Part C Medicare Advantage, 1876 Cost Plans, and Employer Group Waiver Plans to Provide Part C Benefits
CMS–R–5 Physician Certifications/Recertification's in Skilled Nursing Facilities Manual Instructions
CMS–10224 Healthcare Common Procedure Coding System (HCPCS)—Level II Code Modification Request Process
CMS–287–19 Home Office Cost Statement

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:* Extension of a currently approved collection; *Title of Information Collection:* Health Insurance Common Claims Form and Supporting Regulations at 42 CFR part 424, subpart C (CMS–1500 and CMS–1490S); *Use:* The CMS–1500 and the CMS–1490S forms are used to deliver information to CMS in order for CMS to reimburse for provided services. Medicare Administrative Contractors use the data collected on the CMS–1500 and the CMS–1490S to determine the proper amount of reimbursement for Part B medical and other health services (as listed in section 1861(s) of the Social Security Act) provided by physicians and suppliers to beneficiaries. The CMS–1500 is submitted by physicians/suppliers for all Part B Medicare. Serving as a common claim form, the CMS–1500 can be used by other third-party payers (commercial and nonprofit health insurers) and other Federal programs (*e.g.,* TRICARE, RRB, and Medicaid). The CMS–1490S (Patient's Request for Medical Payment) was explicitly developed for easy use by beneficiaries who file their own claims. *Form Number:* CMS–1500/1490S (OMB control number: 0938–1197); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 2,029,505; *Total Annual Responses:* 1,033,839,906; *Total Annual Hours:* 18,847,500. (For policy questions regarding this collection contact Charlene Parks at 410–786–8684.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Independent Diagnostic Testing Facilities (IDTFs) Site Investigation Form Revisions; *Use:* The data collection is used by Medicare contractors and/or their subcontractors on site visits to verify compliance with required IDTF performance standards. If a subcontractor is used, the subcontractor collects the information from the IDTF through an interview and forwards it to the Medicare contractor for evaluation. The collection and verification of this information defends and protects our beneficiaries from illegitimate IDTFs. These procedures also protect the Medicare Trust Fund against fraud. The data collected also ensures that the applicant has the necessary credentials to provide the health care services for which they intend to bill Medicare. *Form Number:* CMS–10221 (OMB control number: 0938–1029); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 727; *Total Annual Responses:* 727; *Total Annual Hours:* 1,454. (For policy questions regarding this collection contact Kimberly McPhillips at 410–786–5374.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Applications for Part C Medicare Advantage, 1876 Cost Plans, and Employer Group Waiver Plans to Provide Part C Benefits; *Use:* This information collection includes the process for organizations wishing to provide healthcare services under MA plans. These organizations must complete an application annually (if required), file a bid, and receive final approval from CMS. The MA application process has two options for applicants that include (1) request for new MA product or (2) request for expanding the service area of an existing product. CMS utilizes the application process as the means to review, assess and determine if applicants are compliant with the current requirements for participation in the MA program and to make a decision related to contract award. This collection process is the only mechanism for organizations to complete the required MA application process. The application process is open to all health plans that want to participate in the MA program. The application is distinct and separate from the bid process, and CMS issues a determination on the application prior to bid submissions, or before the first Monday in June.

Collection of this information is mandated by the Code of Federal Regulations, MMA, and CMS regulations at 42 CFR 422, subpart K, in ''Application Procedures and Contracts for Medicare Advantage Organizations.'' In addition, the Medicare Improvement for Patients and Providers Act of 2008 (MIPPA) further amended titles XVII and XIX of the Social Security Act. *Form Number:* CMS–10237 (OMB control number: 0938–0935); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 435; *Total Annual Responses:* 435; *Total Annual Hours:* 6,754. (For policy questions regarding this collection contact Keith Penn-Jones at 410–786–3104.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Physician Certifications/Recertifications in Skilled Nursing Facilities Manual Instructions; *Use:* Section 1814(a) of the Social Security Act (the Act) requires specific certifications in order for Medicare payments to be made for certain services. Before the enactment of the Omnibus Budget Reconciliation Act of 1989 (OBRA1989, Pub. L. 101–239), section 1814(a)(2) of the Act required that, in the case of post-hospital extended care services, a physician certify that the services are or were required to be given because the individual needs or needed, on a daily basis, skilled nursing care (provided directly by or requiring the supervision

of skilled nursing personnel) or other skilled rehabilitation services that, as a practical matter, can only be provided in a SNF on an inpatient basis. The physician certification requirements were included in the law to ensure that patients require a level of care that is covered by the Medicare program and because the physician is a key figure in determining the utilization of health services. In addition, it set forth qualification requirements that a nurse practitioner or clinical nurse specialist must meet in order to sign certification or recertification statements (these requirements were later revised in the Balanced Budget Act of 1997). Effective with items and services furnished on or after January 1, 2011, section 3108 of the Affordable Care Act added physician assistants to the existing authority for nurse practitioners and clinical nurse specialists. Regulations implementing this provision were promulgated in the calendar year (CY) 2011 Medicare Physician Fee Schedule (MPFS) final rule with comment period (75 FR 73387, 73602, 73626–27, November 29, 2010). The requirements at 42 CFR 424.20(a) and (b) concern the initial certification of a beneficiary's need for a SNF level of care, which must be made upon admission or as soon thereafter as is reasonable and practicable. The requirements at 42 CFR 424.20(c) and (d) concern recertification of a beneficiary's need for continued SNF level of care, and also require an estimate of the time the individual will need to remain in the SNF, plans for home treatment, and, if appropriate, whether continued services are needed for a condition that occurred after admission to the SNF and while still receiving treatment for the condition for which he or she had received inpatient hospital services. These sections require recertification at specific intervals (the initial recertification must occur no later than the 14th day of SNF care, with subsequent recertification at least every 30 days thereafter) that posthospital SNF care is or was required because the individual needs or needed skilled care on a daily basis. The following CMS internet-Only Manuals provide more detailed instructions regarding the required certification and recertification of covered post-hospital extended care services for a Medicare beneficiary: Chapter 4, sections 40ff and 80 in the Medicare General Information, Eligibility, and Entitlement Manual (CMS Pub. 100–01), chapter 8, sections 40ff. in the Medicare Benefit Policy Manual (CMS Pub. 100–02), and chapter 6, section 6.3 in the Medicare Program Integrity Manual (CMS Pub. 100–08). *Form Number:* CMS–R–5 (OMB control number: 0938–0454); *Frequency:* Occasionally; *Affected Public:* Private Sector (Not-for-profit institutions); *Number of Respondents:* 2,746,550; *Total Annual Responses:* 2,746,550; *Total Annual Hours:* 615,149. (For policy questions regarding this collection contact Kia Sidbury at 410–786–7816.)

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Healthcare Common Procedure Coding System (HCPCS)—Level II Code Modification Request Process; *Use:* In October 2003, the Secretary of Health and Human Services (HHS) delegated authority under the Health Insurance Portability and Accountability Act (HIPAA) legislation to Centers for Medicare and Medicaid Services (CMS) to maintain and distribute HCPCS Level II Codes. As stated in 42 CFR Sec. 414.40 (a) CMS establishes uniform national definitions of services, codes to represent services, and payment modifiers to the codes. The HCPCS code set has been maintained and distributed via modifications of codes, modifiers and descriptions, as a direct result of data received from applicants. Thus, information collected in the application is significant to codeset maintenance. The HCPCS code set maintenance is an ongoing process, as changes are implemented and updated annually; therefore, the process requires continual collection of information from applicants on an annual basis. As new technology evolves and new devices, drugs and supplies are introduced to the market, applicants submit applications to CMS requesting modifications to the HCPCS Level II codeset. Applications have been received prior to HIPAA implementation and must continue to be collected to ensure quality decision-making. The HIPAA of 1996 required CMS to adopt standards for coding systems that are used for reporting health care transactions. The regulation that CMS published on August 17, 2000 (45 CFR 162.10002) to implement the HIPAA requirement for standardized coding systems established the HCPCS Level II codes as the standardized coding system for describing and identifying health care equipment and supplies in health care transactions. HCPCS Level II was selected as the standardized coding system because of its wide acceptance among both public and private insurers. Public and private insurers were required to be in compliance with the August 2000 regulation by October 1, 2002. Modifications to the HCPCS are initiated via application form submitted by any interested stakeholder. These applications have been received on an on-going basis with an annual deadline for each cycle. The purpose of the data provided is to educate the decision-making body about products and services for which a modification is requested so that an informed decision can be reached in response to the recommended coding. *Form Number:* CMS–10224 (OMB control number: 0938–1042); *Frequency:* Annually; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 100; *Total Annual Responses:* 100; *Total Annual Hours:* 1,100. (For policy questions regarding this collection contact Kimberlee Combs Miller at 410–786–6707.)

6. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Home Office Cost Statement; *Use:* Home offices of chain organizations vary greatly in size, number of locations, staff, mode of operations, and services furnished to the facilities in the chain. The home office of a chain is not in itself certified by Medicare. The relationship of the home office is that of a related organization to participating providers (See 42 CFR 413.17). When a provider claims costs on its cost report that are allocated from a home office, the Home Office Cost Statement constitutes the documentary support required of the provider to be reimbursed for home office costs in the provider's cost report. Each contractor servicing a provider in a chain must be furnished with a detailed Home Office Cost Statement as a basis for reimbursing the provider for cost allocations from a home office or chain organization. Home offices usually furnish central management and administrative services, *e.g.,* centralized accounting, purchasing, personnel services, management direction and control, and other services. To the extent that the home office furnishes services related to patient care to a provider, the reasonable costs of such services are included in the provider's cost report and are reimbursable as part of the provider's costs. If the home office of the chain provides no services related to patient care, the costs of the home office may not be recognized in determining the allowable costs of the providers in the chain. Under the authority of sections 1815(a) and 1833(e) of the Social Security Act (42 U.S.C. 1395g), CMS requires that providers of services participating in the

Medicare program submit information to determine costs for health care services rendered to Medicare beneficiaries. CMS requires that providers follow reasonable cost principles under 1861(v)(1)(A) of the Act when completing the Medicare cost report. Under the regulations at 42 CFR 413.20 and 413.24, CMS defines adequate cost data and requires cost reports from providers on an annual basis. Providers receiving Medicare reimbursement must provide adequate cost data based on financial and statistical records, which can be verified by qualified auditors. The Form CMS–287–19 home office cost statement is needed to determine a provider's reasonable cost incurred in furnishing medical services to Medicare beneficiaries and reimbursement due to or from a provider. *Form Number:* CMS–287–19 (OMB control number: 0938–0202); *Frequency:* Annually; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 1,507; *Total Annual Responses:* 1,507; *Total Annual Hours:* 702,262. (For policy questions regarding this collection contact Yaakov Feinstein at 410–786–3137.)

Dated: September 6, 2019.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019–19711 Filed 9–11–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3885]

Agency Information Collection Activities; Proposed Collection; Comment Request; Center for Tobacco Products, Food and Drug Administration Funded Trainee/Scholar Survey

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 and to allow 60 days for public comment in response to the notice. This notice solicits comments on ''Center for Tobacco Products, Food and Drug Administration Funded Trainee/Scholar Survey.''

DATES: Submit either electronic or written comments on the collection of information by November 12, 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 November 12, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 12, 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–2019–N–3885 for ''Center for Tobacco Products, Food and Drug Administration Funded Trainee/Scholar Survey.'' 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: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601

Landsdown St., North Bethesda, MD 20852, 301–796–7726, *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 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.

Center for Tobacco Products, Food and Drug Administration Funded Trainee/Scholar Survey

OMB Control Number 0910–NEW

The Tobacco Control Act (Pub. L. 111–31) amends the Federal Food, Drug, and Cosmetic Act (FD&C Act) to grant FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health and to reduce tobacco use by minors.

FDA's Center for Tobacco Products (CTP) and the National Institutes of Health maintain an interagency partnership to foster the development of the emerging field of tobacco regulatory science (TRS). This study will use the CTP, FDA Funded Trainee/Scholar Survey to gather data on the characteristics, activities, and impact of training programs funded by the CTP and other partners. This evaluation will also determine how CTP-funded research and associated training programs and activities increase knowledge and skills related to TRS and interest to pursue careers in a TRS-related field. This survey provides support to determine the extent to which programs and activities generate positive impacts to increase the number of researchers who focus on TRS and TRS-related topics, specifically within CTP's priority domains. The survey builds upon previous evaluations of trainees and training activities and provides necessary evidence to inform FDA decision making. The web survey will gather responses from Tobacco Centers of Regulatory Science (TCORS) trainees and other CTP-funded trainees and scholars. Results will provide insights and directions to support future training and funding investments.

FDA CTP will use findings from this study to determine whether its TRS training support investments lead to meaningful change that supports CTP aims, and to inform decisions about potential future investments. CTP's training support intends to build additional capacity for TRS that establishes an evidence base related to CTP's research priorities so that FDA regulations, communications, and application review are founded on rigorous, relevant scientific study.

Respondents include current and former TCORS or other CTP-funded trainees and trainee principal investigators (PIs) or training directors. PIs and training directors will be asked to provide trainee names and email addresses and encourage trainees to participate in the survey. Current and former trainees will be asked to read an informed consent and take a brief web-based survey.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of respondent/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Current or Former Trainee/Scholar					
Lead Letter	350	1	350	.025 (2 minutes)	9
Email invitation	350	1	350	.016 (1 minute)	6
Informed consent	298	1	298	.033 (2 minutes)	10
Survey	298	1	298	.16 (10 minutes)	48
Followup email	176	3	528	.016 (1 minute)	8
PI or Training Director					
Trainee list email	350	1	350	.16 (10 minutes)	56
Notification email	350	1	350	.016 (1 minute)	6
Total					143

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 1 summarizes the total annual burden hours estimated for this information collection. There is no cost to participants other than their time. The total estimated annualized burden hours are 143. A total of approximately 350 trainees will be invited to participate in the web survey. Burden hours were estimated based on experience with prior similar survey activities and information obtained from informal testing by contractor staff.

Dated: September 4, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–19751 Filed 9–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–4069]

Science Board to the Food and Drug Administration Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Science Board to the Food and Drug Administration. The Science Board provides advice to the Commissioner of Food and Drugs and other appropriate officials on specific, complex scientific and technical issues important to FDA and its mission, including emerging issues within the scientific community. Additionally, the Science Board provides advice to the Agency on keeping pace with technical and scientific developments including in regulatory science, input into the Agency's research agenda, and on upgrading its scientific and research facilities and training opportunities. It will also provide, where requested, expert review of Agency sponsored intramural and extramural scientific research programs. The meeting will be open to the public.

DATES: The meeting will be held on October 7, 2019, from 9 a.m. to 2:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503, section C), Silver Spring, MD 20993. For those unable to attend in person, the meeting will also be webcast. The link for the webcast is available at *https://collaboration.fda.gov/scienceboard2019/.* 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.*

FOR FURTHER INFORMATION CONTACT: Rakesh Raghuwanshi, Office of the Chief Scientist, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3309, Silver Spring, MD 20993, 301–796–4769, *rakesh.raghuwanshi@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 Agency'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 Science Board will hear a response from the Center for Biologics Evaluation and Research (CBER) to the recommendations made by the Science Board's review of CBER's research program. The Science Board will also discuss whether there are any relevant published scientific studies that have become available since the 2011 Foods Advisory Committee meeting that changes the state of knowledge regarding any connection between children's consumption of foods containing certified color additives and hyperactivity or other behavioral effects.

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. Written submissions may be made to the contact person on or before September 30, 2019. Oral presentations from the public will be scheduled between approximately 2:30 p.m. and 3:30 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 September 23, 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 September 26, 2019.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

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 Rakesh Raghuwanshi 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: September 6, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–19766 Filed 9–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3019]

Transit Times to Slaughter Facilities, Milking Frequency, and Interpretation of Zero-Day Withdrawal Periods and Zero-Day Milk Discard Times Assigned to New Animal Drugs; Request for Comments; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments, extension of comment period.

SUMMARY: The Food and Drug Administration (FDA, we, or the Agency) is extending the comment period for the request for comments that appeared in the **Federal Register** of August 9, 2019. In that document, we requested comments on transit times to slaughter, milking frequency, and how

end users interpret zero-day withdrawal period, or zero-day milk discard times statements found on new animal drug labeling. We are taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the request for comments published August 9, 2019 (84 FR 39340). Submit either electronic or written comments by January 6, 2020.

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 January 6, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 6, 2020. 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–2019–N–3019 for ''Transit Times to Slaughter Facilities, Milking Frequency, and Interpretation of Zero-Day Withdrawal Periods and Zero-Day Milk Discard Times Assigned to New Animal Drugs.'' 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: Charli M. Long-Medrano, Center for Veterinary Medicine (HFV–150), Food and Drug Administration, 7500 Standish Pl., Rm. E340, Rockville, MD 20855, 240–402–0850, *Charli.Long-Medrano@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 9, 2019, FDA published a request for comments with a 60-day comment period to request comments on transit times to slaughter, milking frequency, and how end users interpret zero-day withdrawal period, or zero-day milk discard time statements found on new animal drug labeling. Comments on interpretation of these labeling statements will help to evaluate if our current approach to assigning zero-day withdrawal periods and zero-day milk discard times to new animal drugs is appropriate.

The Agency has received requests for a 90-day extension of the comment period for the request for comments. The requests convey concern that the current 60-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the request for comments.

FDA has considered the requests and is extending the comment period for the request for comments for 90 days, until January 6, 2020. The Agency believes that a 90-day extension allows adequate time for interested persons to submit comments without significantly delaying rulemaking on these important issues.

Dated: September 5, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–19697 Filed 9–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2018–N–3516, FDA 2019–N–0482, FDA–2012–N–0021, FDA–2018–N–4042, FDA–2011–D–0597, FDA–2018–N–4735, FDA–2019–N–0721, FDA–2013–N–1425, FDA–2018–D–3631, and FDA–2011–D–0689]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a

list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Disease Awareness and Prescription Drug Promotion on Television	0910–0874	8/31/2021
Reporting Associated with New Animal Drug Applications and Veterinary Master Files	0910–0032	7/31/2022
Substances Generally Recognized as Safe: Notification Procedure	0910–0342	7/31/2022
Establishing and Maintaining Lists of U.S. Product Manufacturers/Processors with Interest in Exporting CFSAN-Regulated Products	0910–0509	7/31/2022
Oversight of Clinical Investigations; A Risk-Based Approach to Monitoring	0910–0733	7/31/2022
Safety Labeling Changes; Implementation of the Federal Food, Drug, and Cosmetic Act	0910–0734	7/31/2022
Accreditation of Third Party Certification Bodies to Conduct Food Safety Audits and Issue Certifications	0910–0750	7/31/2022
Mitigation Strategies to Protect Food Against Intentional Adulteration	0910–0812	7/31/2022
Standards for the Growing, Harvesting, Packaging, and Holding of Produce for Human Consumption	0910–0816	7/31/2022
De Novo Classification Process (Evaluation of Automatic Class III Designation)	0910–0844	8/31/2022

Dated: September 6, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–19779 Filed 9–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3936]

Endocrinologic and Metabolic 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 Endocrinologic and Metabolic 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 November 14, 2019, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at FDA's 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–3936. The docket will close on November 13, 2019. Submit either electronic or written comments on this public meeting by November 13, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 13, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 13, 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 October 30, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

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–3936 for ''Endocrinologic and Metabolic 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: Jay R. Fajiculay, 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: *EMDAC@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 supplemental new drug application 202057/S–035, for VASCEPA (icosapent ethyl) capsules for oral administration, sponsored by Amarin Pharma Inc., for the following proposed indication: To reduce the risk of cardiovascular events, as an adjunct to statin therapy in adult patients with elevated triglycerides levels (135 mg/dL or greater) and other risk factors for cardiovascular disease, based on the results of a clinical study entitled ''A Study of AMR101 to Evaluate Its Ability to Reduce Cardiovascular Events in High Risk Patients With Hypertriglyceridemia and on Statin. The Primary Objective is to Evaluate the Effect of 4 g/Day AMR101 for Preventing the Occurrence of a First Major Cardiovascular Event. (REDUCE–IT)'' (available at: *https://clinicaltrials.gov/ct2/show/NCT01492361*).

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 October 30, 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 October 22, 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 October 23, 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 Jay Fajiculay (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: September 6, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–19770 Filed 9–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC)/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHAC) has scheduled a public meeting. Information about CHAC can be found on the CHAC website at *https://www.cdc.gov/maso/facm/facmCHACHSPT.html.* Meeting information and the agenda can be found at *http://www.chachspt.com.*

DATES: November 13, 2019, 8:30 a.m.–5:00 p.m. Eastern Time (ET) and November 14, 2019, 8:30 a.m.–3:00 p.m. Eastern Time (ET).

ADDRESSES: This meeting will be held in-person and by webinar. The address for the meeting is 5600 Fishers Lane, Rockville, Maryland 20857. While this meeting is open to the public, advance registration is required to attend in-person. Please visit the meeting information website to register: *http://www.chachspt.com.* The deadline for online registration is 12:00 p.m. ET on November 6, 2019. To access the meeting virtually, please use the information below. Registration is encouraged, but not required, for virtual attendance.

- *Webinar link: https://hrsa.connectsolutions.com/fall-2019-chac-meeting/*
- *Conference call-in number:* 888–469–0878 Passcode: 8802805

FOR FURTHER INFORMATION CONTACT: Theresa Jumento, Senior Public Health Advisor, HIV/AIDS Bureau, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301–443–5807; or *CHACAdvisoryComm@hrsa.gov.*

SUPPLEMENTARY INFORMATION: CHAC was established under Section 222 of the Public Health Service Act, [42 U.S.C. Section 217a], as amended.

The purpose of CHAC is to advise the Secretary, HHS; the Director, CDC; and the Administrator, HRSA regarding objectives, strategies, policies, and priorities for HIV, viral hepatitis, and other STDs; prevention and treatment efforts including surveillance of HIV infection, viral hepatitis, and other STDs, and related behaviors; epidemiologic, behavioral, health services, and laboratory research on HIV, viral hepatitis, and other STDs; identification of policy issues related to HIV/viral hepatitis/STD professional eduction, patient healthcare delivery, and prevention services; Agency policies about prevention of HIV, viral hepatitis and other STDs; treatment, healthcare delivery, and research and training; strategic issues influencing the ability of CDC and HRSA to fulfill their missions of providing prevention and treatment services; programmatic efforts to prevent and treat HIV, viral hepatitis, and other STDs; and support to the Agencies in their developoment of responses to emerging health needs related to HIV, viral hepatitis, and other STDs.

During the November 13–14, 2019 meeting, CHAC will discuss issues related to the President's initiative on ''Ending the HIV Epidemic: A Plan for America,'' building community capacity, strategies for engaging people with HIV who are out of care, models of clinical care, workforce issues, pre-exposure prophylaxis services in community health centers, and pending committee reports. Agenda items are subject to change as priorities dictate. Refer to the CHAC meeting information website for any updated information concerning the meeting.

Members of the public will have the opportunity to provide comments. Requests to offer oral comments will be accepted in the order they are received and may be limited as time allows. Public participants may also submit written statements as further described below. To submit written comments or to request time for an oral comment at the meeting, please register online by 12:00 p.m. ET on November 6, 2019. For additional details, visit the meeting information website at *http://www.chachspt.com.* Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Theresa Jumento at the address and phone number listed above at least 10 business days prior to the meeting. Since this meeting occurs in a federal government building, attendees must go through a security check to enter the building. Non-U.S. Citizen attendees must notify HRSA of their planned attendance at least 20 business days prior to the meeting in order to facilitate their entry into the building. All attendees are required to present government-issued identification prior to entry.

Maria G. Button,

Director, Division of the Executive Secretariat.

[FR Doc. 2019–19776 Filed 9–11–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of The Director, National Institutes of Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Advisory Committee on Research on Women's Health, October 23, 2019, 09:00 a.m. to October 23, 2019, 04:30 p.m., National Institutes of Health, Natcher Building, Conference Room E1/E2, 45 Center Drive, Bethesda, MD 20892 which was published in the Federal Register on February 08, 2019, 84 FR 2895.

The meeting notice is amended to update the agenda description to include a discussion on the development of a challenge prize for enhancing faculty gender equity and diversity in biomedical sciences. The discussion will include the following topics: Clarifying the goal and fit with a prize model; defining measures of institutional faculty gender equity and diversity; framing challenge description for a broad applicant pool; judging criteria; and identifying barriers.

The meeting is open to the public.

Dated: September 6, 2019.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19692 Filed 9–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. Attendance is limited by the 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 open session will also be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*).

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 General Medical Sciences Council.

Date: January 16–17, 2020.

Closed: January 16, 2020, 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Open: January 17, 2020, 8:30 a.m. to 12:00 p.m.

Agenda: For the discussion of program policies and issues; opening remarks; report of the Director, NIGMS; and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Erica L. Brown, Ph.D., Acting Associate Director for Extramural Activities, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN24F, Bethesda, MD 20892, 301–594–4499, *erica.brown@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 onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nigms.nih.gov/About/Council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 6, 2019.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19688 Filed 9–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases, Notice of Meetings.

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings 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 meetings will be closed to the public in accordance with the provisions set forth in section 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 Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: January 29, 2020.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: To present the Director's report and other scientific presentations.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892

Closed: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council Diabetes, Endocrinology, and Metabolic Diseases.

Date: January 29, 2020.

Closed: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Open: 2:00 p.m. to 3:15 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, MSC, 5452 Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Digestive Diseases and Nutrition.

Date: January 29, 2020.

Open: 1:00 p.m. to 2:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Closed: 2:15 p.m. to 3:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, MSC, 5452 Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Kidney, Urologic, and Hematologic Diseases.

Date: January 29, 2020.

Open: 1:00 p.m. to 2:45 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 7, 31 Center Drive, Bethesda, MD 20892.

Closed: 2:45 p.m. to 3:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 7, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd.,

Room 7329, MSC, 5452 Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.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 onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 6, 2019.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19689 Filed 9–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIA.

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 as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE ON AGING, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA.

Date: October 22–23, 2019.

Closed: October 22, 2019, 8:00 a.m. to 9:00 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: October 22, 2019, 9:00 a.m. to 12:30 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: October 22, 2019, 12:30 p.m. to 2:50 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: October 22, 2019, 2:50 p.m. to 3:50 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: October 22, 2019, 3:50 p.m. to 6:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: October 23, 2019, 8:00 a.m. to 8:30 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: October 23, 2019, 8:30 a.m. to 12:00 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: October 23, 2019, 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224.

Contact Person: Luigi Ferrucci, MD, Ph.D., Scientific Director, National Institute On Aging, 251 Bayview Boulevard, Suite 100, Room 4C225, Baltimore, MD 21224, 410–558–8110, *lf27z@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 6, 2019.

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19690 Filed 9–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Demography Centers.

Date: October 16, 2019.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kimberly Firth, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2W200, Bethesda, MD 20892, 301–402–7702, *firthkm@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 6, 2019.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19691 Filed 9–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences 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 General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. Attendance is limited by the 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 open session will also be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*).

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 General Medical Sciences Council.

Date: September 17–18, 2020.

Closed: September 17, 2020, 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Open: September 18, 2020, 8:30 a.m. to 12:00 p.m.

Agenda: For the discussion of program policies and issues; opening remarks; report of the Director, NIGMS; and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Erica L. Brown, Ph.D., Acting Associate Director for Extramural Activities, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN24F, Bethesda, MD 20892, (301)594–4499, *erica.brown@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 onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nigms.nih.gov/About/Council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 6, 2019.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19683 Filed 9–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. Attendance is limited by the 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 open session will also be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*).

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 General Medical Sciences Council.

Date: May 21–22, 2020.

Closed: May 21, 2020, 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Open: May 22, 2020, 8:30 a.m. to 12:00 p.m.

Agenda: For the discussion of program policies and issues; opening remarks; report of the Director, NIGMS; and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Erica L. Brown, Ph.D., Acting Associate Director for Extramural Activities, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN24F, Bethesda, MD 20892, (301) 594–4499, *erica.brown@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 onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nigms.nih.gov/About/Council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 6, 2019.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19687 Filed 9–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Meeting of the the Substance Abuse and Mental Health Services Administration's National Advisory Council

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given of the meeting on September 26, 2019, of the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Advisory Council (SAMHSA NAC). This notice may publish with less than 15 days prior to the meeting due to a change in schedule for the committee chair and unexpected calendar changes.

The meeting is open to the public and can also be accessed remotely. Agenda with call-in information will be posted on the SAMHSA website prior to the meeting at: *https://www.samhsa.gov/about-us/advisory-councils/meetings.* The meeting will include remarks and dialogue from the Assistant Secretary for Mental Health and Substance Use; updates from the SAMHSA Centers Directors, and a council discussion with SAMHSA NAC members.

DATES: September 26, 2019, 9:00 a.m. to 3:00 p.m. (EDT)/Open.

ADDRESSES: The meeting will be held at SAMHSA Headquarters, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Carlos Castillo, Committee Management Officer and Designated Federal Official, SAMHSA National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–2787, Email: *carlos.castillo@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION: The SAMHSA NAC was established to advise the Secretary, Department of Health and Human Services (HHS), and the Assistant Secretary for Mental Health and Substance Use, SAMHSA, to improve the provision of treatments and related services to individuals with respect to substance use and to improve prevention services, promote mental health, and protect legal rights of individuals with mental illness and individuals who are substance users.

Interested persons may present data, information, or views orally or in writing, on issues pending before the Council. Written submissions must be forwarded to the contact person by September 20, 2019. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations must notify the contact person by September 20, 2019. Up to 3 minutes will be allotted for each presentation, and as time permits.

To obtain the call-in number, access code, and/or web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with SAMHSA's Committee Management Officer, CAPT Carlos Castillo.

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's website at *http://www.samhsa.gov/about-us/advisory-councils/* or by contacting Carlos Castillo.

Council Name: Substance Abuse and Mental Health Services Administration National Advisory Council.

Dated: September 9, 2019.

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2019–19756 Filed 9–11–19; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1958]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado:						
Adams	City of Commerce City (19–08–0227P).	The Honorable Sean Ford, Mayor, City of Commerce City, 7887 East 60th Avenue, Commerce City, CO 80022.	City Hall, 5291 East 60th Avenue, Commerce City, CO 80022.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2019	080006
Douglas	Town of Castle Rock (18–08–1226P).	The Honorable Jason Gray, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Water Department, 175 Kellogg Court, Castle Rock, CO 80109.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 6, 2019	080050
Douglas	Unincorporated areas of Douglas County (18–08–1226P).	The Honorable Roger A. Partridge, Chairman, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works, Engineering Division, 100 3rd Street, Castle Rock, CO 80104.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 6, 2019	080049
El Paso	Town of Palmer Lake (19–08–0006P).	The Honorable John Cressman, Mayor, Town of Palmer Lake, P.O. Box 208, Palmer Lake, CO 80133.	Town Hall, 42 Valley Crescent Street, Palmer Lake, CO 80133.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2019	080065
Jefferson	Unincorporated areas of Jefferson County (19–08–0696P).	The Honorable Libby Szabo, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, CO 80419.	Jefferson County Department of Planning and Zoning, 100 Jefferson County Parkway, Suite 3550, Golden, CO 80419.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 6, 2019	080087
Pueblo	City of Pueblo (19–08–0224P).	The Honorable Nicholas A. Gradisar, Mayor, City of Pueblo, 1 City Hall Place, Pueblo, CO 81003.	Public Works Department, 211 East D Street, Pueblo, CO 81003.	https://msc.fema.gov/portal/advanceSearch.	Dec. 9, 2019	085077
Pueblo	City of Pueblo (19–08–0225P).	The Honorable Nicholas A. Gradisar, Mayor, City of Pueblo, 1 City Hall Place, Pueblo, CO 81003.	Public Works Department, 211 East D Street, Pueblo, CO 81003.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 2, 2019	085077
Pueblo	Unincorporated areas of Pueblo County (19–08–0224P).	The Honorable Garrison Ortiz, Chairman, Pueblo County Board of Commissioners, 215 West 10th Street, Pueblo, CO 81003.	Pueblo County Planning and Development Department, 229 West 12th Street, Pueblo, CO 81003.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2019	080147
Pueblo	Unincorporated areas of Pueblo County (19–08–0225P).	The Honorable Garrison Ortiz, Chairman, Pueblo County Board of Commissioners, 215 West 10th Street, Pueblo, CO 81003.	Pueblo County Planning and Development Department, 229 West 12th Street, Pueblo, CO 81003.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 2, 2019	080147
Weld	Town of Firestone (18–08–1233P).	The Honorable Bobbi Sindelar, Mayor, Town of Firestone, P.O. Box 100, Firestone, CO 80520.	Town Hall, 151 Grant Avenue, Firestone, CO 80520.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2019	080241
Weld	Town of Frederick (18–08–1233P).	The Honorable Tony Carey, Mayor, Town of Frederick, P.O. Box 435, Frederick, CO 80530.	Town Hall, 401 Locust Street, Frederick, CO 80530.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2019	080244

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Connecticut: New Haven	Town of Branford (19–01–0945P).	The Honorable James B. Cosgrove, First Selectman, Town of Branford Board of Selectmen, 1019 Main Street, Branford, CT 06405.	Engineering Department, 1019 Main Street, Branford, CT 06405.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 15, 2019	090073
Florida:						
Collier	City of Marco Island (19–04–4090P).	Mr. Mike McNees, Manager, City of Marco Island, 50 Bald Eagle Drive, Marco Island, FL 34145.	Building Services Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2019	120426
Duval	City of Jacksonville (18–04–6836P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Department, 214 North Hogan Street, Suite 2100, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 21, 2019	120077
Lee	Town of Fort Myers Beach (19–04–4644P).	The Honorable Anita Cereceda, Mayor, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 18, 2019	120673
Monroe	Unincorporated areas of Monroe County (19–04–4308P).	The Honorable Sylvia Murphy, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 6, 2019	125129
Monroe	Unincorporated areas of Monroe County (19–04–4321P).	The Honorable Sylvia Murphy, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2019	125129
Monroe	Village of Islamorada (19–04–3903P).	The Honorable Deb Gillis, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2019	120424
Orange	City of Orlando (19–04–3135P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 4, 2019	120186
Pinellas	Town of Redington Shores (19–04–5852P).	The Honorable MaryBeth Henderson, Mayor, Town of Redington Shores, 17425 Gulf Boulevard, Redington Shores, FL 33708.	Building Department, 17425 Gulf Boulevard, Redington Shores, FL 33708.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2019	125141
Sarasota	City of Sarasota (19–04–4109P).	The Honorable Liz Alpert, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	Development Department, 1565 1st Street, Sarasota, FL 34236.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 6, 2019	125150
Sarasota	Unincorporated areas of Sarasota County (19–04–3511P).	The Honorable Charles D. Hines, Chairman, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2019	125144
Oklahoma: Wagoner	City of Wagoner (18–06–3911P).	The Honorable Albert Jones, Mayor, City of Wagoner, 231 East Church Street, Wagoner, OK 74467.	City Hall, 231 East Church Street, Wagoner, OK 74467.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 19, 2019	400219
Pennsylvania:						
Lancaster	Township of East Lampeter (19–03–1025P).	Mr. Ralph Hutchison, Manager, Township of East Lampeter, 2250 Old Philadelphia Pike, Lancaster, PA 17602.	Planning, Zoning and Building Department, 2250 Old Philadelphia Pike, Lancaster, PA 17602.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2019	421771
Lancaster	Township of Leacock (19–03–1025P).	The Honorable Frank Howe, Chairman, Township of Leacock Board of Supervisors, P.O. Box 558, Intercourse, PA 17534.	Zoning Department, 3545 West Newport Road, Ronks, PA 17572.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2019	420958

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Lancaster	Township of Paradise (19–03–1025P).	The Honorable Donald L. Ranck, Chairman, Township of Paradise Board of Supervisors, P. O. Box 40, Paradise, PA 17562.	Zoning Department, 2 Township Drive, Paradise, PA 17562.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2019	421777
Tennessee: Hamilton	City of Collegedale (19–04–1351P).	The Honorable Katie A. Lamb, Mayor, City of Collegedale, 4910 Swinyar Drive, Collegedale, TN 37315.	Building and Codes Department, 4910 Swinyar Drive, Collegedale, TN 37315.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 18, 2019	475422
Texas:						
Bexar	City of San Antonio (19–06–0514P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capitol Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 4, 2019	480045
Denton	Town of Flower Mound (19–06–0627P).	The Honorable Steve Dixon, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Town Hall, 2121 Cross Timbers Road, Flower Mound, TX 75028.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2019	480777
Gillespie	City of Fredericksburg (19–06–0111P).	The Honorable Linda Langerhans, Mayor, City of Fredericksburg, 126 West Main Street, Fredericksburg, TX 78624.	City Hall, 126 West Main Street, Fredericksburg, TX 78624.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2019	480252
Gillespie	Unincorporated areas of Gillespie County (19–06–0111P).	The Honorable Mark Stroeher, Gillespie County Judge, 101 West Main Street, Fredericksburg, TX 78624.	Gillespie County Courthouse, 101 West Main Street, Fredericksburg, TX 78624.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2019	480696
Guadalupe	City of Seguin (18–06–3667P).	The Honorable Don Keil, Mayor, City of Seguin, 205 North River Street, Seguin, TX 78155.	City Hall, 205 North River Street, Seguin, TX 78155.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2019	485508
Harris	Unincorporated areas of Harris County (18–06–3326P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 18, 2019	480287
Harris	Unincorporated areas of Harris County (19–06–0808P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2019	480287
Johnson	City of Joshua (19–06–1085P).	The Honorable Kenny Robinson, Mayor, City of Joshua, 101 South Main Street, Joshua, TX 76058.	City Hall, 101 South Main Street, Joshua, TX 76058.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 12, 2019	480882
Tarrant	City of Arlington (19–06–1806P).	The Honorable Jeff Williams, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works and Transportation Department, 101 West Abram Street, Arlington, TX 76010.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 12, 2019	485454
Tarrant	City of Fort Worth (19–06–1552P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, Engineering Vault, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2019	480596
Williamson	City of Cedar Park (19–06–0879P).	The Honorable Corbin Van Arsdale, Mayor, City of Cedar Park, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.	Engineering Department, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 21, 2019	481282
Williamson	Unincorporated areas of Williamson County (19–06–0879P).	The Honorable Bill Gravell, Jr., Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Engineering Department, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 21, 2019	481079

[FR Doc. 2019–19701 Filed 9–11–19; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6146–N–08]

Privacy Act of 1974; System of Records

AGENCY: Office of Chief information Officer, U.S. Department of Housing and Urban Development.

ACTION: Notice of amended Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Housing and Urban Development, Office of Chief Information Office, is giving notice that it intends to amend one of its systems of records published in the **Federal Register**, FR–6009–N–02. This update expands the existing system of records notice to authorize HUD's Enterprise Data Management (EDM) to collect and maintain information for mandatory transparency reporting requirements, such as the Federal Funding Accountability and Transparency Act (FFATA) and the Digital Accountability and Transparency Act (DATA Act). HUD is continuing to upgrade its data management, data warehousing, data mining and data security capabilities from current outdated legacy databases to the EDM platform.

DATES: October 15, 2019.

Comments Due Date: October 15, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulation.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: privacy@hud.gov.

Mail: Attention: Housing and Urban and Development, The Privacy Office; John Bravacos, Chief Privacy Officer (Acting), 451 Seventh Street SW, Room 10139, Washington, DC 20410.

Instructions: All submission received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulation.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: The Privacy Office, 451 Seventh Street SW, Room 10139, Washington, DC 20410, telephone number 202–708–3054 (this is not a toll-free number). Individuals who are hearing- and speech-impaired may access this telephone number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, in June 2017, the Department of Housing and Urban Development (HUD) Office of Chief Information Officer (OCIO) established a new HUD system of records titled, ''Enterprise Data Management (EDM) System of Records.'' This system of records is operated by HUD's OCIO, and it will be developed in several phases. The initial phase included personally identifiable information (PII) about borrowers of Federal Housing Administration (FHA)-insured single-family mortgages, employees of FHA-approved lending institutions, third-parties associated with FHA/HUD transactions such as appraisers and HUD personnel associated with single family transactions.

OCIO has established an EDM environment, which includes a modern ''Data Lake''; a centralized data environment to onboard HUD data for use in analytical reporting. The EDM also serves as the centralized environment for systems to consume data from HUD systems (eliminating point to point interfaces). In accordance with Section 203, National Housing Act, Public Law 73–479; and 42 U.S.C. 3543, titled ''Preventing fraud and abuse in Department of Housing and Urban Development programs'' enacted as part of the Housing and Community Development Act of 1987, the EDM and data lake enables HUD data consumers to gain new insights that will allow HUD to better identify trends and previously unknown risk drivers, thus strengthening its risk management and fraud prevention framework.

EDM extracts data from multiple source systems for analysis and reporting. EDM provides query and reporting tools that aid in supporting HUD's oversight activities, market and economic assessment, public and stakeholder communication, financial and transparency reporting, planning and performance evaluation, policies and guidelines promulgation, and monitoring and enforcement. Making data available from the HUD source systems will involve Data Extraction, Transformation, and Load (ETL) into the EDM environment. The type of HUD source system (*e.g.,* mainframe, relational database management system (RDBMS), hierarchical) will determine the approach and the tools that will be used to extract the data. EDM extracts data from multiple source systems for analysis and reporting. The following lists the type of information collected from Source Systems for the initial phase of EDM:

- *Mortgagors:* Name, addresses, date of birth, social security number, and racial/ethnic background (if disclosed) which are supplied by lenders through Automated Underwriting Systems during the mortgage application and underwriting process.
- *Parties Involved with Transaction:* Name, addresses, and identifying numbers which are supplied by the lender or the individual.
- *Mortgage Details:* Data regarding current and former FHA insured mortgages which includes underwriting data, such as: Loan-to-value ratios and expense ratios; original terms, such as: Mortgage amount, interest rate, term in months; status of the mortgage insurance; and history.
- Aggregated measures of the data stated above to enable statistical reporting and analysis of trends.

The following lists the type of information collected and maintained for the update of EDM to support transparency reporting requirements, such as FFATA and the DATA Act:

- Summary Financial Information—Treasury Account Symbols, United States Standard General Ledger (USSGL) Account Balances, Program Activity Codes and Names, and Budget Object Class Codes.
- Award Financial Information—Parent Award Identification Numbers, Procurement Instrument Identification Numbers, Contract Obligation and De-obligation Amounts.
- Procurement Information—Award Recipients, Recipient Address Information, and other Demographic Indicators sourced from the Federal Procurement Data System (FPDS).
- DATA Act Review and Submission Data—DATA Act Broker Submission ID, Warning and Error Codes, HUD Review Details (Timestamp, Reviewer ID).

SYSTEM NAME AND NUMBER:

HUD/OCIO–002 Enterprise Data Management (EDM).

SECURITY CLASSIFICATION:

Not classified.

SYSTEM LOCATION:

EDM is hosted at the Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410.

SYSTEM MANAGER(S):

Russel Burns, Chief Technology Officer (Acting), 451 7th Street SW, Room 4250 Washington, DC 20410 202–402–3182.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Enterprise Data Management environment is authorized by Chapter 113 of Title 40 of the US Code, (40 U.S.C. 11311 *et seq.*); the Department of Housing and Urban Development Appropriations Act, 2019 (Title II, Division G, Pub. L. 116–6); and in accordance with the Data Accountability and Transparency Act of 2014 (Pub. L. 113–101). The system is maintained in accordance with Section 203, National Housing Act, Public Law 73–479; and 42 U.S.C. § 3543, titled ''Preventing fraud and abuse in Department of Housing and Urban Development programs'' enacted as part of the Housing and Community Development Act of 1987, which permits the collection of Social Security Numbers.

PURPOSE(S) OF THE SYSTEM:

EDM replaces HUD's current data storage, retrieval and warehousing capabilities. EDM will be implemented in phases across HUD, and the first phase was to directly support the new Loan Review System (LRS). It collects data from certain specified source systems and returns it to LRS. Subsequent phases will collect data from other source systems, and ultimately will replace all existing data warehouses across HUD. This SORN update is to reflect additional source systems required for FFATA and the DATA Act, as well as update the categories of data collected to support these transparency reporting requirements. No additional information about individuals is collected or reported as part of this update.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The initial phase of EDM covered individuals who have obtained a mortgage insured under FHA's single family mortgage insurance programs, for example:

- Individuals who have assumed such a mortgage;
- Individuals involved in appraising, underwriting, or servicing the mortgage (commonly referred to as ''mortgagee/lender'').

This SORN update for EDM covers transparency reporting legislation requirements—FFATA, and the DATA Act, which requires reporting of summary financial information, contract details, and financial assistance (loan and grant) transaction information. HUD transparency reporting is published on an external website, *USASpending.gov.* No information regarding individuals is collected in EDM for FFATA and DATA Act reporting purposes, and governing policy from OMB is such that PII is protected and not reported publicly.

CATEGORIES OF RECORDS IN THE SYSTEM:

The initial categories of records maintained by the system included:

- *Appraiser:* First Name, Last Name, Middle Name, Suffix.
- *Case Borrower(s):* Borrower(s) Full Name, Borrower(s) Social Security number, Non-Borrowing Spouse Social Security number
- *Loan Officer:* First Name, Last Name, Middle Name.
- *Case Property:* Basement Code, Neighborhood Percentage Owned, Neighborhood Predominate, Price, Subdivision Indicator, Property Acquisition Date, Property Street, Property Conversion Type, Rural Neighborhood Code, Neighborhood Single Family Home Percentage, Subdivision Lot Indicator, Building Type, Date of Sale or Transfer, Sale Amount, Year Built, City, Zip, Geocode Flag, Underserved Indicator, Block, Lot, House Number, Street Number. FHA Case Information: Federal Housing Administration (FHA) Case Number, Case Established Date, Case Reinstatement Date, Case Type, Originating Mortgage ID, Sponsor Mortgagee ID, Loan Officer Nationwide Multistate Licensing System (NMLS) ID, Underwriter Name, Underwriter ID. Mortgagee (Lender) Branch: Branch Type, Branch ID, Mortgagee Institution ID, Mortgagee Institution Name, Mortgagee Institution Type, Mortgagee Nationwide Multistate Licensing System (NMLS) ID, Mortgagee Status, HUD Employees: Names and identification of all HUD employees who have access to the system records. Also, identification information is stored for employees who work with mortgage applications through FHA Connection. Servicing Status: Servicing Status, Claims, and Indemnification Agreement. New records collected and maintained by the system to support FFATA and DATA Act reporting include the following: Summary Budget and Financial Information—Treasury Account Symbol, Program Activities, Budget Object Class, and Obligation and Outlay information, General Ledger balances.
- Contract Information—Contract ID, Obligation Amount, De-obligation Amount, Parent Award ID, Contract Recipient, Contractor Address and Demographic Information, Contract Award Type.
- Title I Insurance, Home Equity Conversation Mortgage (HECM), and Multifamily Loan Endorsement Data—FHA Case/Project Number, Lender ID, Loan Amount, Section of Act Code, Risk Category, Origination Date.
- DATA Act Review and Submission Data—DATA Act Broker Submission ID, Warning and Error Codes, HUD Review Details (Timestamp, Reviewer ID).

RECORD SOURCE CATEGORIES:

Mortgagors, appraisers, mortgagee staff, underwriters, and HUD employees provide data to the originating source systems then pass their data to the Enterprise Data Warehouse used in EDM:

- A43—Single Family Insurance System (SFIS)
- A43C—Single Family Claims Subsystem (SFCS)
- F17—Computerized Homes Underwriting Management System (CHUMS)
- F17T—TOTAL Mortgage Scorecard (TOTAL)
- F42D—Single Family Default Monitoring System (SFDMS)
- P2710 Home Equity Reverse Mortgage Information System (HERMIT)
- P278—Lender Electronic Assessment Portal (LEAP)
- P303—Loan review System (LRS)

To support DATA Act reporting, the following systems will provide data to EDM:

- P085—Comprehensive Servicing and Monitoring System (CSMS)
- F24A—Development Application Processing System (DAP)
- P013—FHA Subsidiary Ledger (FHA–SL)
- A80S—Single Family Acquired Asset Management System (SAMS)
- F72—Title I Insurance and Claims System (TIIS)
- A15—Geocoding Service Center (GSC)
- P237—Ginnie Mae Financial and Accounting System (GFAS)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. Section 552a(b) of the Privacy Act, all or a portion of the records or information in this system may be disclosed to authorized entities, as determined to be relevant and necessary, outside the Department of Housing and Urban Development (HUD) as a routine use pursuant to 5 U.S.C. 552a(b)(3):

1. To appropriate agencies, entities, and persons when (1) HUD suspects or has confirmed that there has been a breach of the system of records, (2) HUD

has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

3. To the National Archives and Records Administration (NARA) and the General Services Administration (GSA) for records having sufficient historical or other value to warrant its continued preservation by the United States Government, or for inspection under the authority of Title 44, Chapter 29, of the United States.

4. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual.

5. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for HUD, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to HUD officers and employees.

6. To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, or cooperative agreement, when necessary to accomplish an agency function related to a system of records, for the purposes of statistical analysis and research in support of program operations, management, performance monitoring, evaluation, risk management, and policy development, or to otherwise support the Department's mission. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The results of the matched information may not be disclosed in identifiable form.

7. To the American Public in support of Public Law 113–01, the Digital Accountability and Transparency Act of 2014 (DATA Act) and Public Law 109–282, the Federal Funding Accountability and Transparency Act of 2006 (FFATA), for the purposes of reviewing reliable and consistent reporting of federal spending data of federal agency obligations and expenditures through the publicly accessible website, USASpending.gov.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

EDM will be stored in compliance with 36 CFR 1236.10 regulations on recordkeeping management controls in a Federal Risk and Authorization Management Program (FedRAMP) compliant network. There are no paper records associated with EDM.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information is currently retrieved from EDM using a series of key identifiers (*e.g.,* FHA Case Number, Project Number, etc.). User access to query information in the EDM does not exist. EDM supports only system-to-system interfaces.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Electronic information maintained in EDM is retrieved from originating recordkeeping systems and is retained indefinitely for future access. This information does not meet the federal definition of a record as it is not evidence of the organization, functions, policies, decisions, procedures, operations, or other activities. This information is duplicated copies of record content preserved for convenience to facilitate new record creation 44 U.S.C. 3301. As subsequent phases of EDM are completed, specific retention periods and disposal procedures will be evaluated and defined for those records in accordance with the HUD Records Schedule in the HUD Records Disposition Schedules Handbook (2225.6), or the NARA publication, General Records Schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

HUD has developed a system security plan of controls for ensuring and protecting Microsoft Azure Government Cloud in accordance with applicable laws. End users cannot directly access the Enterprise Data Warehouse in EDM. Data exchange with other HUD systems is precisely specified and occurs only through secure interfaces. Encryption of data both at rest and in motion is enabled on a selective basis. EDM is subject to compliance with all Federal requirements and adheres to its approved system security plans (SSP).

RECORD ACCESS PROCEDURES:

For Information, assistance, or inquiries about records, contact John Bravacos, Senior Agency Official for Privacy, 451 Seventh Street SW, Room 10139, Washington, DC 20410, telephone number (202) 708–3054. When seeking records about yourself from this system of records or any other HUD system of records, your request must conform with the Privacy Act regulations set forth in 24 CFR part 16. You must first verify your identity, by providing your full name, address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying their agreement for you to access their records. Without the above information, the HUD FOIA Office may not conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with regulations.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR part 16, Implementation of the Privacy Act of 1974. Additional assistance may be obtained by contacting John Bravacos, Senior Agency Official for Privacy, 451 Seventh Street SW, Room 10139, Washington, DC 20410, or the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10110, Washington DC 20410.

NOTIFICATION PROCEDURES:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Privacy Office at the address provided above or to the component's FOIA Officer, whose contact information can be found at *http://www.hud.gov/foia* under ''contact.'' If an individual believes

more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Senior Agency Official for Privacy, HUD, 451 Seventh Street SW, Room 10139, Washington, DC 20410.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

EDM SORN was originally published in: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [Docket No. FR–6009–N–02] Privacy Act of 1974: Enterprise Data Management (EDM) System of Records.

Dated: August 26, 2019.

John G. Bravacos,

Senior Agency Official for Privacy.

[FR Doc. 2019–19713 Filed 9–11–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6170–N–01]

Notice of Neighborhood Stabilization Program; Changes to Closeout Requirements Related to Program Income Amendment

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice describes changes to closeout requirements applied to, and additional regulations waived for, grantees receiving grants in the three rounds of funding under the Neighborhood Stabilization Program, who are also grantees in the Community Development Block Grant (CDBG) program.

DATES: Applicable Date: September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Jessie Handforth Kome, Acting Director, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410; telephone number 202–708–3587 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Neighborhood Stabilization Program (NSP) was established by Division B, Title III of the Housing and Economic Recovery Act of 2008 (HERA) (Pub. L. 110–289, approved July 30, 2008), for the stabilization of communities that have suffered from residential foreclosures and abandonment. As established by HERA, NSP provided grants to all states and selected local governments on a formula basis. The American Recovery and Reinvestment Act of 2009 (Recovery Act) (division A, title XII of Pub. L. 111–5, approved February 17, 2009) authorized additional NSP grants to be awarded to states, local governments, nonprofits and a consortium of nonprofit entities, but on a competitive basis. The Recovery Act also authorized funding for national and local technical assistance providers to support NSP grantees. The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) (Pub. L. 111–203, approved July 21, 2010) authorized a third round of NSP grants to all states and select units of general local governments (UGLG) on a formula basis.

The purpose of the funds awarded under the three rounds of NSP is to target the stabilization of neighborhoods negatively affected by residential properties that have been foreclosed upon or abandoned. *The Notice of Formula Allocations and Program Requirements for Neighborhood Stabilization Program Formula Grants,* published October 19, 2010 (75 FR 64322) (''Unified NSP Notice''), as amended, provides further background for these programs, the program principles, and the objectives and outcomes of the NSP program. The Notice of Neighborhood Stabilization Program; Closeout Requirements and Recapture (Closeout Notice), published November 27, 2012 (77 FR 70799), as amended, amended the Unified NSP Notice by adding grant closeout and related provisions. In addition, the Notice of Funding Availability (NOFA) for the Neighborhood Stabilization Program 2 Under the American Recovery and Reinvestment Act, 2009, 74 FR 21377 (May 7, 2009), as amended by subsequent notices (''NSP2 NOFA''), includes requirements specific to the competitive round of funding under the Recovery Act.

II. This Notice

The primary purpose of this Notice is to hasten the expenditure of remaining grant funds to facilitate closeout of all open NSP grants, given that most originally planned program activities are at or near completion. To facilitate that purpose, this notice eliminates the requirement that NSP2 and NSP3 grantees must use the HUD Foreclosure Need website to identify new target areas before using NSP funds. It also provides additional guidance related to NSP program income, as well as encourages the use of existing Community Development Block Grant formula funds to leverage investments in targeted areas.

Targeting New Areas of Need

For all three rounds of NSP, HERA required that grantees give priority emphasis to geographic areas of greatest need. To implement this requirement, HUD developed a Foreclosure Need website and mapping tools and required NSP2 and NSP3 grantees to use the HUD data to identify target areas with an individual or average combined index score of not less than lesser of 17 or the 20th percentile most needy score in an individual state. NSP1 grantees were encouraged, but not required, to use the HUD data. Because the program has expended 98% of the $8.639 billion in grant funds and program income, HUD is no longer updating the Foreclosure Need websites and mapping tools. Moreover, HUD has observed that grantees have largely served their identified areas of greatest need.

In identifying new target areas, HUD supports the ability of NSP grantees to use these funds in Opportunity Zones. Created by the 2017 Tax Cut and Jobs Act, the Opportunity Zone tax incentives are designed to stimulate private investment in designated, low-income census tracts and allows individuals and companies to invest equity in real estate projects or in businesses in these communities. It does so by enabling them to temporarily defer and reduce their tax liability on investments in privately- or publicly managed Qualified Opportunity Funds. These Qualified Opportunity Funds must invest funds in real estate projects or businesses located in designated Opportunity Zones. Moreover, if investors leave their investments in these funds long-term, the profits they make on their Qualified Opportunity Fund investments will not be taxed. Since the passage of the law, Opportunity Zones (OZ) have been designated in all 50 states, the District of Columbia, Puerto Rico, and in Insular Areas. The number of census tracts in a State that were eligible for designation as Opportunity Zones could not have exceeded 25 percent of the number of census tracts in the State that are ''low-income communities'' (LIC).

Census tracts were eligible for designation as Opportunity Zones if they satisfied the definition of a ''low-income community'' per § 45D(e) of the Internal Revenue Code. The term ''low-income community'' means any

population census tract where: (a) The poverty rate for such tract is at least 20 percent, or (b)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or (b)(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income. For grantees who are familiar with using New Market Tax Credits (NMTC) as a source for community development finance, these eligibility criteria are the same as the requirements necessary to qualify for NMTC. It is worth noting that some non-LIC tracts were also eligible for Opportunity Zone designation if certain additional criteria were met.

HUD notes that, with the target area changes allowed by this Notice, grantees have a unique chance to leverage Qualified Opportunity Zone Fund capital with NSP funds, along with other HUD funding including CDBG formula funds and Section 108 Loan Guarantees, to accelerate activities in Opportunity Zones. HUD will publish further guidance which will provide additional information related to how program funds can be combined to reinforce these strategies.

In the interim, when considering strategies to facilitate the use of NSP and CDBG funds in Opportunity Zones, HUD encourages grantees to explore whether these zones would also qualify as Neighborhood Revitalization Strategy Areas (NRSAs) under CPD Notice 16–16. Through the designation of NRSAs, compliance with certain HUD requirements can be streamlined to make it more feasible for grantees and their partners to leverage CDBG and Section 108 funds more quickly in Opportunity Zones.

To effectuate these changes, HUD is amending the Unified NSP Notice and the NSP2 NOFA to eliminate the requirement that NSP2 and NSP3 grantees use the HUD Foreclosure Need website. Instead, HUD is requiring that grantees meet the statutory requirement to give priority emphasis and consideration to areas with the greatest need when distributing NSP funds. Given that HERA only requires priority emphasis and consideration and HUD's observation that grantees have largely served their areas of greatest need, HUD presumes that most, if not all, grantees will now be able to serve other areas within their jurisdiction.

NSP1 and NSP3 grantees amending their NSP Action Plan substantial amendments or abbreviated plans or NSP2 grantees amending their NSP2 applications to serve areas other than those that were previously identified as areas of greatest need must describe the nature and extent of the need for neighborhood stabilization in the amendment, as set forth in the requirements below. NSP grantees may identify new target areas using local data such as vacancies, home sales, employment, assessments of single and multi-family housing needs, realtor information, etc. The amendment should identify the factors used to select the new target area and the grantee should retain in its files all the raw data used to identify the new target area. NSP1 and NSP3 grantees must amend their plans in accordance with 24 CFR part 91. NSP2 grantees must submit any amendments to the field office to forward to HUD Headquarters for review and approval.

NSP Program Income Transfers

This Notice also informs grantees of HUD's authority to cancel unexpended grant balances and permits NSP grantees to transfer streams of program income, including future streams of program income, from NSP to the CDBG program with a single written HUD-approved request.

There are 195 NSP1 grantees and 152 NSP3 grantees that have unexpended grant funds totaling over $150 million in their lines of credit. This occurred because program income must be spent prior to using grant funds, and many communities earned significant amounts of program income. With few exceptions, grantees met their expenditure deadlines and have expended an additional $1.8B in program income. An additional $240,000,000 in program income has not yet been expended. These communities do not wish to return the NSP funds because needs still remain, often outside the areas identified as areas of greatest need using HUD data. HUD urges grantees to complete eligible NSP activities and close out the remainder of their grants but recognizes that grantees have few or no properties that are eligible to be assisted with NSP funds in their identified target areas.

On June 14, 2016, HUD amended the Closeout Notice to allow the transfer of NSP program income to an open CDBG formula entitlement grant or a unit of general local government recipient of a grant from a state. HUD made this allowance to enable grantees to expend remaining grant funds by moving program income out of the NSP program. The June 14, 2016 Notice permitted transfers of program income on hand. This Notice expands that flexibility to include transfers of a future stream of program income from an activity, eliminating the need for multiple written requests to transfer program income that is anticipated but has not yet been received.

Potential for Recapture of Unused Grant Funds

In addition, to ensure that NSP grantees expend their grant balances expeditiously, HUD is reminding them that failure to draw funds from the line of credit (whether obligated or unobligated) for two consecutive fiscal years may result in HUD determining that need for the funds no longer exists, cancelling the line of credit, and proceeding to grant closeout in accordance with 31 U.S.C. 1555.

Except as described in this notice and previous notices governing NSP, statutory and regulatory provisions governing the CDBG program, including those at 24 CFR part 570 subpart I for states or, for CDBG units of general local government, including those at 24 CFR part 570 subparts A, C, D, J, K, and 0, as appropriate, apply to the use of these funds. The State of Hawaii was allocated funds and will be subject to part 570, subpart I, as modified by this notice and previous notices governing NSP.

III. Alternative Requirement and Regulatory Waivers

1. Section II of the Unified NSP Notice is amended to eliminate paragraphs II.B.2.a.i and II.B.2.a.ii, including the undesignated paragraph added to that section by **Federal Register** Notice, at 78 FR 29771–29772, and Paragraph II.B.2.b.iii is revised to read:

''b. Information by activity describing how the grantee will use the funds, identifying:

i. The areas of greatest need addressed by the activity or activities or if addressing other areas, the nature and extent for neighborhood stabilization, including the local housing market, credit, and employment needs contributing to the decline, in the other areas;''

Section II of the NSP2 NOFA is amended to eliminate paragraph II.B.8 and all references that paragraph. Paragraph IV.A.1.a. is revised to read:

''You must identify the specific geography in which you will carry out your NSP2 Program, giving priority emphasis and consideration to areas of greatest need. If you are carrying out NSP2 activities in other areas, you must identify the nature and extent of need for neighborhood stabilization in the other areas. At a minimum, the narrative for this factor must address local housing market, credit, and employment

needs that are contributing to decline of the targeted geography.''

2. Section N of the Unified NSP Notice and section N of Appendix I of the NSP2 NOFA are amended by revising paragraph 4 of each to read as follows:

''4. *Transfer of Program Income Before Closeout.* With the exception of a nonprofit NSP grantee, an NSP grantee may transfer un-obligated NSP program income at any time before closeout to its annual CDBG program, or, if it is an UGLG that is also a State CDBG grant recipient with an open grant, to its State CDBG program using a single written request to HUD. In addition, a State grantee may transfer un-obligated NSP program income before closeout to any annual CDBG-funded activities carried out by a UGLG or Indian tribe within the State using a single written request to HUD.

Transferred NSP program income will become CDBG program income upon receipt in the Integrated Disbursement and Information System (IDIS). Prior to carrying out a transfer, the grantee must submit a written request for approval to the local HUD field office to transfer un-obligated NSP funds to CDBG, as prescribed by HUD. Grantees may transfer: (1) The amount of unobligated program income on hand; (2) amounts of any expected un-obligated NSP program income to be received; (3) an unknown amount of future program income from a specific NSP activity or activities; or (4) a combination of the above. The grantee must also provide the grant number and activity number associated with the NSP activity(ies) that generated or will generate the program income and the name(s) of the CDBG program grantee (or UGLG recipient, if appropriate) to which the funds will transfer. The request must include: (a) Proof that the grantee has reconciled its own financial records with the Disaster Recovery Grant Reporting system (DRGR) and (b) an analysis documenting compliance or expected compliance, as established by HUD, with the requirement at subparagraph E.2.e of the Unified NSP Notice, 75 FR 64331, for NSP1 and NSP3 grantees, and subparagraph E.2.e of Appendix I of the NSP2 NOFA for NSP2 grantees, which requires not less than 25 percent of any NSP funds to be used to house individuals or families with incomes at or below 50 percent of area median income (LH25).

HUD will review the request for approval and documentation provided against the records in DRGR to ensure that the grantee is only transferring un-obligated (on-hand) program income or program income expected to be received from identified NSP activities, and that the LH25 requirement has been or will be met.

After HUD approval, if NSP program income funds have already been receipted in DRGR, the grantee must first revise the DRGR submission to subtract the amounts receipted there prior to receipting any transferred amounts in IDIS.

Further, the grantee must print and maintain a record of the transfer(s). Finally, the grantee is to email its local HUD field office notifying it that transfer has been completed and provide the IDIS program income receipt. The transferred NSP program income funds are not considered to be CDBG funds until they have been documented in IDIS.

Upon transfer, all program income must be used and reported on in accordance with CDBG program requirements. In addition, the grantee must note in its current NSP quarterly or annual (if grant has been closed out) performance report the following information:

- HUD approval of the transfer;
- Date of the approval;
- Amount of program income on hand and amount of any expected program income to be received that will be transferred; and
- Activity number that generated or will generate the NSP program income. Any NSP program income that is not transferred and receipted in IDIS will retain its NSP characteristics and requirements in accordance with published notices governing NSP.

3. Section X of the Unified NSP Notice is amended to add the following language at the end of the paragraph:

''Note that NSP I and NSP3 grant funds are subject to 31 U.S.C. 1555, which states, ''An appropriation account available for obligation for an indefinite period shall be closed, and any remaining balance (whether obligated or unobligated) in that account shall be canceled and thereafter shall not be available for obligation or expenditure for any purpose, if (1) the head of the agency concerned or the President determines that the purposes for which the appropriation was made have been carried out; and (2) no disbursement has been made against the appropriation for two consecutive fiscal years.''

4. Under the ''Background'' subheading in section Z of the Unified NSP Notice, the *Program Income* paragraphs are amended to read as follows:

''*Program Income.* NSP program income received at the time of or after closeout may be transferred to an annual CDBG program as provided in section N and transferred funds will become CDBG program income upon receipt in IDIS (such receipt in IDIS will be subsequent to edits to remove receipt of the funds in DRGR, if such receipt was already entered). Upon transfer, CDBG program income will be subject to all CDBG statutory and regulatory requirements for program income.

Any NSP program income not transferred to CDBG shall, subject to the de minimis exception provided for in section Y of the NSP Closeout Notice, continue to be used in accordance with NSP requirements. If annual NSP program income does not exceed $25,000, the funds shall be used for general administrative costs related to ensuring continued affordability of NSP units or added to the grantee's CDBG program income receipts and the CDBG requirements at 24 CFR 570.500(a)(4) shall apply, which may exclude such amounts from the definition of program income. Funds not transferred to CDBG will retain NSP characteristics and be subject to NSP requirements, so the additional flexibility created by the legislation for the creation of financing mechanisms, development of new housing, operation of land banks, and service of families up to 120 percent of Area Median Income (AMI), will remain in place. However, HUD notes that continued acquisition of new land bank property after closeout with NSP program income could undermine the urgency of finding uses for the properties already acquired. Grantees will be required to allocate not less than 25 percent of NSP program income to housing for families with incomes at or below 50 percent of AMI when the amount of annual program income received by a grantee is sufficient to make application of this requirement reasonable. HUD has defined this amount as $250,000 in section Y of the NSP Closeout Notice.

After grant closeout, former NSP grantees that are CDBG entitlements or States will report at least annually as provided for by HUD on the receipt and use of NSP program income, and on the disposition of land-banked properties. These grantees must also include NSP program income in the annual CDBG Action Plan or substantial amendment in accordance with CDBG requirements. All former NSP grantees, including nonprofits and non-entitlement units of general local government receiving funds directly from HUD, must report at least annually in a form acceptable to the Secretary regarding enforcement of any NSP continuing affordability restrictions. Reporting will continue over the course of the minimum period of affordability set forth in HOME program standards at 24 CFR 92.252 (e) and 92.254(a)(4).

Finally, most program income will be received by CDBG entitlement cities and counties, and by states, which have systems and procedures to manage NSP revenues, which are treated in most respects like CDBG revenues. However, NSP2 nonprofit grantees and/or nonprofit consortium members in NSP2 grant consortia that receive revenues generated by NSP projects will not have access to the state and municipal CDBG tracking systems. Further, the CDBG regulations and Office of Management and Budget (OMB) circular implemented at 24 CFR 84.24(e) or 2 CFR 200.307(f), as applicable, do not require that nonprofit grantees continue to treat revenues generated from use of NSP funds and received after grant closeout as federal funds unless HUD regulations or the terms and conditions of the award provide otherwise. Thus, for NSP2 grantees that are not direct formula CDBG grantees (nonprofits and non-entitlement local governments, including those that are part of a consortium), HUD is requiring that revenues generated by projects funded before closeout but received within 5 years after grant closeout must be used for NSP-eligible activities and meet NSP benefit requirements, but no other federal requirements would apply. With the exception of income earned from the sale of NSP-assisted real property or loans, any income earned by such post-closeout use of funds would not be governed by any NSP requirements and would be miscellaneous revenues, although HUD

encourages such grantees to apply NSP principles to subsequent uses of the funds.

5. The paragraphs in section Z under the ''Requirements'' subheading, are amended to read as follows:

''*Transfer of Program Income After Closeout.*

1. Program Income. Gross revenues received by NSP grantees after closeout will be governed by the following requirements:

i. After requesting approval from the local HUD field office in writing, as set forth in paragraph N.4, and receiving prior written approval, the grantee may receipt the amounts to IDIS (after first revising any DRGR entries related to the funds) and add them to the grantee's CDBG program income receipts and all relevant CDBG program income requirements shall then apply. HUD will review and approve or deny a transfer consistent with paragraph N.4. Grantees must also provide proof of the program income transfer and submit information in their performance report as set forth in paragraph N.4.

ii. If the amounts are not receipted in IDIS, annual amounts of program income in excess of $25,000 shall be used in accordance with all NSP requirements for eligible NSP properties, uses, and activities, including new construction, financing mechanisms, and management and disposition of land bank property.

b. If annual NSP program income does not exceed $25,000, the funds shall be used for general administrative costs related to ensuring continued affordability of NSP units or added to the grantee's CDBG program income receipts and the CDBG requirements at 24 CFR 570.500(a)(4) shall apply, which may exclude such amounts from the definition of program income.

c. NSP program income may provide benefit to individuals and families with incomes up to 120 percent of AMI as permitted in NSP under section II.E;

d. If a grantee's annual NSP program income exceeds $250,000 (after any transfer of program income to CDBG), 25 percent of the program income shall be used to house individuals or families at or below 50 percent of AMI; in instances in which a grantee's annual NSP program income does not exceed $250,000, the requirements of paragraph II.E.2.e do not apply.

e. NSP2 grantees that are not CDBG entitlement communities or States must use post-closeout revenues generated from NSP-assisted activities that were funded before closeout for NSP purposes. If the grantee does not have another ongoing CDBG grant received directly from HUD at the time of closeout, then in accordance with 24 CFR 570.504(b)(5), income received after closeout from the disposition of real property or from loans outstanding at the time of closeout shall not be governed by NSP or CDBG rules, except that such income shall be used for activities that meet one of the national objectives in 24 CFR 570.208 and the eligibility requirements described in section 105 of the HCD Act. The provisions of 24 CFR 570.504(b)(5) are waived to limit its application to income received within 5 years of grant closeout. Any income received 5 years after grant closeout, as well as program income from funds outlaid after the date of the closeout agreement may be used without restriction. Such grantees are encouraged to use such funds in accordance with the principles above.

f. States may continue to act directly to implement NSP activities post-closeout.

g. HUD will provide direction to grantees by the date of closeout on procedures for reporting and tracking NSP program income revenues. Tracking will continue in DRGR until IDIS enhancements to allow NSP property registry and program income tracking are developed and released.''

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for grants made under NSP are as follows: 14.218; 14.225; and 14.228.

Paperwork Reduction Act

HUD has approval from OMB for information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). OMB approval is under OMB control number 2506–0165, 2506–0185, 2506–0117, and 2506–0193. In accordance with the Paperwork Reduction Act, HUD may not conduct, or sponsor and a person is not required to respond to, a collection of information, unless the collection displays a valid control number.

Environmental Review

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay at 800–877–8339 (this is a toll-free number).

Dated: August 30, 2019.

David C. Woll, Jr.,

Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2019–19708 Filed 9–11–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2019–0087; FXES11130400000EA–123–FF04EF1000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Scrub-Jay, Volusia County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment and information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from KBC Development (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed scrub-jay incidental to construction in Volusia County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that this HCP qualifies as ''low-effect,'' categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

DATES: We must receive your written comments on or before October 15, 2019.

ADDRESSES:

Obtaining Documents: You may obtain copies of the documents online in Docket No. FWS–R4–ES–2019–0087 at *http://www.regulations.gov.*

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by any of the following methods:

- *Online: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2019–0087.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2019–0087; U.S. Fish and Wildlife Service, MS: JAO/1N, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, by telephone at 904–731–3121 or via email at *erin_gawera@fws.gov.*

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from KBC Development for an incidental take permit (ITP) under the Endangered

Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed Florida scrub-jay (*Aphelocoma coerulescens*) incidental to the construction of an industrial/warehouse development (project) in Volusia County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP) and the Service's preliminary determination that this HCP qualifies as ''low-effect,'' categorically excluded, under the National Environmental Policy Act (NEPA; 42 U.S.C. 4231 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for public review.

Project

The KBC Development requests a 10-year ITP to take scrub-jays incidental to the conversion of approximately 6.8 acres of occupied scrub-jay foraging and sheltering habitat for the construction of an industrial/warehouse development located on a 20.6-acre parcel in Section 4, Township 19 South, Range 30 East, Volusia County, Florida. The applicant proposes to mitigate for take of the scrub-jays by contributing $208,447.20 to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy. The Service would require the applicant to make this contribution prior to engaging in activities associated with the project on the parcel.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment—including your personal identifying information—may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's project, including land clearing, infrastructure building, landscaping, and the proposed mitigation measure, would individually and cumulatively have a minor or negligible effect on the scrub-jays and the environment. Therefore, we have preliminarily concluded that the ITP for this project would qualify for categorical exclusion and the HCP is low effect under our NEPA regulations at 43 CFR 46.205 and 46.210. A low-effect HCP is one that would result in (1) minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) minor or negligible effects on other environmental values or resources; and, (3) impacts that, when considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not over time result in significant cumulative effects to environmental values or resources.

Next Steps

The Service will evaluate the application and the comments received to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the above findings, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number TE 41049D–0 to KBC Development.

Authority

The Service provides this notice under section 10(c) (16 U.S.C. 1539(c)) of the ESA and NEPA regulation 40 CFR 1506.6.

Jay Herrington,

Field Supervisor, Jacksonville Field Office.

[FR Doc. 2019–19725 Filed 9–11–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#-28781; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before August 24, 2019, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by September 27, 2019.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before August 24, 2019. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

MARYLAND

Carroll County

Cover's Tannery, 626 Francis Scott Key Hwy., Keymar, SG100004486

NEW MEXICO

Bernalillo County

Hoffmantown Baptist Church, 2335 Wyoming Blvd. NE, Albuquerque, SG100004492

Whitcomb Springs, 82 Carlito Springs Rd., Tijeras vicinity, SG100004498

PENNSYLVANIA

Carbon County

Grotto, The-Our Lady of Lourdes Shrine, 15 E Garibaldi Ave., Nesquehoning, 11000923

SOUTH CAROLINA

Greenville County

Holy Springs School, (African—American Primary and Secondary School Buildings MPS), 130 Holly Springs Rd., Belton vicinity, MP100004494

Lexington County

Chapin Commercial Historic District, Bounded by Lexington Ave., Beaufort St., Chapin Rd., and the rear lots along Columbia Ave., Chapin, SG100004495

TEXAS

Bexar County

Main and Military Plazas Historic District, Roughly bounded by San Antonio River, E Nueva, Laredo, and Houston Sts., San Antonio, BC100004489

An owner objection was received for the following resource:

CALIFORNIA

Los Angeles County

Japanese Hospital, (Asian Americans in Los Angeles), 101 S Fickett St., Los Angeles, MP100004488

Additional documentation has been received for the following resources:

MASSACHUSETTS

Hampshire County

Pomeroy Terrace Historic District, Pomeroy Terr., Phillips & Butler Pls., Bixby Ct., Hawley, Hancock, & Bridge Sts., Northampton, AD100002420

OKLAHOMA

Oklahoma County

Pioneer Telephone Company Warehouse and Garage, 1–13 NE 6th St., Oklahoma City, AD100002545

TEXAS

Bexar County

Main and Military Plazas Historic District, Roughly bounded by San Antonio River, E Nueva, Laredo, and Houston Sts., San Antonio, AD79002914

Nominations submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

ARKANSAS

Garland County

Army & Navy Memorial Lodge, 570 Jobs Corps Rd., Royal, SG100004497

Authority: Section 60.13 of 36 CFR part 60.

Dated: August 26, 2019.

Julie H. Ernstein,

Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2019–19765 Filed 9–11–19; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–19–036]

Sunshine Act Meetings

Agency Holding the Meeting: United States International Trade Commission.

TIME AND DATE: September 18, 2019 at 10:30 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Agendas for future meetings:* None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. No. 731–TA–1415 (Final) (Glycine from Thailand). The Commission is currently scheduled to complete and file its determination and views of the Commission by October 8, 2019.
5. *Outstanding action jackets:* None.

The Commission is holding the meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b). In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: September 9, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–19834 Filed 9–10–19; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–508P]

Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2020

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice with request for comments.

SUMMARY: The Drug Enforcement Administration (DEA) proposes to establish the 2020 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act (CSA) and assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

DATES: Interested persons may file written comments on this notice in accordance with 21 CFR 1303.11(c) and 1315.11(d). Electronic comments must be submitted, and written comments must be postmarked, on or before October 15, 2019. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Based on comments received in response to this notice, the Administrator may hold a public hearing on one or more issues raised. In the event the Administrator decides in his sole discretion to hold such a hearing, the Administrator will publish a notice of any such hearing in the **Federal Register**. After consideration of any comments or objections, or after a hearing, if one is held, the Administrator will publish in the **Federal Register** a final order establishing the 2020 aggregate production quotas for schedule I and II controlled substances, and an assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–508P'' on all correspondence, including any attachments. The Drug Enforcement Administration encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. Paper comments that duplicate electronic submissions are not necessary and are discouraged. Should you wish to mail a paper comment *in lieu* of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

The Freedom of Information Act (FOIA) applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING

INFORMATION'' in the first paragraph of your comment. You must also place all the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified and located as directed above will generally be made available in redacted form. If a comment contains so much confidential business information or personal identifying information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document is available at *http://www.regulations.gov* for easy reference.

Legal Authority

Section 306 of the CSA (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substance listed in schedules I and II, and for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The Attorney General has delegated this function to the Administrator of the DEA pursuant to 28 CFR 0.100.

Analysis for Proposed 2020 Aggregate Production Quotas and Assessment of Annual Needs

The proposed year 2020 aggregate production quotas and assessment of annual needs represent those quantities of schedule I and II controlled substances, and the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, to be manufactured in the United States in 2020 to provide for the estimated medical, scientific, research, and industrial needs of the United States, lawful export requirements, and the establishment and maintenance of reserve stocks. These quotas include imports of ephedrine, pseudoephedrine, and phenylpropanolamine, but do not include imports of controlled substances for use in industrial processes.

In determining the proposed 2020 aggregate production quotas and assessment of annual needs, the Acting Administrator has taken into account the criteria of 21 U.S.C. 826(a) and 21 CFR 1303.11 (aggregate production quotas for controlled substances) and 21 CFR 1315.11 (assessment of annual needs for ephedrine, pseudoephedrine, and phenylpropanolamine).

Recent Changes to the Law and Regulations Governing Quotas

It should be noted that, as a result of new laws and regulations, the factors that DEA considers in setting aggregate production quotas have changed. First, under DEA's regulations as amended effective August 15, 2018 (83 FR 32784), when setting an aggregate production quota for any basic class of controlled substance listed in schedule I or II, DEA must now consider (in addition to the previously existing regulatory factors): (i) ''[t]he extent of any diversion of the controlled substance in the class,'' and (ii) ''[r]elevant information obtained from the Department of Health and Human Services [HHS], including from the Food and Drug Administration [FDA], the Centers for Disease Control [CDC], and the Centers for Medicare and Medicaid Services [CMS], and relevant information obtained from the states.''

As a result, DEA regulations now list the following factors that the Administrator must consider in determining the aggregate production quotas: (1) Total net disposal of each class or chemical by all manufacturers and chemical importers during the current and two preceding years; (2) trends in the national rate of net disposal of the class or chemical; (3) total actual (or estimated) inventories of the class or chemical and of all substances manufactured from the class or chemical, and trends in inventory accumulation; (4) projected demand for each class or chemical as indicated by procurement and import quotas requested in accordance with 21 CFR 1303.12, 1315.32, and 1315.34; (5) the extent of any diversion of the controlled substance in the class; (6) relevant information obtained from HHS, including from the FDA, CDC, and CMS, and relevant information obtained from the states; and (7) other factors affecting medical, scientific, research, and industrial needs of the United States and lawful export requirements, as the Acting Administrator finds relevant, including changes in the currently accepted medical use in treatment with the class or the substances which are manufactured from it, the economic and physical availability of raw materials for use in manufacturing and for inventory purposes, yield and stability problems, potential disruptions to production (including possible labor strikes), and recent unforeseen emergencies such as floods and fires. 21 CFR 1303.11(b). These quotas do not include imports of controlled substances for use in industrial processes.

In addition to the foregoing regulatory changes, on October 24, 2018, the President signed into law the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act), Pub. L. 115–271, 132 Stat. 3894. The SUPPORT Act, which became effective upon its enactment, changed the way DEA must establish quotas with respect to five controlled substances: fentanyl, oxycodone, hydrocodone, oxymorphone, and hydromorphone. These five substances are referred to in the statute as ''covered controlled substances.'' The new law specifically provides that in establishing any quota under 21 U.S.C. 826, DEA is required to ''estimate the amount of diversion of the covered controlled substance that occurs in the United States'' and ''make appropriate quota reductions, as determined by the [Administrator],[1] from the quota the [Administrator] would have otherwise established had such diversion not been considered.'' 21 U.S.C. 826(i)(1).

The SUPPORT Act further states: ''In estimating diversion under this paragraph, the [Administrator] shall consider information the [Administrator], in consultation with the Secretary of [HHS], determines reliable on rates of overdose deaths and abuse and overall public health impact related to the covered controlled substance in the United States; and (ii) may take into consideration whatever other sources of information the [Administrator] determines reliable.[2] *Id.*

Information Considered by DEA in Evaluating the Factors

For the factors listed in 21 CFR 1303.11(b)(1) and (2), the DEA solicited information from the FDA. In May 2019,

[1] All functions vested in the Attorney General by the CSA have been delegated to the Administrator of DEA. 28 CFR 0.100(b).

[2] DEA intends to propose amendments to the Agency's regulations that will implement the amendments to the CSA made by the SUPPORT Act. Although these amendments to the regulations have not yet been issued, the statutory requirements stated above became effective upon enactment of the SUPPORT Act, and DEA is therefore obligated to adhere to them in issuing these proposed aggregate production quotas.

DEA received FDA estimates of legitimate medical need for calendar years 2019 and 2020, as required by the statutes of both agencies. *See* 21 U.S.C. 826 and 42 U.S.C. 242. For the factors listed in 21 CFR 1303.11(b)(3) and (4), DEA registered manufacturers of controlled substances in schedules I and II provided the information by submitting their individual data to several DEA database systems used for reporting inventory, distribution, manufacturing, and estimated quota requirements to meet sales forecasts for each class of controlled substance as required by regulations. *See* 21 CFR 1303.12, 1303.22, and part 1304.

Factor 1303.11(b)(5) requires DEA to consider the extent of diversion of controlled substances. The estimates of diversion as required by the SUPPORT Act are discussed later in the document. Diversion is defined as all distribution, dispensing, or other use of controlled substances for other than a legitimate medical purpose. In order to consider the extent of diversion, Federal, state, and local law enforcement seizures and registrant reports of diversion of controlled substances from 2018 were extracted from several DEA supported databases. As a result of considering the extent of diversion, DEA notes that the quantity of FDA-approved drug products that correlate to controlled substances in 2018 represents less than one percent of the total quantity of controlled substances distributed to retail purchasers. The databases used include:

- Theft Loss Report database comprised of DEA registrant reported entries documenting diversion consisting of employee theft, break-ins, armed robberies, and material lost in transit;
- Statistical Management Analysis & Reporting Tools System (SMARTS) database comprised of laboratory drug submissions from seizure data and drug purchases made by DEA task force groups, tactical diversion squads, enforcement groups, and High Intensity Drug Trafficking Area (HIDTA) task force groups;
- System to Retrieve Information on Drug Evidence (STRIDE) database comprised of material seized by numerous law enforcement groups across the country including the Federal Bureau of Investigation (FBI), DEA field offices, U.S. Immigration and Customs Enforcement (ICE) offices, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) offices, and metropolitan police departments.

The DEA was able to identify usable information contained in the databases noted above. The data was categorized by basic drug class and the amount of active pharmaceutical ingredient (API) in the dosage form was delineated with an appropriate metric for use in proposing aggregate production quota values (*i.e.* weight).

DEA's internal Automated Reports and Consolidated Ordering System (ARCOS) database was considered as well, however it was determined to contain identical information to the Theft Loss Report database because both are registrant reported databases, and therefore it was excluded. Additionally, both the National Seizure System (NSS) and the National Forensic Laboratory Information System (NFLIS) databases were reviewed. The NSS and NFLIS data reports included total seized weight without reference to whether it is finished dosage forms, container weight, tablets or pill weight; provides no reference to specific API concentrations; and the databases do not distinguish between pharmaceutically and illicitly manufactured controlled substances.

Because of factor six in 21 CFR 1303.11(b), DEA formally solicited HHS, CDC, CMS, and the states in August 2018, requesting information including rates of overdose deaths and abuse and overall public health impact related to controlled substances. This information was also considered pursuant to the SUPPORT Act. Based on the level of response, DEA sent a second letter to the states in October 2018. DEA sent a second letter to the CDC in April 2019 and CDC responded in June 2019. DEA in consultation with HHS and CDC discussed the requirements under the SUPPORT Act in June 2019.

As a result of these solicitations, DEA received Medicaid sales data from CMS, and drug overdose and death data from the CDC and seven state attorneys general. The CMS data consisted of aggregated sales of controlled substances to Medicaid patients. This information could not be used in determining diversion and therefore was not used in setting the aggregate production quotas. The CDC and HHS do not have diversion data by individual controlled substance, but did provide documents and links to data sets and scholarly articles containing overdose and death rates at the national level. DEA determined that the current data could not be used to estimate diversion for the purpose of setting the aggregate production quotas. One major drawback is that the data does not examine each controlled substance individually (*i.e.* as a basic class and the quantity ingested), but groups them together chemically, making it difficult to determine which basic class was involved and to what extent its aggregate production quotas should be lowered. For example, patients that overdose from hydrocodone, oxycodone, or hydromorphone are grouped together under opioid-related overdose. DEA is unable to determine the basic class that led to the overdose from this information. Additionally, DEA cannot determine from the data if the patient overdosed on an illicit opioid or an FDA-approved opioid product. For purposes of setting the aggregate production quotas for each basic class of controlled substance, DEA would benefit more from the drug overdose and mortality data if it precisely identified the controlled substance(s) believed to be the cause of overdose or death and if it included the quantity of the substance ingested. DEA and HHS are working together to determine if this data currently exists in any reliable databases.

Nine state attorneys general responded to the DEA's request for information. Seven provided, in general, prescription data (from prescription drug monitoring programs), overdose and death rate data, in addition to statements regarding the over prescription of opioid medications and its effect on public health. The other states were not able to or did not provide the requested data. DEA examined the information submitted and determined that it is too generalized to use in estimating diversion because the controlled substances are grouped together chemically. Toxicity reports, moreover, show all the drugs in a patient's system when arriving at the hospital or emergency room, which makes it difficult to know how much and which drug is responsible for the visit and consequently adjust its individual aggregate production quota. Additionally, there is no way to determine if the substance was manufactured illicitly or was an FDA-approved drug product. The manufacturing of illicit substances is not considered when determining the aggregate production quotas because such illicit manufacturing cannot be tempered by adjusting the aggregate production quotas. The information provided is highly valuable to understanding the impact of substance use, misuse, and abuse on the public health, but in its current form is not usable for the aggregate production quota analysis. Other factors the Acting Administrator considered in calculating the aggregate production quotas, but not the assessment of annual needs, include product development requirements of both bulk and finished dosage form

manufacturers, and other pertinent information. In determining the proposed 2020 assessment of annual needs, the DEA used the calculation methodology previously described in the 2010 and 2011 assessment of annual needs (74 FR 60294, Nov. 20, 2009, and 75 FR 79407, Dec. 20, 2010, respectively).

Estimates of Diversion Pursuant to the SUPPORT Act

To estimate diversion as is required by the SUPPORT Act, DEA aggregated the API of each covered controlled substance by metric weight where the data was available in the aforementioned databases. Based on the individual entries into the aforementioned databases, DEA calculated the estimated amount of diversion by multiplying the strength of the API listed for each finished dosage form by the total amount of units reported to estimate the metric weight in kilograms of the controlled substance being diverted. The estimate of diversion for each of the covered controlled substances is reported below.

DIVERSION ESTIMATES FOR 2018

[kg]

Fentanyl	0.109
Hydrocodone	24.259
Hydromorphone	1.219
Oxycodone	57.051
Oxymorphone	1.157

In accordance with the SUPPORT Act, after estimating the amount of diversion for the foregoing five controlled substances, DEA made reductions to the individual aggregate production quotas for each covered controlled substance by the corresponding quantities listed in the table.

The SUPPORT Act mandates that DEA, in consultation with HHS, determine reliable rates of overdose deaths, abuse, and overall public health impact as a factor of diversion to make appropriate quota reductions for each of the covered controlled substances. During the June 2019 consult with HHS, it was determined that the current available data regarding rates of overdose deaths and public health impact does not reflect each controlled substance individually (*i.e.* as a basic class and the quantity ingested), but groups them together functionally (opioid or psychostimulant), without regard to illicit or licit manufacturing. Without specificity to basic class and whether the substance was lawfully manufactured, DEA is unable to determine the basic class that led to the overdose from this information. Additionally, DEA cannot determine from the data if the patient overdosed on an illicit opioid or an FDA approved opioid product. As such, the number of overdose deaths resulting from fentanyl, oxycodone, hydrocodone, hydromorphone, and oxymorphone diverted from legitimate sources is unknown.

As discussed above, DEA considers the extent of diversion of all controlled substances and estimates diversion of covered controlled substances, as is required by the recent amendments to the CSA and changes to DEA's own regulations. The information maintained in the various DEA databases discussed above assists the agency in identifying some forms of diversion of controlled substances. DEA is committed to improving its ability to account for other types of diversion.

The Acting Administrator, therefore, proposes to establish the 2020 aggregate production quotas for certain schedule I and II controlled substances and assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in grams of anhydrous acid or base, as follows:

Basic class	Proposed 2020 quotas (g)
Schedule I	
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	20
1-(1-Phenylcyclohexyl)pyrrolidine	15
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	10
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	30
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)	30
1-Benzylpiperazine	25
1-Methyl-4-phenyl-4-propionoxypiperidine	10
1-[1-(2-Thienyl)cyclohexyl]piperidine	15
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)	30
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)	30
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)	30
2-(2,5-Dimethoxy-4-n-propylphenyl)ethanamine (2C-P)	30
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	100
2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)	30
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)	30
2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82)	25
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	30
2-(4-Iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5)	30
2,5-Dimethoxy-4-ethylamphetamine (DOET)	25
2,5-Dimethoxy-4-n-propylthiophenethylamine	25
2,5-Dimethoxyamphetamine (DMA)	25
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	30
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	30
3,4,5-Trimethoxyamphetamine	30
3,4-Methylenedioxyamphetamine (MDA)	55
3,4-Methylenedioxymethamphetamine (MDMA)	50
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	40
3,4-Methylenedioxy-N-methylcathinone (methylone)	40
3,4-Methylenedioxypyrovalerone (MDPV)	35

Basic class	Proposed 2020 quotas (g)
3-FMC; 3-Fluoro-N-methylcathinone	25
3-Methylfentanyl	30
3-Methylthiofentanyl	30
4-Bromo-2,5-dimethoxyamphetamine (DOB)	30
4-Bromo-2,5-dimethoxyphenethylamine (2-CB)	25
4CN-Cumyl-Butanica, 1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide	25
4-Fluoroisobutyryl fentanyl	30
4-FMC; Flephedrone	25
4-MEC; 4-Methyl-N-ethylcathinone	25
4-Methoxyamphetamine	150
4-Methyl-2,5-dimethoxyamphetamine (DOM)	25
4-Methylaminorex	25
4-Methyl-N-methylcathinone (mephedrone)	45
4-Methyl-α-pyrrolidinopropiophenone (4-MePPP)	25
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol	50
5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog)	40
5F-CUMYL-PINACA	25
5F-EDMB-PINACA	25
5F-MDMB-PICA	25
5F-AB-PINACA; N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide	25
5F-CUMYL-P7AICA; (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboximide)	25
5F-ADB; 5F-MDMB-PINACA (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
5F-AMB (methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate)	30
5F-APINACA; 5F-AKB48 (*N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide)	30
5-Fluoro-PB-22; 5F-PB-22	20
5-Fluoro-UR144, XLR11 ([1-(5-fluoro-pentyl)-1*H*-indol-	
3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	25
5-Methoxy-3,4-methylenedioxyamphetamine	25
5-Methoxy-N,N-diisopropyltryptamine	25
5-Methoxy-N,N-dimethyltryptamine	25
AB-CHMINACA	30
AB-FUBINACA	50
AB-PINACA	30
ADB-FUBINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide)	30
Acetorphine	25
Acetyl Fentanyl	100
Acetyl-*alpha*-methylfentanyl	30
Acetyldihydrocodeine	30
Acetylmethadol	2
Acryl Fentanyl	25
ADB-PINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide)	50
AH-7921	30
Allylprodine	2
Alphacetylmethadol	2
alpha-Ethyltryptamine	25
Alphameprodine	2
Alphamethadol	2
Alphaprodine	25
alpha-Methylfentanyl	30
alpha-Methylthiofentanyl	30
alpha-Methyltryptamine (AMT)	25
alpha-Pyrrolidinobutiophenone (α-PBP)	25
alpha-Pyrrolidinopentiophenone (α-PVP)	25
Aminorex	25
Anileridine	20
APINCA, AKB48 (*N*-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide)	25
Benzethidine	25
Benzylmorphine	30
Betacetylmethadol	2
beta-Hydroxy-3-methylfentanyl	30
beta-Hydroxyfentanyl	30
beta-Hydroxythiofentanyl	30
Betameprodine	25
Betamethadol	4
Betaprodine	25
Bufotenine	15
Butylone	25
Butyryl fentanyl	30
Cathinone	40
Clonitazene	25
Codeine methylbromide	30

Basic class	Proposed 2020 quotas (g)
Codeine-N-oxide	192
Cyclopentyl Fentanyl	30
Cyclopropyl Fentanyl	20
Cyprenorphine	25
Desomorphine	25
Dextromoramide	25
Diapromide	20
Diethylthiambutene	20
Diethyltryptamine	25
Difenoxin	9,200
Dihydromorphine	753,500
Dimenoxadol	25
Dimepheptanol	25
Dimethylthiambutene	20
Dimethyltryptamine	50
Dioxyaphetyl butyrate	25
Dipipanone	5
Drotebanol	25
Ethylmethylthiambutene	25
Etorphine	30
Fenethylline	30
Fentanyl related substances	40
FUB-144	25
FUB-AKB48	25
Furanyl fentanyl	30
Furethidine	25
gamma-Hydroxybutyric acid	25,417,000
Heroin	45
Hydromorphinol	40
Hydroxypethidine	25
Ibogaine	30
Isobutyryl Fentanyl	25
JWH-018 and AM678 (1-Pentyl-3-(1-naphthoyl)indole)	35
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	45
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	45
JWH-081 (1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole)	30
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)	30
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	35
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole)	30
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole)	30
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole)	30
Ketobemidone	30
Levomoramide	25
Levophenacylmorphan	25
Lysergic acid diethylamide (LSD)	40
MAB-CHMINACA; ADB-CHMINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide)	30
MDMB-CHMICA; MMB-CHMINACA(methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate)	30
MDMB-FUBINACA (methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
MMB-CHMICA-(AMB-CHMICA); Methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate	25
Marihuana	3,200,000
Mecloqualone	30
Mescaline	25
Methaqualone	60
Methcathinone	25
Methyoxyacetyl fentanyl	30
Methyldesorphine	5
Methyldihydromorphine	25
Morpheridine	25
Morphine methylbromide	5
Morphine methylsulfonate	5
Morphine-N-oxide	150
MT-45	30
Myrophine	25
NM2201; Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	25
N,N-Dimethylamphetamine	25
Naphyrone	25
N-Ethyl-1-phenylcyclohexylamine	5
N-Ethyl-3-piperidyl benzilate	10
N-Ethylamphetamine	24
N-Ethylpentylone, ephylone	30

Basic class	Proposed 2020 quotas (g)
N-Hydroxy-3,4-methylenedioxyamphetamine	24
N-Methyl-3-Piperidyl Benzilate	30
Nicocodeine	25
Nicomorphine	25
Noracymethadol	25
Norlevorphanol	55
Normethadone	25
Normorphine	40
Norpipanone	25
Ocfentanil	25
Ortho-fluorofentanyl, 2-fluorofentanyl	30
Para-chloroisobutyryl fentanyl	30
Para-fluorofentanyl	25
Para-fluorobutyryl fentanyl	25
Para-methoxybutyryl fentanyl	30
Parahexyl	5
PB-22; QUPIC	20
Pentedrone	25
Pentylone	25
Phenadoxone	25
Phenampromide	25
Phenomorphan	25
Phenoperidine	25
Pholcodine	5
Piritramide	25
Proheptazine	25
Properidine	25
Propiram	25
Psilocybin	30
Psilocyn	50
Racemoramide	25
SR-18 and RCS-8 (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	45
SR-19 and RCS-4 (1-Pentyl-3-[(4-methoxy)-benzoyl]indole)	30
Tetrahydrocannabinols	384,460
Tetrahydrofuranyl fentanyl	15
Thebacon	25
Thiafentanil	25
Thiofentanyl	25
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	30
Tilidine	25
Trimeperidine	25
UR-144 (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	25
U-47700	30
Valeryl fentanyl	25
Schedule II	
1-Phenylcyclohexylamine	15
1-Piperidinocyclohexanecarbonitrile	25
4-Anilino-N-phenethyl-4-piperidine (ANPP)	813,005
Alfentanil	3,260
Alphaprodine	2
Amobarbital	20,100
Amphetamine (for conversion)	14,137,578
Amphetamine (for sale)	42,400,000
Bezitramide	25
Carfentanil	20
Cocaine	82,127
Codeine (for conversion)	3,225,000
Codeine (for sale)	30,731,558
Dextropropoxyphene	35
Dihydrocodeine	156,713
Dihydroetorphine	2
Diphenoxylate (for conversion)	14,100
Diphenoxylate (for sale)	770,800
Ecgonine	88,134
Ethylmorphine	30
Etorphine hydrochloride	32
Fentanyl	813,005
Glutethimide	25
Hydrocodone (for conversion)	1,250

Basic class	Proposed 2020 quotas (g)
Hydrocodone (for sale)	34,836,854
Hydromorphone	3,054,479
Isomethadone	30
Levo-alphacetylmethadol (LAAM)	5
Levomethorphan	30
Levorphanol	38,000
Lisdexamfetamine	21,000,000
Meperidine	1,463,873
Meperidine Intermediate-A	30
Meperidine Intermediate-B	30
Meperidine Intermediate-C	30
Metazocine	15
Methadone (for sale)	22,278,000
Methadone Intermediate	24,064,000
Methamphetamine	1,213,603
[678,878 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 505,231 grams for methamphetamine mostly for conversion to a schedule III product; and 29,494 grams for methamphetamine (for sale)]	
Methylphenidate	57,438,334
Metopon	25
Moramide-intermediate	25
Morphine (for conversion)	4,089,000
Morphine (for sale)	29,353,655
Nabilone	62,000
Noroxymorphone (for conversion)	19,169,340
Noroxymorphone (for sale)	376,000
Opium (powder)	250,000
Opium (tincture)	530,837
Oripavine	28,705,000
Oxycodone (for conversion)	914,010
Oxycodone (for sale)	72,593,983
Oxymorphone (for conversion)	24,525,540
Oxymorphone (for sale)	1,290,051
Pentobarbital	25,850,000
Phenazocine	25
Phencyclidine	35
Phenmetrazine	25
Phenylacetone	40
Piminodine	25
Racemethorphan	5
Racemorphan	5
Remifentanil	3,000
Secobarbital	172,100
Sufentanil	4,000
Tapentadol	13,447,541
Thebaine	70,829,235
List I Chemicals	
Ephedrine (for conversion)	25
Ephedrine (for sale)	4,136,000
Phenylpropanolamine (for conversion)	14,100,000
Phenylpropanolamine (for sale)	7,990,000
Pseudoephedrine (for conversion)	1,000
Pseudoephedrine (for sale)	174,246,000

The Acting Administrator further proposes that aggregate production quotas for all other schedule I and II controlled substances included in 21 CFR 1308.11 and 1308.12 remain at zero. In accordance with 21 CFR 1303.13 and 1315.13, upon consideration of the relevant factors, the Acting Administrator may adjust the 2020 aggregate production quotas and assessment of annual needs as needed.

Conclusion

After consideration of any comments or objections, or after a hearing, if one is held, the Acting Administrator will issue and publish in the **Federal Register** a final order establishing the 2020 aggregate production quota for controlled substances in schedules I and II and establishing an assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, 21 CFR 1303.11(c) and 1315.11(f).

Dated: September 6, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–19785 Filed 9–11–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before October 15, 2019.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Roslyn B. Fontaine, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *fontaine.roslyn@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2019–049–C.

Petitioner: Rock N Roll Coal Company, Inc., 4641 Greenbrier Mountain Road, Panther, WV 24872.

Mines: Mine No. 7, MSHA I.D. No. 46–09093, located in McDowell County, West Virginia.

Regulation Affected: 30 CFR 75.1101–1(b) (Deluge-type water spray systems).

Modification Request: The petitioner requests a modification of the existing standard to waive the requirement for blow-off dust covers for nozzles on the beltline deluge-type water spray system.

The petitioner states that:

(1) Each nozzle on the deluge-type water spray system at the petitioner's mine is provided with a blow-off dust cover.

(2) An inspection and functional test of the complete deluge-type water spray system is conducted weekly.

(3) Due to the frequent inspections and functional testing of the deluge-type water spray system, the blow-off dust covers are unnecessary because the nozzles can be maintained in an unclogged condition through weekly use. It is burdensome to recap the large numbers of blow-off dust covers weekly after each inspection and functional test.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator will remove the blow-off dust covers from the nozzles on the deluge-type water spray system.

(b) The operator will conduct weekly inspections and functional testing of the complete deluge-type water spray system.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2019–19717 Filed 9–11–19; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19–052)]

Heliophysics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Heliophysics Advisory Committee (HPAC). This Committee functions in an advisory capacity to the Director, Heliophysics Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the science community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, October 1, 2019, 9:30 a.m.–5:00 p.m., Wednesday, October 2, 2019, 9:30 a.m.–5:00 p.m., and Thursday, October 3, 2019, 9:30 a.m.–12:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 9H40, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically and via WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number 1–888–982–7409 or toll number 1–517–308–9191, participant code 4360894, to participate in this meeting by telephone on all meeting days. The WebEx link is *https://nasaenterprise.webex.com/,* the meeting number is 906 350 417, and the password is OctoberHPAC2019! (case sensitive) for all meeting days.

The agenda for the meeting includes the following topics:

- Heliophysics Division (HPD) News, Updates, and New Initiatives
- Assessment of HPD Annual Performance Indicators
- Specific HPD Research and Analysis Program, Operating Mission and Mission Planning Topics

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizens and Permanent Residents (green card holders) may provide full name and citizenship status no less than 3 working days in advance by contacting Ms. KarShelia Henderson via email at *khenderson@nasa.gov* or by fax at (202) 358–2779.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–19805 Filed 9–11–19; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 15, 2019. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 670 as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2020–001

1. *Applicant:* Sarah Airriess, 16 Earl Street, Cambridge, UK, CB1 1JR.

Activity for Which Permit is Requested: Enter Antarctic Specially Protected Areas. The applicant, a writer supported by NSF's Antarctic Artists and Writers Program, would enter ASPAs 122, 124, 155, and 158 to visit the Ross Island historic huts and other sites of historic and scientific interest. The observations, sketches, and photographs made during these visits will inform the applicant's graphic novel about the Antarctic history, research, and daily life. The applicant would enter the huts with a trained guide, would be escorted by technical experts as appropriate, and would abide by the management plans of all ASPAs visited. The results of this work are expected to be useful for outreach and education about Antarctica and the scientific research conducted there.

Location: ASPA 122, Arrival Heights, Hut Point Peninsula, Ross Island; ASPA 124, Cape Crozier, Ross Island; ASPA 155, Cape Evans, Ross Island; ASPA 158 Hut Point, Ross Island.

Dates of Permitted Activities: November 1, 2019–January 1, 2020.

Permit Application: 2020–002

2. *Applicant:* Paul Ponganis, CMBB, Scripps Institute of Oceanography, UC San Diego, La Jolla, CA 92093–0204.

Activity for Which Permit is Requested: Take, Harmful Interference, Enter Antarctic Specially Protected Areas (ASPAs). The applicant proposes to capture up to 23 non-breeding adult or sub-adult emperor penguins (*Aptenodytes forsteri*) from the McMurdo Sound area or, if necessary, Cape Washington, ASPA 173. The applicant would access ASPA 173 by small, fixed-wing aircraft in accordance with the ASPA management plan. The penguins would be subjects in a study of diving physiology and would be kept captive on the sea ice for the length of the study. The captive penguins would be able to dive and forage at will. Under general anesthesia, recorders would be attached to the penguins in order to measure oxygen in the air sacs or blood, heart rate/stroke rate, and depth/activity or, in some penguins, to collect blood samples during diving. Typically, the recorders would be attached to an individual penguin for one or two days after which the recorders would be removed under general anesthesia. Another study would involve assessing underwater feeding and navigation via an attached camera/activity recorder. Following the study, the penguins would be released at the McMurdo Sound sea ice edge. Any penguins from the Cape Washington colony would be capable of navigating back to that area.

Location: McMurdo Sound, Antarctica; ASPA 173, Cape Washington and Silverfish Bay; Coulman Island.

Dates of Permitted Activities: October 1–December 20, 2019.

Permit Application: 2020–003

3. *Applicant:* Todd D. Anderson, 602 Queens Ct, Clemson, SC 29631.

Activity for Which Permit is Requested: Enter Antarctic Specially Protected Areas. The applicant, a writer supported by NSF's Antarctic Artists and Writers Program, would enter ASPAs 122, 155, 157 and 158 to visit the Ross Island historic huts and other sites of historic and scientific interest. The observations, sketches, and photographs made during these visits will inform the applicant's book about the Antarctic history, research, and daily life. The applicant would enter the huts with a trained guide, would be escorted by technical experts as appropriate, and would abide by the management plans of all ASPAs visited. The applicant would not enter ASPA 121, Cape Royds, Ross Island. The results of this work are expected to be

useful for outreach and education about Antarctica and the scientific research conducted there.

Location: ASPA 122, Arrival Heights, Hut Point Peninsula, Ross Island; ASPA 155, Cape Evans, Ross Island; ASPA 157, Backdoor Bay, Cape Royds, Ross Island; ASPA 158 Hut Point, Ross Island.

Dates of Permitted Activities: November 5–December 10, 2019.

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2019–19775 Filed 9–11–19; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Proposal Review Panel for Materials Research—Site visit review of the National High Magnetic Field Laboratory (NHMFL) at Florida State University, Tallahassee, FL (#1203)—RESCHEDULED.

DATE AND TIME:
September 26, 2019; 8:15 a.m.–5:00 p.m.
September 27, 2019; 8:45 a.m.–3:00 p.m.

PLACE: NHMFL—Florida State University, 1800 E Paul Dirac Dr., Tallahassee, FL 32310.

TYPE OF MEETING: Part-Open.

CONTACT PERSON: Dr. Leonard Spinu, Program Director, Division of Materials Research, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: (703) 292–2665.

PURPOSE OF MEETING: Site visit to provide advice and recommendations concerning further support of the NHMFL.

Agenda

Thursday, September 26, 2019

8:15 a.m.–9:00 a.m. Open—Review of the NHMFL
9:00 a.m.–5:00 p.m. Closed—Executive Session

Friday, September 27, 2019

8:45 a.m.–11:30 a.m. Closed—Executive Session
11:30 a.m.–12:00 p.m. Open—Review of the NHMFL
12:00 p.m.–2:00 p.m. Closed—Executive Session
2:00 p.m.–3:00 p.m. Open—Review of the NHMFL

REASON FOR CLOSING: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 8, 2019.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2019–19720 Filed 9–11–19; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–390 and 50–391; NRC–2019–0135]

Tennessee Valley Authority; Watts Bar Nuclear Plant Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License Nos. NPF–90 and NPF–96, issued to Tennessee Valley Authority, for operation of Watts Bar Nuclear Plants, Units 1 and 2, respectively. The proposed amendments would modify the Watts Bar Nuclear Plant, Units 1 and 2, Technical Specification (TS) requirements related to direct current (DC) electrical systems to be consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–500, Revision 2, ''DC Electrical Rewrite—Update to TSTF–360.'' In addition, the proposed amendments would modify TS 3.8.4 to declare the associated diesel generator(s) inoperable when one or more diesel generator DC battery charger(s) in redundant trains is inoperable.

DATES: Submit comments by October 15, 2019. Requests for a hearing or petition for leave to intervene must be filed by November 12, 2019.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0135. 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.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michael Wentzel, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–6459, email: *Michael.Wentzel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0135, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0135.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2019–0135, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that

you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of amendments to Facility Operating License Nos. NPF–90 and NPF–96, issued to Tennessee Valley Authority, for operation of the Watts Bar Nuclear Plant, Units 1 and 2, located in Rhea County, Tennessee.

The proposed amendments would modify the Watts Bar Nuclear Plant, Units 1 and 2, TS requirements related to DC electrical systems to be consistent with TSTF–500, Revision 2, ''DC Electrical Rewrite—Update to TSTF–360,'' dated September 22, 2009 (ADAMS Accession No. ML092670242). In addition, the proposed amendments would modify TS 3.8.4 to declare the associated diesel generator(s) inoperable when one or more diesel generator DC battery charger(s) in redundant trains is inoperable. The licensee's request dated November 29, 2018 (ADAMS Accession No. ML18334A389), was originally noticed in the **Federal Register** on June 18, 2019 (84 FR 28348). The licensee's supplement dated June 7, 2019 (ADAMS Accession No. ML19158A394), provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination, as published in the **Federal Register**. The licensee's supplement dated September 4, 2019 (ADAMS Accession No. ML19247C981), proposed an additional change to modify TS 3.8.4 to declare the associated diesel generator(s) inoperable when one or more diesel generator DC battery charger(s) in redundant trains is inoperable, which expanded the scope of the request described in the original notice. Therefore, the notice is being reissued in its entirety to include the revised scope, description of the amendment request, and proposed no significant hazards consideration determination.

Before any issuance of the proposed license amendments, the NRC staff will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations.

The NRC staff has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in section 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes restructure the Technical Specifications (TS) for the direct current (DC) electrical power system and are consistent with TSTF–500, Revision 2. The proposed changes modify TS Actions relating to battery and battery charger inoperability. The DC electrical power system, including associated battery chargers, is not an initiator of any accident sequence analyzed in the Final Safety Analysis Report (FSAR). Rather, the DC electrical power system supports equipment used to mitigate accidents. The proposed changes to restructure TS and change surveillances for batteries and chargers to incorporate the updates included in TSTF–500, Revision 2, will maintain the same level of equipment performance required for mitigating accidents assumed in the FSAR. Operation in accordance with the proposed TS would ensure that the DC electrical power system is capable of performing its specified safety function as described in the FSAR. Therefore, the mitigating functions supported by the DC electrical power system will continue to provide the protection assumed by the analysis. The relocation of preventive maintenance surveillances, and certain operating limits and actions, to a licensee-controlled Battery Monitoring and Maintenance Program will not challenge the ability of the DC electrical power system to perform its design function. Appropriate monitoring and maintenance that are consistent with industry standards will continue to be performed. In addition, the DC electrical power system is within the scope of 10 CFR 50.65, ''Requirements for monitoring the effectiveness of maintenance at nuclear power plants,'' which will ensure the control of maintenance activities associated with the DC electrical power system.

The integrity of fission product barriers, plant configuration, and operating procedures as described in the FSAR will not be affected by the proposed changes. Therefore, the consequences of previously analyzed accidents will not increase by implementing these changes. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes involve restructuring the TS for the DC electrical power system. The DC electrical power system, including associated battery chargers, is not an initiator to any accident sequence analyzed in the FSAR. Rather, the DC electrical power system supports equipment used to mitigate accidents. The proposed changes to restructure the TS and change surveillances for batteries and chargers to incorporate the updates included in TSTF–500, Revision 2, will maintain the same level of equipment performance required for mitigating accidents assumed in the FSAR. Administrative and mechanical controls are in place to ensure the design and operation of the DC systems continues to meet the plant design basis described in the FSAR. Therefore, operation of the facility in accordance with this proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through equipment design, operating parameters, and the setpoints at which automatic actions are initiated. The equipment margins will be maintained in accordance with the plant-specific design bases because of the proposed changes. The proposed changes will not adversely affect operation of plant equipment. These changes will not result in a change to the setpoints at which protective actions are initiated. Sufficient DC capacity to support operation of mitigation equipment is ensured. The changes associated with the new battery Maintenance and Monitoring Program will ensure that the station batteries are maintained in a highly reliable manner. The equipment fed by the DC electrical sources will continue to provide adequate power to safety-related loads in accordance with analysis assumptions. TS changes made in accordance with TSTF–500, Revision 2, maintain the same level of equipment performance stated in the FSAR and the current TSs. Therefore, the proposed changes do not involve a significant reduction [in the margin] of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendments before expiration of the 60-day notice period if the Commission concludes the amendments involve no significant hazards consideration. In addition, the Commission may issue the amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at

any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated November 29, 2018, as supplemented on June 7 and September 4, 2019.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, TN 37902.

NRC Branch Chief: Undine Shoop.

Dated at Rockville, Maryland, this 6th day of September, 2019.

For the Nuclear Regulatory Commission.

Michael J. Wentzel,

Project Manager, Plant Licensing Branch II–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulations.

[FR Doc. 2019–19699 Filed 9–11–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0215]

Information Collection: Rules of General Applicability to Domestic Licensing of Byproduct Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, Rules of General Applicability to Domestic Licensing of Byproduct Material.

DATES: Submit comments by October 15, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–0017), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0215 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2018–0215.

• *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 supporting statement is available in ADAMS under Accession No. ML19148A655.

• *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.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''10 CFR part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on May 9, 2019, 84 FR 20440.

1. *The title of the information collection:* Part 30 of title 10 of the *Code of Federal Regulations (*10 CFR), ''Rules of General Applicability to Domestic Licensing of Byproduct Material.''

2. *OMB approval number:* 3150–0017.

3. *Type of submission:* Extension.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* Required reports are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications are submitted every 15 years. Information submitted in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.

6. *Who will be required or asked to respond:* All persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material.

7. *The estimated number of annual responses:* 155,164 (24,322 NRC Licensee responses [1,272 reporting responses + 2,800 for recordkeeping + 20,250 third-party disclosures] and 130,842 Agreement State Licensee responses [6,973 reporting responses + 16,500 for recordkeeping + 107,369 third-party disclosures]).

8. *The estimated number of annual respondents:* 19,300 (2,800 NRC licensees and 16,500 Agreement State licensees).

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 228,279 (NRC licensees 35,291 hours [16,439 hours for reporting + 16,792 hours for recordkeeping + 2,060 hours for third-party disclosures] and Agreement State licensees 192,988 hours [90,343 hours for reporting + 91,627 hours for recordkeeping + 11,018 hours for third-party disclosures]).

10. *Abstract:* 10 CFR part 30 establishes requirements that are applicable to all persons in the United States governing domestic licensing of radioactive byproduct material. The application, reporting and recordkeeping requirements are necessary to permit the NRC to make a determination whether the possession, use, and transfer of byproduct material is in conformance with the Commission's regulations for protection of the public health and safety.

Dated at Rockville, Maryland, this 6th day of September, 2019.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2019–19624 Filed 9–11–19; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

[DFC–011]

Submission for OMB Review; Comments Request

AGENCY: U.S. International Development Finance Corporation (DFC), Overseas Private Investment Corporation (OPIC).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is creating a new information collection for OMB review and approval and requests public review and comment on the submission. The agencies received no comments in response to the sixty (60) day notice. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of the burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting burden, including automated collected techniques and uses of other forms of technology.

DATES: DFC intends to begin use of this collection upon OMB approval. Comments must be received by October 15, 2019.

ADDRESSES: Comments and requests for copies of the subject information collection may be sent by any of the following methods:

- *Mail:* Catherine F.I. Andrade, Agency Submitting Officer, Overseas Private Investment Corporation, 1100 New York Avenue NW, Washington, DC 20527.
- *Email: fedreg@opic.gov.*

Instructions: All submissions received must include the agency name and agency form number or OMB form number for this information collection. Electronic submissions must include the agency form number in the subject line to ensure proper routing. Please note that all written comments received in response to this notice will be considered public records.

FOR FURTHER INFORMATION CONTACT: Agency Submitting Officer: Catherine F.I. Andrade, (202) 336–8768.

SUPPLEMENTARY INFORMATION: The Better Utilization of Investments Leading to Development (BUILD) Act of 2018, Public Law 115–254 creates the U.S. International Development Finance Corporation (DFC) by bringing together the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) office of the U.S. Agency for International Development (USAID). Section 1465(a) of the Act tasks OPIC staff with assisting DFC in the transition. Section 1466(a)–(b) provides that all completed administrative actions and all pending proceedings shall continue through the transition to the DFC. Accordingly, OPIC is issuing this Paperwork Reduction Act notice and request for comments on behalf of the DFC.

The agencies received no comments in response to the sixty (60) day notice published in **Federal Register** volume 84 page 30782 on June 27, 2019.

Summary Form Under Review

Title of Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Type of Review: New information collection.

Agency Form Number: DFC–011.

OMB Form Number: Not assigned, new information collection.

Frequency: Once.

Affected Public: Business or other for-profit; not-for-profit institutions; individuals.

Total Estimated Number of Annual Number of Respondents: 200.

Estimated Time per Respondent: 0.1 to 1 hours.

Total Estimated Number of Annual Burden Hours: 100 hours.

Abstract: The information collection activity under this clearance will garner qualitative customer and stakeholder feedback in an efficient, timely manner. By qualitative feedback the agency means information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs.

Dated: September 5, 2019.

Nichole Skoyles,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2019–19755 Filed 9–11–19; 8:45 am]

BILLING CODE 3210–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–196 and CP2019–219]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 16, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the

Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2019–196 and CP2019–219; *Filing Title:* USPS Request to Add Priority Mail Contract 549 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 6, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 16, 2019.

This Notice will be published in the **Federal Register**.

Darcie S. Tokioka,

Acting Secretary.

[FR Doc. 2019–19727 Filed 9–11–19; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 549 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–196, CP2019–219.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–19695 Filed 9–11–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86896]

Order Granting Application by Nasdaq BX, Inc. for Exemption Pursuant to Section 36(a) of the Exchange Act From the Rule Filing Requirements of Section 19(b) of the Exchange Act With Respect to the Nasdaq Rule 1000 Series Incorporated by Reference

September 6, 2019.

Nasdaq BX, Inc. (the ''Exchange'') has filed with the Securities and Exchange Commission (the ''Commission'') an application for an exemption under Section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] from the rule filing requirements of Section 19(b) of the Exchange Act [2] with respect to certain rules of The Nasdaq Stock Market LLC (''Nasdaq'') that the Exchange seeks to incorporate by reference.[3] Section 36(a)(1) of the Exchange Act,[4] subject to certain limitations, authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class thereof, from any provision of the Exchange Act or rule thereunder, if necessary or appropriate in the public interest and consistent with the protection of investors.

The Exchange filed a proposed rule change [5] under Section 19(b) of the Exchange Act to replace its existing membership rules, as set forth in the Rule 1000 Series of its rulebook, with the Rule 1000 Series of the Nasdaq rulebook, as such rules may be in effect from time to time.[6] Namely, in the proposed rule change, the Exchange proposed to incorporate by reference the Nasdaq Rule 1000 Series such that Nasdaq Rule 1000 Series would be applicable to the Exchange's applicants, members, associated persons, and other persons subject to the Exchange's jurisdiction as though such rules were fully set forth within the Exchange's rulebook.[7]

The Exchange has requested, pursuant to Rule 0–12 under the Exchange Act,[8] that the Commission grant the Exchange an exemption from the rule filing requirements of Section 19(b) of the Exchange Act for changes to the Exchange's rules that are effected solely by virtue of a change to the Nasdaq Rule 1000 Series that are incorporated by reference. Specifically, the Exchange requests that it be permitted to incorporate by reference changes made to the Nasdaq Rule 1000 Series that are cross-referenced in the Exchange's rules without the need for the Exchange to file separately the same proposed rule change pursuant to Section 19(b) of the Exchange Act.[9]

The Exchange represents that the Nasdaq Rule 1000 Series are not trading rules.[10] Moreover, the Exchange states that it proposes to incorporate by reference a category of rules (rather than individual rules within a category).[11] The Exchange also represents that, as a condition of this exemption, the Exchange will provide written notice to its applicants and members whenever

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

[1] 15 U.S.C. 78mm(a)(1).

[2] 15 U.S.C. 78s(b).

[3] *See* letter from Brett M. Kitt, Senior Associate General Counsel, Nasdaq Inc., to Vanessa Countryman, Secretary, Commission, dated June 17, 2019, at 2 (''Exemptive Request'').

[4] 15 U.S.C. 78mm(a)(1).

[5] *See* Securities Exchange Act Release No. 86425 (July 22, 2019), 84 FR 36139 (July 26, 2019) (SR–BX–2019–022). Although the proposed rule change was filed pursuant to Section 19(b)(3)(A)(iii) of the Exchange Act, and thereby became effective upon filing with the Commission, the Exchange stipulated in its proposal that the incorporation by reference would not be operative until such time as the Commission grants this Exemptive Request.

[6] For purposes of this application, the Nasdaq Rule 1000 Series refers to the Nasdaq Rule 1000 Series with the exception of Nasdaq Rules 1031, 1050, 1090, 1130, 1150, 1160, or 1170. The Exchange will retain its existing corresponding versions of each of these rules and will not incorporate by reference the Nasdaq versions of the same.

[7] *See* note 5, *supra.*

[8] 17 CFR 240.0–12.

[9] *See* Exemptive Request, *supra* note 3.

[10] *Id.* at 2.

[11] *Id.*

Nasdaq proposes a change to Nasdaq Rule 1000 Series.[12]

According to the Exchange, this exemption is necessary and appropriate because it will result in the Exchange's membership rules and processes being consistent with the relevant cross-referenced Nasdaq membership rules and processes at all times.[13] The Exchange states that harmonization of the membership rules and processes between the Exchange and Nasdaq will ease compliance burdens for those seeking membership on both exchanges and increase internal efficiencies associated with administering the membership rules and processes of each exchange.[14]

The Commission has issued exemptions similar to the Exchange's request.[15] In granting similar exemptions, the Commission stated that it would consider future exemption requests, provided that:

• A self-regulatory organization (''SRO'') wishing to incorporate rules of another SRO by reference has submitted a written request for an order exempting it from the requirement in Section 19(b) of the Exchange Act to file proposed rule changes relating to the rules incorporated by reference, has identified the applicable originating SRO(s), together with the rules it wants to incorporate by reference, and otherwise has complied with the procedural requirements set forth in the Commission's release governing procedures for requesting exemptive orders pursuant to Rule 0–12 under the Exchange Act; [16]

• The incorporating SRO has requested incorporation of categories of rules (rather than individual rules within a category) that are not trading rules (*e.g.,* the SRO has requested incorporation of rules such as margin, suitability, or arbitration); and

• The incorporating SRO has reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another SRO.[17]

The Commission believes that the Exchange has satisfied each of these conditions. Further, the Commission also believes that granting the Exchange an exemption from the rule filing requirements under Section 19(b) of the Exchange Act will promote efficient use of the Commission's and the Exchange's resources by avoiding duplicative rule filings based on simultaneous changes to identical rule text sought by more than one SRO.[18] The Commission therefore finds it appropriate in the public interest and consistent with the protection of investors to exempt the Exchange from the rule filing requirements under Section 19(b) of the Exchange Act with respect to the above-described rules it incorporates by reference. This exemption is conditioned upon the Exchange promptly providing written notice to its applicants and members whenever Nasdaq changes a rule that the Exchange incorporates by reference.

Accordingly, it is ordered, pursuant to Section 36 of the Exchange Act,[19] that the Exchange is exempt from the rule filing requirements of Section 19(b) of the Exchange Act solely with respect to changes to the rules identified in the Exemptive Request, provided that the Exchange promptly provides written notice to its applicants and members whenever Nasdaq proposes to change a rule that the Exchange has incorporated by reference.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–19716 Filed 9–11–19; 8:45 am]

BILLING CODE 8011–01–P

[12] The Exchange states that it will provide such notice via a posting on the same website location where the Exchange posts its own rule filings pursuant to Rule 19b–4(l) within the timeframe required by such Rule. In addition, the Exchange states that the website posting will include a link to the location on Nasdaq's website where the applicable proposed rule change is posted. *Id.* at 2–3.

[13] *See* Exemptive Request, *supra* note 3, at 2.

[14] *See id.*

[15] *See, e.g.,* Securities Exchange Act Release Nos. 80338 (March 29, 2017), 82 FR 16464 (April 4, 2017) (order granting exemptive request from MIAX PEARL, LLC relating to rules of Miami International Securities Exchange, LLC incorporated by reference); 72650 (July 22, 2014), 79 FR 44075 (July 29, 2014) (order granting exemptive requests from NASDAQ OMX BX, Inc. and the NASDAQ Stock Market LLC relating to rules of NASDAQ OMX PHLX LLC incorporated by reference); 67256 (June 26, 2012), 77 FR 39277, 39286 (July 2, 2012) (order approving SR–BX–2012–030 and granting exemptive request relating to rules incorporated by reference by the BX Options rules); 61534 (February 18, 2010), 75 FR 8760 (February 25, 2010) (order granting BATS Exchange, Inc.'s exemptive request relating to rules incorporated by reference by the BATS Exchange Options Market rules) (''BATS Options Market Order''); and 57478 (March 12, 2008), 73 FR 14521, 14539–40 (March 18, 2008) (order approving SR–NASDAQ–2007–004 and SR–NASDAQ–2007–080, and granting exemptive request relating to rules incorporated by reference by The NASDAQ Options Market).

[16] *See* 17 CFR 240.0–12 and Securities Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998) (''Commission Procedures for Filing Applications for Orders for Exemptive Relief Pursuant to Section 36 of the Exchange Act; Final Rule'').

[17] *See* BATS Options Market Order, *supra* note 15 (citing Securities Exchange Act Release No. 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004) (order granting exemptive request relating to rules incorporated by reference by several SROs) (''2004 Order'')).

[18] *See* BATS Options Market Order, *supra* note 15, 75 FR at 8761; *see also* 2004 Order, *supra* note 17, 69 FR at 8502.

[19] 15 U.S.C. 78mm.

[20] 17 CFR 200.30–3(a)(76).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86897; File No. SR–DTC–2019–007]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the DTC Deposits Service Guide Relating to Procedures for the Deposit of Nontransferable Securities

September 6, 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 August 30, 2019, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(1) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change [5] would incorporate (a) DTC's existing Procedures [6] for the Deposit of Nontransferable Securities [7] at DTC, with certain technical and clarifying updates, as described below, and (b) the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(1).

[5] Capitalized terms not defined herein are defined in the Rules, By-Laws and Organization Certificate of DTC (''Rules''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/dtc_rules.pdf.*

[6] Pursuant to the Rules, the term ''Procedures'' means the Procedures, service guides, and regulations of DTC adopted pursuant to Rule 27, as amended from time to time. *See* Rule 1, *supra* note 5.

[7] In 1992, the Commission approved a DTC rule filing (''1992 Rule Filing'') that established Procedures for the Deposit of Nontransferable Securities at DTC. *See* Securities Exchange Act Release No. 31673 (December 30, 1992), 58 FR 3046 (January 7, 1993) (File No. SR–DTC–92–16).

DTC form of Blanket Indemnification for Losses Related to Non-Transferable Certificates Deposited with DTC (''Blanket Indemnification'') into the DTC Deposits Service Guide [8] (''Deposits Guide''), with certain technical and clarifying updates, as described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would incorporate (a) DTC's existing Procedures for the Deposit of Nontransferable Securities at DTC, with certain technical and clarifying updates, as described below, and (b) the text of the existing DTC form of Blanket Indemnification into the Deposits Guide, with certain technical and clarifying updates, as described below.

Background

Eligibility and Deposit of Securities at DTC

DTC plays a critical function in the national clearance and settlement system. It is the nation's central securities depository, registered as a clearing agency under Section 17A of the Act,[9] and its deposit and book-entry transfer services help facilitate the operation of the nation's securities markets.[10]

DTC's participants (''Participants'') are primarily broker-dealers and banks. Participants agree to be bound by the Rules and Procedures. DTC performs various services for Participants to promote the prompt and accurate clearance and settlement of Securities, including maintaining Accounts that list a Participant's Securities holding at DTC and allowing Participants to present Securities to be made eligible for DTC's depository and book-entry services. If a Security is accepted by DTC as meeting DTC's eligibility requirements for services and is Deposited with DTC for credit to the Securities Account of a Participant, it becomes an ''Eligible Security.'' [11] Other issues of Securities may be added through corporate actions with respect to Eligible Securities, including events such as name changes, mergers and spinoffs, that are reviewed by DTC for continuing eligibility.[12] Thereafter, Participants may Deposit shares of that Eligible Security (''Deposited Securities'') into their respective DTC Accounts.[13]

To facilitate book-entry transfers and other services that DTC provides for its Participants, Deposited Securities are generally registered on the books of the respective issuer (typically, in a register maintained by a transfer agent) in DTC's nominee name, Cede & Co. Certain Securities for which transfer services for a Security are not available (''Nontransferable Securities''), as described below, may also become eligible for DTC services. DTC maintains Deposited Securities that are eligible for book-entry services in ''fungible bulk,'' meaning that each Participant whose Securities of an issue have been credited to its Securities Account has a pro rata interest in DTC's entire inventory of that issue, but none of the securities on Deposit are identifiable to or ''owned'' by any Participant.[14]

Security certificates are eligible for Deposit at DTC when they are delivered to DTC in accordance with the Rules and Procedures and pursuant to Article 8 (''Article 8'') [15] of the NYUCC. Under Article 8, a registered owner may transfer a Securities certificate, and the Securities the certificate represents, to a ''purchaser'' (in this case, DTC) by means of indorsement and Delivery.[16] DTC's Rules and Procedures require that the indorsement be made in favor of DTC's nominee, Cede & Co.[17] Having thereby ''acquired'' the indorsed Security certificate as the purchaser, DTC comes into possession of the rights that the registered owner of the Security would have.[18] Ordinarily, under the DTC Rules and Procedures, the indorsed certificate is presented to the issuer or transfer agent for registration in the name of Cede & Co., so that, in addition to physical possession of the negotiable certificate, Cede & Co. is reflected as the registered holder on the books and records of the issuer maintained by its transfer agent.[19]

In the case of Nontransferable Securities, the issuer of the Security could not or would not cause re-registration of the Security certificate because there is no transfer agent or for other reasons. Circumstances that may underlie this nontransferable status of a Security certificate may include the bankruptcy or insolvency of the issuer, the failure of the issuer to pay fees to a transfer agent, a final or complete liquidation of the issuer, the filing of a certificate of dissolution, the placement of the issuer in receivership and the revocation of the issuer's charter. In such cases, pursuant to the 1992 Rule Filing, DTC, as the legal owner of the Nontransferable Security (i) holds in custody the certificate indorsed to Cede & Co. (ii) adds the amount of the Nontransferable Security represented by the certificate to the inventory DTC holds for that issue, and (iii) credits the position to the Securities Account of the Depositing Participant, as described below.

1992 Rule Filing

Prior to the establishment of Procedures implemented pursuant to the 1992 Rule Filing (''Nontransferable Securities Procedures''), the holding and trading of Nontransferable Securities presented issues for Participants that would be addressed if the Nontransferable Securities could be Deposited at DTC and eligible for book-entry services. In this regard, failed Deliveries in Nontransferable Securities occurred regularly and remained outstanding because of ongoing trading activity in Nontransferable Securities where the underlying Securities were not on Deposit and available for Delivery at DTC. Also, Participants holding nontransferable certificates outside of DTC were burdened with the expense of safekeeping certificates.

The Nontransferable Securities Procedures reduce the burdens

[8] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Deposits.pdf.*

[9] 15 U.S.C. 78s(b)(1).

[10] *See* Securities Exchange Act Release No. 20221 (September 23, 1983), 48 FR 45167 (October 3, 1983) (600–1).

[11] *See* Rule 5, *supra* note 5; DTC Operational Arrangements (Necessary for Securities to Become and Remain Eligible for DTC Services) (''Operational Arrangements''), Section 1, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/issue-eligibility/eligibility/operational-arrangements.pdf.*

[12] *See* Operational Arrangements, Section 1, *supra* note 11.

[13] Rule 6, *supra* note 5.

[14] *See* Securities Exchange Act Release No. 19678 (April 15, 1983), 48 FR 17603, 17605, n.5 (April 25, 1983) (describing fungible bulk); *See also* N.Y. Uniform Commercial Code (''NYUCC''), 8–503, Off. Cmt 1 (''. . . all entitlement holders have a pro rata interest in whatever positions in that financial asset the [financial] intermediary holds'').

[15] NYUCC 8–101—8–602.

[16] NYUCC 8–301, 8–304, 8–102 and Official Comment 11 thereto.

[17] Rule 6, *supra* note 5.

[18] NYUCC 8–302.

[19] *See* Deposits Guide, *supra* note 8 at 13.

presented by nontransferable certificates for Participants by facilitating the Deposit of Nontransferable Securities at DTC to make them available for book-entry Delivery, thus facilitating a reduction of fails in ongoing trading activity in Nontransferable Securities, as described above, and by allowing the Participants to no longer provide their own custody services with respect to certificates for DTC-eligible Nontransferable Securities.

The 1992 Rule Filing also introduced a loss sharing allocation method to be used if a certificate that represents a Nontransferable Security is Deposited at DTC and later, most likely after the reinstatement of transfer services and presentation of the certificate for transfer, is found to be stolen, counterfeit, or otherwise defective.

The Nontransferable Securities Procedures, as implemented pursuant to the 1992 Rule Filing are as set forth under the headings ''Deposit Procedures'' and ''Procedures for Sharing Loss Related to Deposit of Nontransferable Certificates,'' immediately below:

A. Deposit Procedures

''When DTC announces to Participants that an issue is ''nontransferable,'' DTC will change the transfer agent number on DTC's records, which may be viewed by Participants via DTC's Participant Terminal System, to reflect the fact that the issue is nontransferable. Participants will be permitted to deposit their DTC-eligible nontransferable securities by adhering to several procedures. Specifically, Participants will be asked to:

1. Send to their Participant Services representative a copy of the Blanket Indemnification executed by an authorized officer. Procedures set forth in the Indemnification will, among other things, require the Participant to verify with the Securities Information Center (''SIC'') that the certificate has not been reported to SIC as lost, stolen, missing, or counterfeit; [20]

2. Use a Legal deposit ticket clearly market ''N/T.'' No more than ten certificates may be included in each individual deposit. Participants will also be asked not to commingle different types of registrations on a single deposit ticket (*i.e.,* all nominee-name and street-name registrations will be deposited under separate tickets); and

3. Check the certificates for assignment to Cede & Co., New York State tax waiver, endorsements, and other requirements, and provide the appropriate signature guarantees.''

B. Procedures for Sharing of Loss Related to Deposit of Nontransferable Securities

''DTC has developed a loss allocation method in the event that a certificate the represents a nontransferable security is deposited at DTC and later, most likely after the reinstatement of transfer services and presentation of the certificate for transfer, is found to be stolen, counterfeit or otherwise defective. If the depositing/indemnifying participant is still in business or if DTC is holding the participant's Participants Fund deposit in an amount sufficient to cover the loss, DTC will first seek to charge the Participant or its deposit. In the event, however, in which at the time that DTC becomes aware of the loss: (1) The depositing participant has transferred the underlying securities by book-entry; (2) the participant does not itself cover the loss because it is not in business or for some other reason; and (3) the participant's deposit to the Participants Fund is insufficient to cover the loss, then the loss will be allocated as follows:

The loss will be shared *pro rata* among all participants that have a position in such issue on the date that DTC determines that the certificate is defective, excluding participants' positions, however, to the extent that positions existed on the day that DTC first announced to participants that the issue was ''nontransferable.'' For example, if a participant already held a position of 1,000 shares in an issue at the time that the issue was identified by DTC as being nontransferable and then acquires 500 additional shares later, any proportionate loss calculation would be only against the additional 500 shares and not against the 1,500 share total position. DTC will first seek to charge the participant's Participants Fund deposit in an amount sufficient to cover the loss. If the deposit will not cover the total amount of the loss, DTC will then charge the participant directly for the remaining amount. In the event, however, that the loss allocation method as described above does not cover the total amount of the loss related to the deposit of the nontransferable securities, DTC will then charge the loss in accordance with its current loss allocation scheme.''

The Blanket Indemnification, the form that was filed as an exhibit to the 1992 Rule Filing states the following: [21]

''The undersigned (''Participant''), a participant in The Depository Trust Company (''DTC''), intends to deposit with DTC from time to time certain certificates (the ''Certificates'') representing securities for which transfer services are not available (the ''Securities'').

Participant wishes to deposit the Securities with DTC and to receive credit for the Securities in its DTC Participant account. To induce DTC to so credit the Securities and to make DTC's book-entry services available for transactions in the Securities, Participant represents, warrants, and covenants to DTC as follows:

1. Other than the unavailability of transfer services, Participant, after due investigation, is not aware of any impediments to transfer of the Certificates.

2. It is understood that DTC cannot provide its normal certificate withdrawal services in the Securities, including CODs and W/Ts. Participant will comply fully with applicable industry practice and rules respecting the need for it to advise other participants to which it makes book-entry deliveries of the Securities, if any, of this limitation.

3. If Participant publishes or submits for publication a quotation for the Securities where the applicable information requirements of Securities Exchange Act Rule 15c2–11 [22] are not satisfied, Participant shall not use DTC's book-entry services to effect contemporaneous deliveries in any such Securities.

4. The indemnification set forth in DTC Rule 2(k) [23] shall apply with

[20] SIC operates the Lost & Stolen Securities Program (''LSSP'') on behalf of the Commission. Rule 17f–1 under the Act, governs LSSP operations. *See* 17 CFR 240.17f–1. LSSP consists mainly of a database of securities that have been reported lost, stolen, missing, or counterfeit. Securities Exchange Act Release No. 48931 (December 16, 2003), 68 FR 74390 (December 23, 2003) at 74393. This note is provided for descriptive purposes only with respect to this Item 1 and is not included in the Deposit Procedures.

[21] The footnotes shown below, with respect to the Blanket Indemnification provisions, *infra* notes 22 and 23, are included for descriptive purposes only and are not included in the form of Blanket Indemnification.

[22] *See* 17 CFR 240.15c2–11. Rule 15c2–11 under the Act, governs the publication of quotations for securities in a quotation medium other than a national securities exchange. *See* Securities Exchange Act Release No. 29094 (April 17, 1991), 56 FR 19148 (1991 Adopting Release); Securities Exchange Act Release No. 27247 (September 14, 1989), 54 FR 39194 (September 25, 1989) (1989 Proposing Release).

[23] This provision states: ''Each Security delivered for the Participant's account to the Corporation for Deposit with the Corporation may be transferred into the name of any nominee designated by the Corporation or by such Custodian as the Corporation may select, if it is Delivered to such Custodian, and retained by the Corporation or Delivered to such Custodian as the Corporation may select, and the Participant shall indemnify the Corporation, and any nominee of the Corporation in the name of which Securities credited to the Participant's Account are registered, against all loss,

Continued

respect to the Securities notwithstanding the absence of transfer services for the Securities at the time that they are first credited to Participant's DTC account.

5. Participant shall inquire with SIC, and as of the date of deposit with DTC the Certificates shall not have been reported to SIC as lost, stolen, missing, or counterfeit.

6. If DTC incurs any loss or liability because any of the Certificates are counterfeit, are reported stolen, or are or become, for any reason, not in good deliverable form, Participant agrees that DTC may charge such loss or liability to Participant.

7. Participant agrees that DTC may charge any future distribution of rights, including voting rights, or other property (a ''Distribution'') involving the Securities to Participant's account if DTC does not receive the Distribution on the Distribution date.''

Proposed Rule Change

Pursuant to the proposed rule change, DTC would incorporate the Nontransferable Securities Procedures, which contain two subsets of Procedures, namely ''Deposit Procedures'' and ''Procedures for Sharing of Loss Related to Deposit of Nontransferable Securities,'' as it was set forth in the 1992 Rule Filing, with certain technical and clarifying changes, as follows:

1. The provision set forth in the first sentence of A.1. above would be revised to replace the words ''Send to their Participant Services representative'' with the words ''Provide DTC Account Administration with''. This change would conform this text with DTC's general Participant account documentation process through which DTC's Account Administration area collects and maintains Participant Account documentation. This provision would also be revised to (i) add the full name of the Blanket Indemnification, as defined above, where it is referenced in the first sentence and (ii) add ''Blanket Indemnification'' as a defined term for the Blanket Indemnification.

2. The provision set forth in A.2. above would be revised to replace the sentence that states ''Use a Legal deposit ticket clearly marked ''N/T'' with ''Use a DAM deposit ticket, whereby the certificate details on the deposit ticket match the corresponding certificates (*e.g.,* CUSIP, certificate #, certificate denomination, total quantity).'' The Legal Deposits service is a function within the Deposits Service and is not descriptive of the method used to generate a deposit ticket.[24] A deposit ticket is generated using DTC's Deposit Automation Management System (DAM) [25] and DTC believes that using the applicable system name would clarify for Participants the method by which the necessary deposit ticket is generated. In addition, the requirement to include the text ''N/T'' on a deposit ticket was intended for the Participant to indicate that a Security is nontransferable. Pursuant to the proposed rule change, the ''N/T'' designation would not be required to be included on a deposit ticket because DTC's own records reflect whether a given Security that is eligible for Deposit is nontransferable.

3. The text of the Nontransferable Securities Procedures would be revised to conform to capitalization of the term Participant as set forth in the Deposits Guide.

In addition, DTC would incorporate the text of the Blanket Indemnification set forth above into the Deposits Guide. The text of the Blanket Indemnification would be added under a new heading titled ''Blanket Indemnification for Losses Related to Non-Transferable Certificates Deposited with DTC.'' Directly under this heading, and just prior to the text of the Blanket Indemnification text set forth above, the proposed rule change would include a technical change to add the following text: ''Any application to become a Participant shall include a blanket indemnification for losses related to non-transferable certificates deposited with DTC in the form set forth below:''

Effective Date

The proposed rule change would become effective upon filing with the Commission.

2. Statutory Basis

Section 17A(b)(3)(F) [26] of the Act, requires that the rules of the clearing agency be designed, *inter alia,* to promote the prompt and accurate clearance and settlement of securities transactions. DTC believes that the proposed rule change is consistent with this provision of the Act for the reasons described below. As described above, the proposed rule change would allow Participants to more readily understand their rights and obligations in connection with the Deposit of Nontransferable Securities by providing enhanced transparency for Participants by (i) adding the text of the Procedures implemented pursuant to the 1992 Rule Filing into the Deposits Service Guide, which is publicly available on the DTCC website, and (ii) updating the provisions set forth in the Procedures to clearly disclose to Participants the operation of the applicable services. By improving the Rules in these ways and allowing Participants to more readily understand their rights and obligations in connection with the use of DTC's services relating to Nontransferable Securities, DTC believes that the proposed changes would facilitate Participants use of these services, including their ability to Deposit Nontransferable Securities. The ability to maintain Deposits in Nontransferable Securities would facilitate Participants' ability to Deliver Securities by book-entry at DTC for trading activity that might otherwise result in a failure to deliver due to the unavailability of transfer services for the Security. Therefore, by facilitating the ability of Participants to manage and resolve failures to deliver, DTC believes the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17(A)(b)(3)(f) of the Act.[27]

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule changes would have any impact, or impose any burden, on competition. The proposed rule changes are designed to improve Participants' understanding of their rights and obligations with respect to the use of DTC's services relating to the Deposit of Nontransferable Securities. These proposed changes would be applicable to all Participants and would not alter Participants' rights or obligations.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to this proposed rule change have not been solicited or received. DTC will notify the Commission of any written comments received by DTC.

liability and expense which they may sustain, without fault on the Corporation's part, as a result of Securities credited to the Participant's Account being registered in the name of any such nominee, including (i) assessments, (ii) losses, liabilities and expenses arising from claims of third parties and from taxes and other governmental charges, and (iii) related expenses with respect to any such Securities.'' *See* Rule 2, *supra* note 5. Pursuant to Rule 1, the term ''Corporation'' means DTC. *See* Rule 1, *supra* note 5.

[24] *See* Deposits Guide, *supra* note 8 at 16.

[25] *See* Deposits Guide, *supra* note 8.

[26] 15 U.S.C. 78q–1(b)(3)(F).

[27] *Id.*

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 [28] and paragraph (f) of Rule 19b–4 thereunder.[29] 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.

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–DTC–2019–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2019–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–DTC–2019–007 and should be submitted on or before October 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–19704 Filed 9–11–19; 8:45 am]

BILLING CODE 8011–01–P

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 17 CFR 240.19b–4(f).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86891; File No. SR–ICEEU–2019–012]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Partial Amendment No. 2 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Partial Amendment No. 1 and Partial Amendment No. 2, To Revise the ICE Clear Europe Treasury and Banking Services Policy, Liquidity Management Procedures, Investment Management Procedures and Unsecured Credit Limits Procedures

September 6, 2019.

I. Introduction

On July 5, 2019, ICE Clear Europe Limited (''ICE Clear Europe'') 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 adopt a new Treasury and Banking Services Policy, new Liquidity Management Procedures, new Investment Management Procedures, and revised Unsecured Credit Limits Procedures. The proposed rule change was published for comment in the **Federal Register** on July 25, 2019.[3] On July 30, 2019, ICE Clear Europe filed Partial Amendment No. 1 to the proposed rule change.[4] Notice of Partial Amendment No. 1 was published in the **Federal Register** on August 7, 2019.[5] The Commission did not receive comments on the proposed rule change, as modified by Partial Amendment No. 1. On August 27, 2019, ICE Clear Europe filed Partial Amendment No. 2 to the proposed rule change.[6] The Commission is publishing this notice to solicit comments on Partial Amendment No. 2 from interested persons and, for the reasons discussed below, is approving the proposed rule change, as modified by Partial Amendment No. 1 and Partial Amendment No. 2 on an accelerated basis.

II. Description of the Proposed Rule Change

ICE Clear Europe proposes to adopt new Liquidity Management Procedures, new Investment Management Procedures, and revised Unsecured Credit Limits Procedures (collectively, the ''Procedures Documents''), as well as a new Treasury and Banking Services Policy (together with the Procedures Documents, the ''Treasury Documents'').[7] The Treasury Documents would replace the existing Liquidity Risk Management Framework, Liquidity Plan, Investment Management Policy

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 86413 (July 19, 2019), 84 FR 35892 (July 25, 2019) (SR–ICEEU–2019–012) (''Notice'').

[4] ICE Clear Europe filed Partial Amendment No. 1 to correct an error in the confidential Exhibit 5–4. The original version of the confidential Exhibit 5–4 contained a defined term that did not have a definition. ICE Clear Europe filed a new version of the confidential Exhibit 5–4 to correct that issue and define the term. Partial Amendment No. 1 did not otherwise make any changes to the substance of the filing or the text of the proposed rule change, nor did it raise any novel regulatory issues.

[5] Securities Exchange Act Release No. 86539 (August 1, 2019), 84 FR 38689 (August 7, 2019) (SR–ICEEU–2019–012) (''Partial Amendment No. 1'').

[6] ICE Clear Europe filed Partial Amendment No. 2 to provide additional details regarding the governance of the approval and review of the Treasury and Banking Services Policy, Liquidity Management Procedures, Investment Management Procedures, and Unsecured Credit Limits Procedures and amend the governance sections of each of those documents to be consistent with the information provided to the Commission in confidential exhibits. Moreover, Partial Amendment No. 2 amends the Liquidity Management Procedures to remove references to reverse repos, which ICEEU no longer considers as liquid resources, and to specify that ICE Clear Europe personnel meet monthly to, among other things, analyze and discuss the assumptions and parameters of liquidity stress test scenarios. Finally, Partial Amendment No. 2 provides, in a confidential exhibit, ICE Clear Europe's Documentation Governance Schedule.

[7] Capitalized terms used but not defined herein have the meanings specified in the ICE Clear Europe Clearing Rules (the ''Rules'') or the Treasury Documents. The following description of the proposed rule change is excerpted from the Notice, 84 FR 35892.

and Approved Financial Institutions Policy (the ''Existing Documents'').

Generally, ICE Clear Europe proposes to adopt the new Treasury Documents to simplify and streamline the documentation for the procedures and policy listed above; remove inaccuracies and unused elements from that documentation; remove elements that are documented or managed elsewhere; better separate between policy-level documentation (Policies) and implementation-level documentation (Procedures); and improve operational flexibility. Thus, the proposed rule change would combine the high-level policy elements of the Existing Documents into the Treasury and Banking Services Policy and consolidate the supporting detail in the new Procedures Documents. After adoption of the Treasury Documents, ICE Clear Europe would retire the Existing Documents.

A. Treasury and Banking Services Policy

The Treasury and Banking Services Policy would set out the overall principles applied to the ICE Clear Europe cash and collateral management functions for Clearing Member (''CM'') assets. The Treasury and Banking Services Policy would replace the existing Liquidity Risk Management Framework and would contain policy-level information relating to liquidity risk management and investment management.

i. Responsibilities of the Treasury and Banking Services Department

The Treasury and Banking Services Policy would state that ICE Clear Europe's Treasury and Banking Services Department (''TBS'') is responsible for cash and collateral management functions for CM assets including liquidity and cash margin investment and that these functions are subject to applicable regulations and the Rules and Procedures, particularly the Finance Procedures. The Policy would further describe the requirements imposed upon CMs with respect to initial margin (''IM''), guaranty fund (''GF''), and variation margin (''VM'') deposits and contributions, as well as the manner in which CMs would cover these requirements.

ii. Cash Management

The Treasury and Banking Services Policy would describe the manner in which ICE Clear Europe transfers cash in the relevant currencies intraday through an Assured Payment System (''APS'') into its concentration banks and invests or secures such cash at end of day. ICE Clear Europe currently uses multiple APS banks which are Approved Financial Institutions that have committed to meet certain technical and operational requirements, and ICE Clear Europe's use of such APS banks would be described in the Treasury and Banking Services Policy. Moreover, the Treasury and Banking Services Policy would add a definition for the term ''Approved Financial Institution'', defining it as a financial service provider that has been approved by the Credit Risk team and meets eligibility and monitoring criteria set out in the Unsecured Credit Limits Procedures.

iii. Liquidity Risk

The Treasury and Banking Services Policy would identify and describe ICE Clear Europe's liquidity risks and, at a high level, how ICE Clear Europe addresses those liquidity risks. It would further set out ICE Clear Europe's primary liquidity risk management objective, which is to maintain sufficient liquid resources in all relevant currencies to meet its payment obligations as they come due, as well as ICE Clear Europe's strategy to achieve this objective. Specifically, as described in the Treasury and Banking Services Policy, ICE Clear Europe would structure and sequence its cash flows to minimize liquidity risks, monitor intraday cash inflows and outflows to ensure payments are met, and run daily liquidity stress tests (''LSTs'') to assess and monitor its potential liquidity needs under stress scenarios.

The Treasury and Banking Services Policy would explain that ICE Clear Europe runs daily liquidity monitoring and LSTs to measure and monitor its liquidity position on an ongoing basis and assesses its potential immediate and future liquidity needs across a range of extreme but plausible market scenarios. The LSTs are set out in the LST Model Documentation and would be reviewed periodically as would be described in the Liquidity Management Procedures. ICE Clear Europe would review the models that would underpin the LSTs in accordance with ICE Clear Europe's Model Risk Governance Framework.

iv. Investment of Cash

The Treasury and Banking Services Policy would set out ICE Clear Europe's investment management objective. ICE Clear Europe's investment management objective would be to safeguard the principal of its CMs' cash, maintain sufficient liquidity to cover its payment obligations, and obtain a reasonable rate of return. The Treasury and Banking Services Policy would explain that ICE Clear Europe's related investment strategy would be to: (i) Manage its investment portfolio to ensure it has sufficient liquidity; (ii) rebalance its investment portfolio as a result of the LSTs and available liquidity to ensure enough cash is available to meet daily payment obligations; and (iii) invest or secure cash after the relevant deadline has passed for CMs to withdraw or exchange excess cash.

The Treasury and Banking Services Policy would explain that ICE Clear Europe aims to only invest in cash or highly liquid financial instruments with minimal market and credit risk and which are capable of being liquidated quickly and with minimal losses. The Treasury and Banking Services Policy would further explain that an instrument would be acceptable if the market for the instrument is sufficiently liquid and transparent to enable ICE Clear Europe to re-value the instrument on a daily basis with prices quoted intraday and if the market for the instrument has sufficient price history to enable ICE Clear Europe to analyze the statistical returns of such assets. Moreover, the Treasury and Banking Services Policy would prohibit ICE Clear Europe from investing in instruments issued by a CM, or any entity that is part of the same group as the CM. Similarly, the Treasury and Banking Services Policy would prohibit ICE Clear Europe from investing in instruments issued by a CCP or by entities whose business involves providing services critical to the function of ICE Clear Europe, unless that entity is a European Economic Area central bank or a central bank of issue of a currency in which ICE Clear Europe has exposure. The Treasury and Banking Services Policy would further require that investments be in sufficiently liquid currencies; diversified across counterparties, issuers, and asset classes; subject to suitable credit criteria; and, with respect to reverse repo collateral, subject to suitable haircuts and credit criteria. Finally, the Treasury and Banking Services Policy would require that parties and employees involved in the investment process refrain from conflicts of interest.

v. Collateral Management

Pursuant to the Treasury and Banking Services Policy, CMs could substitute cash covering IM or GF requirements with collateral or cash in a different currency, subject to constraints set out in the ICE Clear Europe Finance Procedures. Moreover, the Treasury and Banking Services Policy would specify that whenever practicable, ICE Clear Europe would hold accounts with

Central Securities Depositories (''CSDs'') because CSDs are highly regulated and operate robust securities settlement systems. Finally, the Treasury and Banking Services Policy would require that assets of individual CMs and, where appropriate, clients with individually segregated assets, be readily identifiable in ICE Clear Europe's systems.

vi. Governance

The Treasury and Banking Services Policy would make the document owner responsible for ensuring that it remains up-to-date and is reviewed in accordance with ICEU's governance processes. Moreover, the Treasury and Banking Services Policy would make the document owner responsible for reporting material breaches or unapproved deviations from the policy to their Head of Department, the Chief Risk Officer, and the Head of Compliance (or their delegates), who together would determine if further escalation should be made to relevant senior executives, the ICE Clear Europe Board and/or competent authorities. Finally, the Treasury and Banking Services Policy would explain that exceptions to the policy can be approved in accordance with ICEU's governance process for the approval of changes to the document.[8]

B. Liquidity Management Procedures

The Liquidity Management Procedures would replace the current Liquidity Plan. The Liquidity Management Procedures would generally explain ICE Clear Europe's liquidity management processes; how ICE Clear Europe conducts periodic reviews of liquidity stress tests and liquidity providers; and how ICE Clear Europe governs exceptions and modifications to the procedures.

i. ICE Clear Europe's Liquidity Management Processes

1. Payment Obligations

The Liquidity Management Procedures would describe the sources of payment obligations relevant to liquidity management: (i) Paying VM to CMs with positive profit and loss on their trades; (ii) paying delivery or settlement monies when trades deliver or settle; and (iii) returning surplus IM or other margin to individual CMs as appropriate. The Liquidity Management Procedures would further specify that in normal circumstances ICEU's payment obligations should be covered by VM taken from those with negative profit and loss on their trades; settlement amounts taken from the CM expecting to receive delivery and paid to the delivering CM; and cash deposited to cover margin requirements. Thus, the Liquidity Management Procedures would specify that ICE Clear Europe would only have a liquidity need not covered in the ordinary course where there was a firm default or a technical issue at a financial services provider.

The Liquidity Management Procedures would then explain the various structural arrangements that ICE Clear Europe has in place to minimize these liquidity risks, which would include sequencing its processes to minimize liquidity risk and not permitting CMs to overdraw accounts with ICE Clear Europe. The Liquidity Management Procedures would further explain the daily timeline of when cash is received versus when payment obligations are due and special liquidity considerations for the settlements and deliveries process, both of which would help ICE Clear Europe to minimize liquidity risks.

2. Management and Monitoring of Liquidity Needs

The Liquidity Management Procedures would explain that ICE Clear Europe identifies its liquidity needs by running a range of LSTs each day to calculate its exposures under various market and operational scenarios. The Liquidity Management Procedures would specify that the LSTs are designed to cover the default of at least the two CMs with the largest exposures to ICEU in extreme but plausible market conditions together with defaults of financial service providers and other operational outflows. The Liquidity Management Procedures would further require that ICE Clear Europe run a specific scenario to account for the Commission's requirement to cover the default of the largest CM with qualifying liquid resources.

Moreover, the Liquidity Management Procedures would explain how the Clearing Risk team develops market scenarios and calculates stress losses to set the required levels of IM and GF for CMs and accounts. Once Clearing Risk has calculated stress losses, the Liquidity Management Procedures would require that TBS aggregate these losses across different operational scenarios to set the level of liquid resources ICE Clear Europe must maintain. TBS would also be required to calculate potential investment losses should the defaulting CMs also be investment counterparties, as well as cash outflows due to deliveries and settlements. Finally, the Liquidity Management Procedures would require that throughout the day, TBS monitor outstanding payment requests to identify failures which could lead to default, as well as the current amount of available liquid resources compared to what ICE Clear Europe needs.

Next, the Liquidity Management Procedures would explain ICE Clear Europe's sources of available liquidity, including liquidity available in the case of a CM default and liquidity in the case of technical issues. The Liquidity Management Procedures would describe how in a default situation, liquidity is generated through the default management waterfall and how ICE Clear Europe may use its existing pool of cash first to cover immediate payment obligations because this cash may be available sooner than cash generated through the default management waterfall. In a liquidity shortfall situation due to a technical issue, the Liquidity Management Procedures would explain that ICE Clear Europe would use its uncommitted and committed lines or liquidate non-cash collateral to generate liquidity.

3. Daily Assessment and Valuation of Liquid Assets

The Liquidity Management Procedures would explain how ICE Clear Europe values it liquid assets, including the haircuts it applies through the ICE Clear Europe Collateral and Haircut Policy.

4. Sources and Mitigations of Liquidity Risk

The Liquidity Management Procedures would explain the sources of liquidity risk to ICE Clear Europe and how ICE Clear Europe manages these sources of risk. The Liquidity Management Procedures would categorize these risks as those arising from a default, such as a default by a CM or investment counterparty, and those arising from a technical issue, like an APS Bank's failure to transfer funds to ICE Clear Europe's concentration bank.

5. Timescale of Liquidity Resources

The Liquidity Management Procedures would require that for purposes of monitoring its liquidity, ICE Clear Europe only include, as available liquidity resources, those resources that can be drawn upon on a same day basis. The resources would include cash; investments maturing that day; sovereigns with different maturities that can be liquidated that day; highly

[8] This process would be further explained in ICE Clear Europe's Documentation Governance Schedule, which ICE Clear Europe submitted as a confidential exhibit to Partial Amendment No. 2 to the filing.

reliable uncommitted operating lines; and committed repo lines.

6. Substitution of Cash With Non-Cash Collateral and Withdrawal of Excess Margin by CMs

The Liquidity Management Procedures would specify that CMs may only substitute cash with non-cash collateral or with cash in other currencies once they have first covered their margin requirements in cash. Moreover, the Liquidity Management Procedures would explain that substitutions of cash with non-cash collateral or with cash in other currencies by CMs are subject to the Collateral and Haircut Policy. Finally, the Liquidity Management Procedures would explain how ICE Clear Europe minimizes the impact of substitutions, including by only investing funds after the deadline for substitution and having sufficient investments maturing to cover likely outflows due to substitutions.

7. Liquidity Shortfalls

The Liquidity Management Procedures would explain how ICE Clear Europe would deal with liquidity shortfalls with respect to default situations and technical issues. The proposed Liquidity Management Procedures would specify that in a default situation, ICE Clear Europe would ultimately generate liquidity using the default management waterfall and that before resorting to the waterfall ICE Clear Europe may choose to cover its payment obligations using its existing pool of cash. If a liquidity shortfall is caused by a technical issue at a service provider, the proposed Liquidity Management Procedures would explain how ICE Clear Europe can use its credit lines to generate liquidity.

8. Replenishment of Liquidity in Stress Events

The Liquidity Management Procedures would explain that in a default situation, where ICE Clear Europe uses the default waterfall to cover losses, the replenishment of liquidity would depend on the extent of the losses. If ICE Clear Europe covers the losses with the margin and GF contribution of the defaulting CM only, there would be no need for replenishment. On the other hand, if ICE Clear Europe covers the losses with part of the GF contributions of the other CMs or ICE Clear Europe's GF contribution, ICE Clear Europe would replenish these contributions using the process set out in the ICE Clear Europe Rules. The Liquidity Management Procedures would further explain that where the liquidity need arises from a technical issue, resolution of the technical issue would resolve the liquidity need and that the technical issue would not overall reduce liquidity resources.

ii. Periodic Reviews of Liquidity Stress Tests and Liquidity Providers

The Liquidity Management Procedures would explain that the LSTs would assess the impact on sources of liquidity and liquidity exposures in both currency and time in a broad range of market and operational scenarios. To assess the LSTs, the Liquidity Management Procedures would require that TBS, Clearing Risk Department, and Risk Oversight Department meet monthly to analyze and discuss whether to include any new or emerging risks in the stress tests; the adequacy, assumptions, and parameters of LST scenarios; the adequacy of stress test inputs; acceptance of current LST scenario calibrations; performance of liquidity providers; annual due diligence reviews of liquidity providers to assess their ability to perform their role as such; and annual testing of sources of liquidity. Moreover, the Liquidity Management Procedures would require that in stressed market conditions, TBS, Clearing Risk Department, and Risk Oversight Department meet more frequently than monthly to ensure LSTs and stress scenarios are fit for purpose. Finally, the Liquidity Management Procedures would require that this analysis of LSTs be periodically reported to a Board-level committee.

iii. Governance

The Liquidity Management Procedures would make the document owner responsible for ensuring that it remains up-to-date and is reviewed in accordance with ICEU's governance processes. Moreover, the Liquidity Management Procedures would make the document owner responsible for reporting material breaches or unapproved deviations from the procedures to their Head of Department, the Chief Risk Officer, and the Head of Compliance (or their delegates) who together would determine if further escalation should be made to relevant senior executives, the ICE Clear Europe Board and/or competent authorities. Finally, the Liquidity Management Procedures would explain that exceptions to the procedures can be approved in accordance with ICEU's governance process for the approval of changes to the document.[9]

C. Investment Management Procedures

The Investment Management Procedures would explain how ICE Clear Europe manages its investments in times of normal market supply of adequate investments and the concentration limits that ICE Clear Europe must follow with respect to particular investments. The Investment Management Procedures would also explain the changes ICE Clear Europe would implement in times of insufficient market supply of adequate investments. Finally, the Investment Management Procedures would explain how ICE Clear Europe would govern exceptions and modifications to the procedures.

i. ICE Clear Europe's Investment Management

The Investment Management Procedures would explain that ICE Clear Europe's investment management objective is to safeguard the principal of its CMs' cash, maintain sufficient liquidity for its payment obligations and obtain a reasonable rate of return. Moreover, the proposed Investment Management Procedures would require that investments be denominated in EUR, GBP and USD.

During times of normal supply, the Investment Management Procedures would require that ICE Clear Europe: (i) Invest only with Approved Financial Institutions; (ii) invest at least 50% of the portfolio in each currency in overnight reverse repo agreements; (iii) hold a variety of maturity dates for non-overnight investments; and (iv) hold purchased securities until maturity to minimize market risk impact. Moreover, with respect to customer funds of FCM Clearing Members, the Investment Management Procedures would require that ICE Clear Europe: (i) Segregate those customer funds of from those of other CMs; (ii) hold the funds in permitted depositories consistent with applicable regulations; and (iii) invest the funds only in overnight reverse repos and direct purchases of US sovereign obligations with permitted counterparties for such transactions under applicable regulations. The Investment Management Procedures would contain a table setting out the authorized instruments for investment, maximum portfolio concentration limits for those investments, and maximum

[9] This process would be further explained in ICE Clear Europe's Documentation Governance Schedule, which ICE Clear Europe submitted as a confidential exhibit to Partial Amendment No. 2 to the filing.

maturity and minimum credit ratings for those investments (or the entities in which ICE Clear Europe would be allowed to invest). Finally, the Investment Management Procedures would require that TBS monitor adherence to the investment criteria.

The Investment Management Procedures would explain that breaches of concentration limits would be escalated to the Risk Oversight Department and the Compliance team as well as reported to the relevant regulators through regular reports. The Investment Management Procedures would require that the investment portfolio then be rebalanced to return within the concentration limits. Moreover, the Investment Management Procedures would require that TBS, in conjunction with the Risk Oversight Department and Clearing Risk team, review the concentration limits every quarter.

Finally, the Investment Management Procedures would set out additional requirements for investments in reverse repo agreements. First, ICE Clear Europe would need at least four investment counterparties in each currency. Second, the Head of TBS department, or their delegate, would need to consider, in the event of a counterparty downgrade, whether it would be more prudent to liquidate or hold a trade until maturity. Third, the Investment Management Procedures would deem repo agreements to have a maturity equal to the scheduled repurchase date of the underlying securities, or where the agreement is subject to a demand, the applicable notice period. Finally, the Investment Management Procedures would limit the collateral to only certain collateral deemed acceptable and would subject that collateral to a predetermined haircut.

ii. Changes in Times of Insufficient Market Supply

In times of insufficient market supply of the authorized investments described above, the Investment Management Procedures would deem US government agency securities and supranational obligations acceptable for investment and repo agreement collateral. Moreover, ICE Clear Europe would no longer need to invest at least 50% in overnight repurchase agreements and concentration limits for all instruments would no longer apply. In periods of low supply of overnight repos, the Investment Management Procedures would require that investments be allocated to other investment types according to the following order of preference: (i) Central bank deposits; (ii) sovereign obligations; (iii) term reverse repurchase agreements; (iv) government, agency, and supranational obligations; and (v) bank obligations. Finally, the Investment Management Procedures would explain that periods of insufficient market supply of authorized investments and overnight repos are typically characterized by the investment agents not being able to invest funds in ICEU's preferred investments.

iii. Governance

The Investment Management Procedures would make the document owner responsible for ensuring that it remains up-to-date and is reviewed in accordance with ICEU's governance processes. Moreover, the Investment Management Procedures would make the document owner responsible for reporting material breaches or unapproved deviations from the procedures to their Head of Department, the Chief Risk Officer, and the Head of Compliance (or their delegates) who together would determine if further escalation should be made to relevant senior executives, the ICE Clear Europe Board and/or competent authorities Finally, the Investment Management Procedures would explain that exceptions to the procedures can be approved in accordance with ICEU's governance process for the approval of changes to the document.[10]

D. Unsecured Credit Limits Procedures

The Unsecured Credit Limits Procedures would support aspects of the Treasury and Banking Services Policy and the Investment Management Procedures. Specifically, the Unsecured Credit Limits Procedures would establish the eligibility and limit allocation methodology that ICE Clear Europe would use with respect to counterparties, how ICE Clear Europe monitors these limits, and how ICE Clear Europe would govern exceptions and modifications to the procedures.

i. Eligibility Methodology and Limit Allocation

The Unsecured Credit Limits Procedures would require that in order for a legal entity to be eligible as a counterparty or financial service provider, it would need to (i) be regulated by a competent authority with valid jurisdiction; (ii) comply with the applicable minimum external rating; and (iii) comply with the maximum ICE Clear Europe rating for such entity type as set out in the procedures. If the entity is a repo provider, the Unsecured Credit Limits Procedures would require that it be organized in the US, UK, or in EU countries satisfying the minimum external rating. The Unsecured Credit Limits Procedures would include a table explaining the minimum external rating and maximum ICE Clear Europe rating for different counterparties, such as custodians and investment agents.

Using the Unsecured Credit Limits Procedures, ICE Clear Europe's Credit Team and Treasury would assign each counterparty an unsecured credit limit, ranging from the limit floor ($50 million or lower, at the discretion of the Treasury or Credit team) and the limit ceiling ($200 million).

ii. Monitoring

The Unsecured Credit Limits Procedures would require that ICE Clear Europe's Treasury team conduct daily monitoring of overnight unsecured exposure at the legal entity level to ensure that ICE Clear Europe adheres to the limits per counterparty, as well as weekly monitoring, and monthly aggregation of Legal Entities of the same group of companies.

iii. Governance

The Unsecured Credit Limits Procedures would make ICE Clear Europe's Credit Team the owner of the procedures, responsible for production of reports to monitor exposures ad limits, and responsible for escalating breaches and exceptions. The Unsecured Credit Limits Procedures also would make ICE Clear Europe Treasury responsible for providing the Credit Team with input requirements and operational monitoring.

Moreover, as with the other Treasury Documents, the Unsecured Credit Limits Procedures would make the document owner responsible for ensuring that it remains up-to-date and is reviewed in accordance with ICEU's governance processes. Moreover, the Unsecured Credit Limits Procedures would make the document owner responsible for reporting material breaches or unapproved deviations from the procedures to their Head of Department, the Chief Risk Officer, and the Head of Compliance (or their delegates) who together would determine if further escalation should be made to relevant senior executives, the ICE Clear Europe Board and/or competent authorities. Finally, the Unsecured Credit Limits Procedures would explain that exceptions to the procedures can be approved in accordance with ICEU's governance

[10] This process would be further explained in ICE Clear Europe's Documentation Governance Schedule, which ICE Clear Europe submitted as a confidential exhibit to Partial Amendment No. 2 to the filing.

process for the approval of changes to the document.[11]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. For the reasons given below, the Commission finds that the proposed rule change, as modified by Partial Amendment No. 1 and Partial Amendment No. 2, is consistent with Section 17A(b)(3)(F) of the Act[12] and Rules 17Ad–22(e)(2), (e)(3), (e)(7)(i), (e)(7)(ii), (e)(7)(iv), (e)(7)(v), (e)(7)(vi), (e)(7)(ix), and (e)(16) thereunder.[13]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICE Clear Europe be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, as well as to assure the safeguarding of securities and funds which are in the custody or control of ICE Clear Europe or for which it is responsible, and, in general, to protect investors and the public interest.[14]

As discussed above, the proposed rule change would adopt a new Treasury and Banking Services Policy, new Liquidity Management Procedures, new Investment Management Procedures, and revised Unsecured Credit Limits Procedures. For the reasons discussed below, the Commission believes that each of these Treasury Documents would enable ICE Clear Europe to manage effectively its liquidity risks and liquidity demands. The Commission further believes that, in turn, managing effectively its liquidity risks and liquidity demands would enable ICE Clear Europe to promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of ICE Clear Europe or for which it is responsible, and, in general, protect investors and the public interest.

i. Treasury and Banking Services Policy

The Commission believes that the Treasury and Banking Services Policy would help to ensure that ICE Clear Europe effectively manages its liquidity risks and liquidity demands by providing a clear and effective process for identifying and managing liquidity risks. The Commission believes that, for example, in defining ICE Clear Europe's sources of liquidity and liquidity risk, as well as ICE Clear Europe's approaches to managing liquidity and liquidity risk, the Treasury and Banking Services Policy would help ICE Clear Europe to respond to liquidity risk by defining in advance the sources of such risk and the strategies for managing such risk. Moreover, in describing how ICE Clear Europe structures and sequences its cash flows to minimize liquidity risks, including transfers of cash and substitution of collateral, and how ICE Clear Europe runs daily liquidity monitoring and stress testing to measure and monitor its liquidity position on an ongoing basis, the Commission believes that the Treasury and Banking Services Policy would help ICE Clear Europe to identify potential sources of liquidity risk and mitigate those risks by sequencing its cash flows appropriately. The Commission further believes that, in explaining how ICE Clear Europe manages its investment portfolio to ensure it has sufficient liquidity and the criteria that ICE Clear Europe would use to determine whether a financial instrument would be acceptable for investment, the Treasury and Banking Services Policy would help to establish a reasonable and conservative process by which ICE Clear Europe invests and manages its available cash to meet liquidity demands. Finally, the Commission believes that, in defining the responsibilities of TBS with respect to the cash and collateral management functions of ICE Clear Europe and the general governance and exceptions process for the policy, the Treasury and Banking Services Policy would define responsibilities associated with liquidity management and ensure compliance with the policy, as well as establish a process to modify the policy as needed.

ii. Liquidity Management Procedures

The Commission believes that the Liquidity Management Procedures would help to ensure that ICE Clear Europe effectively manages its liquidity risks and liquidity demands by identifying such risks and demands and providing procedures for managing and satisfying those risks and demands. For example, the Commission believes that, in describing the sources of payment obligations relevant to liquidity management and specifying the situations in which ICE Clear Europe would have a liquidity need and the sources of liquidity to meet those needs, the Liquidity Management Procedures would allow ICE Clear Europe to satisfy liquidity needs as they arise. In explaining how ICE Clear Europe would replenish liquidity in cases of a CM default or technical issues, the Commission likewise believes that the Liquidity Management Procedures would provide ICE Clear Europe a predetermined method for replenishing liquidity as needed. Similarly, the Commission believes that, in explaining the sources of liquidity risk to ICE Clear Europe and how ICE Clear Europe manages those liquidity risks, including the timescale of liquidity resources, the substitution of cash collateral with non-cash collateral, and how ICE Clear Europe would resolve liquidity shortfalls, the Liquidity Management Procedures would identify potential sources of drain on liquidity (like substitution and shortfall) and explain how ICE Clear Europe uses the timescale of payments to mitigate such potential drains.

The Commission further believes that, in explaining how ICE Clear Europe identifies its liquidity needs by running the LSTs and how ICE Clear Europe develops and reviews the LSTs, the Liquidity Management Procedures would allow ICE Clear Europe to identify potential new liquidity needs and risks and determine the potential severity of such needs and risks. This, in turn, should allow ICE Clear Europe to develop an appropriate response and secure additional liquidity, if needed. The Commission also believes that, in explaining how ICE Clear Europe values it liquid assets, including the haircuts it applies through the ICE Clear Europe Collateral and Haircut Policy, the Liquidity Management Procedures would establish a baseline for determining the amount of ICE Clear Europe's liquid resources, which, in turn, would allow ICE Clear Europe to determine how much additional resources (if any) it would need to meet potential demands. Finally, the Commission believes that, in explaining how TBS, Clearing Risk and Risk Oversight departments would meet monthly to analyze and assess the LSTs, requiring that this analysis of LSTs be periodically reported to a Board-level committee, and defining the general

[11] This process would be further explained in ICE Clear Europe's Documentation Governance Schedule, which ICE Clear Europe submitted as a confidential exhibit to Partial Amendment No. 2 to the filing.

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 17 CFR 240.17Ad–22(e)(2), (e)(3), (e)(7)(i), (e)(7)(ii), (e)(7)(iv), (e)(7)(v), (e)(7)(vi), (e)(7)(ix), and (e)(16).

[14] 15 U.S.C. 78q–1(b)(3)(F).

governance and exceptions process for the procedures, the Liquidity Management Procedures would establish responsibilities for ensuring that ICE Clear Europe responds to the findings of the LSTs and ensuring compliance with the procedures, as well as a process to modify the procedures as needed.

iii. Investment Management Procedures

The Commission believes that the Investment Management Procedures would help to ensure that ICE Clear Europe effectively manages its liquidity risks and liquidity demands by providing stable and conservative investments and processes for managing such investments. For example, the Commission believes that the Investment Management Procedures would help to establish a reasonable and conservative objective for ICE Clear Europe's investments by requiring that ICE Clear Europe, in making investments, safeguard the principal of its members' cash, maintain sufficient liquidity for its payment obligations, and obtain a reasonable rate of return. The Commission further believes that the reasonable and conservative investment requirements established by the Investment Management Procedures would help to limit the potential losses ICE Clear Europe could suffer upon the default of a counterparty or underperformance of an investment. The Commission believes that limiting such potential losses is important to ICE Clear Europe's overall liquidity because such losses could reduce ICE Clear Europe's liquidity by reducing its supply of cash.

Similarly, the Commission believes that, in defining the criteria for authorized investments in times of normal supply, defining additional requirements for reverse repos, and explaining the steps ICE Clear Europe would take in times of insufficient market supply of acceptable investments, the Investment Management Procedures would establish reasonable and conservative criteria for selecting investments. The Commission further believes that, in defining the investment concentration limits and how ICE Clear Europe would respond to breaches of those limits, the Investment Management Procedures would help to limit the potential risks associated with concentrating investments in particular instruments or particular counterparties. For example, ICE Clear Europe could potentially suffer large losses from a default by an investment counterparty to which it has a large exposure. Finally, in defining the general governance and exceptions process for the procedures, the Commission believes that the Investment Management Procedures would establish an effective and clear process for ensuring adherence to the procedures and a process for modifying or altering the procedures as needed.

iv. Unsecured Credit Limits Procedures

The Commission believes that the Unsecured Credit Limits Procedures would help to ensure that ICE Clear Europe effectively manages its liquidity risks and liquidity demands by establishing credit limits for counterparties and processes for monitoring and enforcing those limits. Specifically, the Commission believes that, in describing the processes to allocate and monitor limits on unsecured overnight cash exposures and eligibility requirements for counterparties, including financial service providers and investment counterparties, and the processes for allocating and monitoring those limits, the Unsecured Credit Limits Procedures would help to ensure that ICE Clear Europe limits its potential unsecured exposures to all counterparties, thereby helping to reduce credit and liquidity risks. Also, in defining the responsibilities of ICE Clear Europe's Credit Team and Treasury and the general governance and exceptions process for the procedures, the Commission believes the Unsecured Credit Limits Procedures would establish an effective process for monitoring and enforcing the limits.

v. Promoting the Prompt and Accurate Clearance and Settlement of Securities Transactions, Assuring the Safeguarding of Securities and Funds, and Protecting Investors and the Public Interest

For the reasons discussed above, the Commission believes that the proposed rule change would help to ensure that ICE Clear Europe effectively manages the liquidity risks arising from the clearance and settlement of CDS transactions. Moreover, the Commission believes that such liquidity risks, if not properly managed, could cause ICE Clear Europe to have insufficient liquidity to meet its payment obligations and threaten ICE Clear Europe's ability to operate and thereby clear and settle securities transactions. For similar reasons, the Commission believes that such liquidity risks, if not properly managed, could threaten ICE Clear Europe's ability to operate, thereby threatening access to securities and funds in ICE Clear Europe's control. Accordingly, the Commission believes that, in ensuring that ICE Clear Europe has clear and effective processes for identifying and managing liquidity risks; procedures for responding to liquidity demands and replenishing liquidity; stable and conservative investments and processes for managing such investments; and credit limits for counterparties and processes for monitoring and enforcing those limits, the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions and help assure the safeguarding of securities and funds which are in the custody or control of the ICE Clear Europe or for which it is responsible. Finally, for these reasons, the Commission believes the proposed rule change would, in general, protect investors and the public interest.

Therefore, the Commission finds that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds in ICE Clear Europe's custody or control, and, in general, protect investors and the public interest, consistent with the Section 17A(b)(3)(F) of the Act.[15]

B. Consistency With Rule 17Ad–22(e)(2)

Rule 17Ad–22(e)(2) requires, among other things, that ICE Clear Europe establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility.[16] As discussed above, each of the Treasury Documents would establish the general governance and exceptions process for that document, and this process would be identical among all of the Treasury Documents. The Commission believes that, in doing so, the Treasury Documents would establish clear and transparent arrangements for ensuring that ICE Clear Europe personnel adhere to the Treasury Documents and for modifying the Treasury Documents as needed.

The Commission also believes that the Treasury and Banking Services Policy would specify clear and direct lines of responsibility for the cash and collateral management functions under the policy by assigning those responsibilities to TBS. Similarly, the Commission believes that the Liquidity Management Procedures would specify clear and direct lines of responsibility by making the Clearing Risk team responsible for developing LSTs; making TBS responsible for using the LSTs to anticipate liquidity demands and

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

monitoring outstanding payments and the current level of available liquid resources; and making TBS, Clearing Risk, and Risk Oversight responsible for analyzing and assessing the LSTs. Moreover, in requiring that breaches of concentration limits be escalated to the Risk Oversight Department and the Compliance team and that TBS, in conjunction with the Risk Oversight Department and Clearing Risk team, review concentration limits every quarter, the Commission believes the Investment Management Procedures would specify clear and direct lines of responsibility with respect to the concentration limits. The Commission believes the Unsecured Credit Limits Procedures would similarly establish clear and direct lines of responsibility by requiring ICE Clear Europe's Credit Team and Treasury to establish and monitor credit limits. Finally, the Commission believes that these lines of responsibility would be clear and transparent because they would be defined and available for review in the Treasury Documents.

For these reasons, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(2).[17]

C. Consistency With Rule 17Ad–22(e)(3)

Rule 17Ad–22(e)(3) requires that ICE Clear Europe establish, implement, maintain, and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by ICE Clear Europe. The Commission believes that the Unsecured Credit Limits Procedures, in establishing the eligibility and limit allocation methodology that ICE Clear Europe would use with respect to counterparties, including investment counterparties, would help ICE Clear Europe to manage the potential credit risks arising from ICE Clear Europe's transactions with counterparties. Specifically, by assigning a counterparty an overall unsecured credit limit, the Commission believes the Unsecured Credit Limits Procedures would help to limit ICE Clear Europe's maximum potential losses from a default of that counterparty to the limit assigned to that counterparty. In addition, in establishing minimum eligibility criteria for counterparties, the Commission believes that the Unsecured Credit Limits Procedures would help limit ICE Clear Europe's exposure to counterparties that are creditworthy and regulated by a competent authority with valid jurisdiction. Finally, in requiring that ICE Clear Europe's Treasury team conduct daily and weekly monitoring as well as monthly aggregation of Legal Entities of the same group of companies, the Commission believes that the Unsecured Credit Limits Procedures would help establish a process for ensuring that ICE Clear Europe complies with the limits.

For these reasons, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(3).[18]

D. Consistency With Rule 17Ad–22(e)(7)

i. Rules 17Ad–22(e)(7)(i) and (ii)

Rules 17Ad–22(e)(7)(i) requires that ICE Clear Europe establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by ICE Clear Europe, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum, (i) maintaining sufficient liquid resources at the minimum in all relevant currencies to effect same-day and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for ICE Clear Europe in extreme but plausible market conditions and (ii) holding qualifying liquid resources sufficient to meet the minimum liquidity resource requirement under Rule 17Ad–22(e)(7)(i) in each relevant currency for which ICE Clear Europe has payment obligations owed to clearing members.[19]

As discussed above, the Treasury and Banking Services Policy would require that ICE Clear Europe run daily liquidity monitoring and stress testing to measure and monitor its liquidity position on an ongoing basis and assess its potential immediate and future liquidity needs across a range of extreme but plausible market scenarios. As explained further in the Liquidity Management Procedures, one of the LSTs would be a specific scenario to cover the default of the largest CM with qualifying liquid assets. The Commission believes that, in requiring ICE Clear Europe to conduct daily stress testing, including stress testing of a specific scenario for the default of the participant family that would generate the largest aggregate payment obligation for ICE Clear Europe in extreme but plausible market conditions, the proposed rule change would help ensure that ICE Clear Europe maintains sufficient liquid resources to effect same-day and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of stress scenarios, including such a default. Moreover, because the Liquidity Management Procedures would require that, for its liquidity planning, ICE Clear Europe only include resources which are cash or which can be transferred into cash or can be drawn upon on a same day basis, the Commission believes the Liquidity Management Procedures would be reasonably designed to enable ICE Clear Europe to hold qualifying liquid resources sufficient to meet the minimum liquidity resource requirement under Rule 17Ad–22(e)(7)(i).

For these reasons, the Commission finds that the proposed rule change is consistent with Rules 17Ad–22(e)(7)(i) and (ii).[20]

ii. Rules 17Ad–22(e)(7)(iv) and (v)

Rules 17Ad–22(e)(7)(iv) and (v) require that ICE Clear Europe establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by ICE Clear Europe, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum, (i) undertaking due diligence to confirm that it has a reasonable basis to believe each of its liquidity providers, whether or not such liquidity provider is a clearing member, has (a) sufficient information to understand and manage the liquidity provider's liquidity risks and (b) the capacity to perform as required under its commitments to provide liquidity to ICE Clear Europe and (ii) maintaining and testing with each liquidity provider, to the extent practicable, ICE Clear Europe's procedures and operational capacity for accessing each type of relevant liquidity resource under Rule 17Ad–22(e)(7)(i) at least annually.[21]

As described above, the Liquidity Management Procedures would require that TBS, Clearing Risk and Risk Oversight departments meet monthly to

[17] 17 CFR 240.17Ad–22(e)(2).

[18] 17 CFR 240.17Ad–22(e)(3).

[19] 17Ad–22(e)(7)(i) and (ii).

[20] 17Ad–22(e)(7)(i) and (ii).

[21] 17 CFR 240.17Ad–22(e)(iv) and (v).

analyze and discuss the performance of liquidity providers. Moreover, the Liquidity Management Procedures would require that TBS, Clearing Risk and Risk Oversight departments conduct annual due diligence reviews of liquidity providers to assess their ability to perform their role as such and annual testing of sources of liquidity. The Commission believes that the monthly analysis and annual due diligence reviews would help ICE Clear Europe to confirm that it has a reasonable basis to believe each of its liquidity providers has sufficient information to understand and manage the liquidity provider's liquidity risks and the capacity to perform as required under its commitments to provide liquidity to ICE Clear Europe. Moreover, the Commission believes that the annual testing of sources of liquidity would help ICE Clear Europe to assess its operational capacity for accessing each type of liquidity resource provided by those sources of liquidity.

For these reasons, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(7)(iv) and (v).[22]

iii. Rule 17Ad–22(e)(7)(vi)

Rule 17Ad–22(e)(7)(vi) requires that ICE Clear Europe establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by ICE Clear Europe, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum, determining the amount and regularly testing the sufficiency of the liquid resources held for purposes of meeting the minimum liquid resource requirement under Rule 17Ad–22(e)(7)(i) by (i) conducting stress testing of its liquidity resources at least once each day using standard and predetermined parameters and assumptions; (ii) conducting a comprehensive analysis on at least a monthly basis of the existing stress testing scenarios, models, and underlying parameters and assumptions used in evaluating liquidity needs and resources, and considering modifications to ensure they are appropriate for determining ICE Clear Europe's identified liquidity needs and resources in light of current and evolving market conditions; (iii) conducting a comprehensive analysis of the scenarios, models, and underlying parameters and assumptions used in evaluating liquidity needs and resources more frequently than monthly when the products cleared or markets served display high volatility or become less liquid, when the size or concentration of positions held by ICE Clear Europe's CMs increases significantly, or in other appropriate circumstances described in such policies and procedures; and (iv) reporting the results of its analyses to appropriate decision makers at ICE Clear Europe, including but not limited to, its risk management committee or board of directors, and using these results to evaluate the adequacy of and adjust its liquidity risk management methodology, model parameters, and any other relevant aspects of its liquidity risk management framework.[23]

The Commission believes that, in requiring that ICE Clear Europe run daily liquidity monitoring and stress testing to measure and monitor its liquidity position on an ongoing basis and assess its potential immediate and future liquidity needs across a range of extreme but plausible market scenarios, the Treasury and Banking Services Policy would help to ensure that ICE Clear Europe conducts stress testing of its liquidity resources at least once each day using standard and predetermined parameters and assumptions. Moreover, the Commission believes that the Liquidity Management Procedures would help to ensure that ICE Clear Europe conducts a comprehensive analysis on at least a monthly basis of the existing stress testing scenarios, models, and underlying parameters and assumptions used in evaluating liquidity needs and resources, and considering modifications to ensure they are appropriate for determining ICE Clear Europe's identified liquidity needs and resources in light of current and evolving market conditions because they would require that TBS, Clearing Risk, and Risk Oversight departments meet monthly to analyze and discuss whether to include any new or emerging risks in the stress tests; the adequacy, assumptions, and parameters of LST scenarios; the adequacy of stress test inputs; and acceptance of current LST scenario calibrations. Similarly, because they would require that in stressed market conditions, the TBS, Clearing Risk and Risk Oversight departments meet more frequently than monthly to ensure LSTs and stress scenarios are fit for purpose, the Commission believes the Liquidity Management Procedures would help to ensure that ICE Clear Europe conducts a comprehensive analysis of the scenarios, models, and underlying parameters and assumptions used in evaluating liquidity needs and resources more frequently than monthly when the products cleared or markets served display high volatility or become less liquid, when the size or concentration of positions held by ICE Clear Europe's CMs increases significantly, or in other appropriate circumstances described in such policies and procedures. Finally, the Commission believes the Liquidity Management Procedures would help to ensure that ICE Clear Europe reports the results of these analyses to appropriate decision makers at ICE Clear Europe because they require that the analysis of LSTs be periodically reported to a Board-level committee.

For these reasons, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(7)(vi).[24]

iv. Rule 17Ad–22(e)(7)(ix)

Rule 17Ad–22(e)(7)(ix) requires that ICE Clear Europe establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by ICE Clear Europe, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum, describing ICE Clear Europe's process to replenish any liquid resources that ICE Clear Europe may employ during a stress event.[25]

As described above, the Treasury and Banking Services Policy would identify two sources of liquidity risk and shortfall: CM default and technical issue at a financial service provider. The Liquidity Management Procedures would further explain how ICE Clear Europe would replenish liquidity in both scenarios. Thus, the Commission believes that the Treasury and Banking Services Policy and Liquidity Management Procedures would help to ensure that ICE Clear Europe's process to replenish any liquid resources that ICE Clear Europe may use during a stress event is documented and therefore able to be employed by ICE Clear Europe during a stress event.

For these reasons, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(7)(ix).[26]

[22] 17Ad–22(e)(7)(i).

[23] 17 CFR 240.17Ad–22(e)(7)(vi).

[24] 17Ad–22(e)(7)(vi).

[25] 17 CFR 240.17Ad–22(e)(7)(ix).

[26] 17 CFR 240.17Ad–22(e)(7)(ix).

E. Consistency With Rule 17Ad–22(e)(16)

Rule 17Ad–22(e)(16) requires that ICE Clear Europe establish, implement, maintain, and enforce written policies and procedures reasonably designed to safeguard ICE Clear Europe's own and its participants' assets, minimize the risk of loss and delay in access to these assets, and invest such assets in instruments with minimal credit, market, and liquidity risks. The Commission believes the Investment Management Policy, in establishing a reasonable and conservative investment objective and establishing overall concentration limits, would help ensure that ICE Clear Europe safeguards its own and its participants' assets and minimize the risk of loss or delay of such assets. Similarly, in defining the criteria for authorized investments in times of normal supply, defining additional requirements for reverse repos, and explaining the steps ICE Clear Europe would take in times of insufficient market supply of acceptable investments, the Commission believes that the Investment Management Policy would help ensure that ICE Clear Europe invests such assets in instruments with minimal credit, market, and liquidity risks.

For these reasons, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(16).[27]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Partial Amendment No. 1 and Partial Amendment No. 2, 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–ICEEU–2019–012 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street N.E., Washington, DC 20549.

All submissions should refer to File Number SR–ICEEU–2019–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe website at *https://www.theice.com/clear-europe/regulation.* 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–ICEEU–2019–012 and should be submitted on or before October 3, 2019.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Partial Amendment No. 1 and Partial Amendment No. 2

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[28] to approve the proposed rule change prior to the 30th day after the date of publication of Partial Amendment No. 2 in the **Federal Register**. As discussed above, Partial Amendment No. 1 corrects an error in the confidential Exhibit 5–4. By correcting the error, Partial Amendment No. 1 provides for a more clear and comprehensive understanding of the estimated impact of the proposed rule change, which helps to improve the Commission's review of the proposed rule change for consistency with the Act.

Moreover, as discussed above, Partial Amendment No. 2 would provide additional details regarding the governance of the approval and review of the Treasury and Banking Services Policy, Liquidity Management Procedures, Investment Management Procedures, and Unsecured Credit Limits Procedures and amend the governance sections of each of those documents to be consistent with the information provided in confidential exhibits. The Commission believes that in doing so, Partial Amendment No. 2 provides important information and clarity that enables the Commission's review of the proposed rule change for consistency with the Act. Moreover, Partial Amendment No. 2 amends the Liquidity Management Procedures to remove references to reverse repos, which ICEEU no longer considers as liquid resources, and to specify that ICE Clear Europe personnel meet monthly to, among other things, analyze and discuss the assumptions and parameters of liquidity stress test scenarios. The Commission believes that, in doing so, Partial Amendment No. 2 enables the Commission's review of the proposed rule change for consistency with the Act by ensuring that the Liquidity Management Procedures accurately reflect ICE Clear Europe's current practices.

For the reasons discussed above, the Commission finds that the proposed rule change, as modified by Partial Amendment No. 1 and Partial Amendment No. 2, are consistent with the Act and the applicable rules thereunder. Accordingly, the Commission finds good cause for approving the proposed rule change, as modified by Partial Amendment No. 1 and Partial Amendment No. 2, on an accelerated basis, pursuant to Section 19(b)(2) of the Exchange Act.[29]

VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change, as modified by Partial Amendment No. 1 and Partial Amendment No. 2, is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[30] and Rules 17Ad–22(e)(2), (e)(3), (e)(7)(i), (e)(7)(ii), (e)(7)(iv), (e)(7)(v), (e)(7)(vi), (e)(7)(ix), and (e)(16) thereunder.[31]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[32] that the proposed rule change, as modified by Partial Amendment No. 1 and Partial Amendment No. 2 (SR–ICEEU–2019–

[27] 17 CFR 240.17Ad–22(e)(16).

[28] 15 U.S.C. 78s(b)(2).

[29] 15 U.S.C. 78s(b)(2).

[30] 15 U.S.C. 78q–1(b)(3)(F).

[31] 17 CFR 240.17Ad–22(e)(2), (e)(3), (e)(7)(i), (e)(7)(ii), (e)(7)(iv), (e)(7)(v), (e)(7)(vi), (e)(7)(ix), and (e)(16).

[32] 15 U.S.C. 78s(b)(2).

012), be, and hereby is, approved on an accelerated basis.[33]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–19703 Filed 9–11–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86892; File No. SR–CBOE–2019–054]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Dissemination of End-of-Day Indicative Values Via the Options Price Reporting Authority

September 6, 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 August 29, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes that the dissemination of end-of-day indicative values via the Options Price Reporting Authority (''OPRA'') will not be discontinued pursuant to SR–CBOE–2019–046.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 12, 2019, the Exchange filed a rule filing, SR–CBOE–2019–046, which, amended Exchange Rules in connection with end-of-month (''EOM'') and end-of-day (''EOD'') indicative values.[5] Pursuant to SR–CBOE–2019–046, which will be effective on October 7, 2019, the Exchange stated that it would discontinue the dissemination of indicative values via OPRA. In addition to this, the proposed change under SR–CBOE–2019–046 provides that the Exchange will make indicative values publicly available, *e.g.,* on its website. The Exchange, however, has determined that it will continue the dissemination of indicative values via OPRA while also making such values publicly available. The Exchange notes that this will not impact the manner in which the EOD indicative values rule will function pursuant to SR–CBOE–2019–046, nor alter the free access market participants will have to the indicative values made publicly available pursuant to the proposed rule. This update is merely intended to continue to allow the dissemination of indicative values via OPRA in the same manner they are currently disseminated and made available to current OPRA subscribers. The indicative values disseminated via OPRA will continue to be clearly marked with an ''I'' indicator to distinguish them as indicative values, and not a quote or last sale. In order to coincide with the effective date of SR–CBOE–2019 and the migration of the Exchange's trading platform to the same system used by the Cboe Affiliated Exchanges,[6] the Exchange also intends to implement this proposed rule change on October 7, 2019.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule change is merely continuing the dissemination of indicative values via OPRA, without altering the proposed rule under SR–CBOE–2019–046 that the indicative values data will also be made publicly available, *e.g.,* on the Exchange's website. This will proposed amendment will not impact the manner in which the proposed rule pursuant to SR–CBOE–2019–046 will function nor the public access that market participants will have to indicative values, but will merely allow indicative values to continue to be disseminated via OPRA, a process which market participants are already familiar with and for which many already subscribe. Thus, continuing the dissemination of indicative values via OPRA with not impact market participants as it will continue to allow OPRA to disseminate

[33] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[34] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* SR–CBOE–2019–046 (August 12, 2019).

[6] In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) (''Cboe Global''), which is also the parent company of Cboe C2 Exchange, Inc. (''C2''), acquired Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX'' or ''EDGX Options''), Cboe BZX Exchange, Inc. (''BZX'' or ''BZX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with Cboe Options, C2, EDGX, EDGA, and BZX, the ''Cboe Affiliated Exchanges'').

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

indicative values to market participants that already subscribe to their data or wish to subscribe. Moreover, the indicative values disseminated via OPRA will continue to be clearly marked with an ''I'' indicator to distinguish them as indicative values, and not a quote or last sale, thereby protecting investors. As a result of the above, the proposed amendment serves to protect investors by fostering coordination with persons engaged in the processing of information with respect to securities and removing impediments to and perfecting the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendment to continue the dissemination of indicative values via OPRA, rather than discontinue them under SR–CBOE–2019–046 (effective October 7, 2019), is merely allowing a dissemination process currently in place to continue, thus allowing for market participants who currently subscribe to OPRA data to continue to receive such values through OPRA after October 7, 2019. As this is a process currently in place, the Exchange believes this proposed filing to allow for its continuation will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [10] of the Act and Rule 19b–4(f)(6) [11] thereunder. Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) 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 shall institute proceedings under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2019–054 on the subject line.

Paper Comments

- Send paper comments in triplicate to the Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–054. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–054 and should be submitted on or before October 3, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–19706 Filed 9–11–19; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; System of Records; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Notice of a New System of Records; correction.

SUMMARY: The U. S. Small Business Administration published a document in the **Federal Register** of September 5th, 2019, regarding Notice of a New System of Records, Small Business Investment Company Information System (SBICIS), SORN #40. The document contained an incorrect effective date.

FOR FURTHER INFORMATION CONTACT: David Trzcinski, Branch Chief, Security Policy & Compliance, 202–205–6372, *David.Trzcinski@sba.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of September 5, 2019, in FR Doc. 2019–19153, on page 46769, in the second column, correct the **DATES** caption to read:

DATES: This action will be effective without further notice on October 7th, 2019 unless comments are received that would result in a contrary determination.

Dated: September 6, 2019.

Jason Lima,

Senior Records Manager, Records Management Division.

[FR Doc. 2019–19736 Filed 9–11–19; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; System of Records

AGENCY: U.S. Small Business Administration.

ACTION: Notice of a Modified System of Records.

SUMMARY: The U.S. Small Business Administration (SBA) proposes to update a system of records titled, Veteran Programs Training and Counseling Records (SBA 39), to its inventory of records systems subject to the Privacy Act of 1974, as amended. Publication of this notice complies with the Privacy Act and the Office of Management and Budget (OMB) Circular A–130 requirement for agencies to publish a notice in the **Federal Register** whenever the agency establishes a new system of records. The SBA's Office of Veterans Business Development (OVBD) manages grant programs related to the counseling and training services for veterans. The OVBD maintains a System of Records including include registration forms, participant/client surveys, interviews, resource partner surveys, which includes personal information such as name, gender, race, ethnicity, service, and pay grade, which are used to analyze the population of veterans who are seeking training.

DATES: Submit comments on or before October 15, 2019. This revised system will be effective upon publication.

FOR FURTHER INFORMATION CONTACT: Martin Williams, Veterans Affairs Specialist, 409 3rd Street SW, Suite 5700, Washington, DC 20416.

ADDRESSES: Submit written comments to Martin Williams, Veterans Affairs Specialist, 409 3rd Street SW, Suite 5700, Washington, DC, 20416.

SUPPLEMENTARY INFORMATION: A system of records is a group of any records under the control of a Federal agency from which information is retrieved by the name of an individual or by a number, symbol or other identifier assigned to the individual. The Privacy Act, 5 U.S.C. 552a, requires each Federal agency to publish in the **Federal Register** a system of records notice (SORN) identifying and describing each system of records the agency maintains, the purposes for which the agency uses the personally identifiable information (PII) in the system, the routine uses for which the agency discloses such information outside the agency, and how individuals can exercise their rights related to their PII information. The SBA's Office of Veterans Business Development (OVBD) manages grant programs related to the counseling and training services for veterans, National Guard & Reserve members, transitioning service members, military spouses and their dependents. These services include the Boots to Business & Boots to Business Reboot Programs, Veterans Business Outreach Center Program, Women Veteran Entrepreneurship Program, Service-Disabled Veteran Entrepreneurship Training Program and the Veteran Federal Procurement Entrepreneurship Training Program. VBOCs, and other OVBD grantees, implement SBA's Veterans programs and initiatives as authorized by section 32 of the Small Business Act (15 U.S.C. 657b). In order to measure program performance, implement standardized outreach efforts and register participants for training/counseling, information is collected through various methods. These methods include registration forms, participant/client surveys, interviews, resource partner surveys, and data obtained through data sharing agreements with other Federal agencies. Collected information is used to analyze the population of veterans who are seeking entrepreneurial training, identify trends among participants, facilitate communication between the Office of Veterans Business Development and training/counseling participants, and to evaluate the performance of the OVBD programs.

SYSTEM NAME AND NUMBER:

Veteran Programs Training and Counseling Records (SBA 39).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

SBA Headquarters, 409 3rd Street, SW, Washington, DC, 20416.

SYSTEM MANAGER(S):

Martin Williams, Veterans Affairs Specialist, 409 3rd Street SW, Suite 5700, Washington, DC 20416, 202–205–6157.

* * * * *

RECORD SOURCE CATEGORIES:

Information contained within this system is obtained from:

1. Individuals covered by this system of records (*e.g.,* transitioning service member, veterans, dependents)

2. SBA Resource Partners

3. The Defense Enrollment Eligibility Reporting System (DEERS)

4. The Defense Manpower Data Center (DMDC)

* * * * *

HISTORY:

Veteran Programs Training and Counseling Records, published October 27, 2015 at 80 FR 65,843 (*https://www.govinfo.gov/content/pkg/FR-2015-10-27/pdf/2015-27257.pdf*).

Dated: September 6, 2019.

Martin Williams,

Veterans Affairs Specialist, Office of Veterans Business Development.

[FR Doc. 2019–19686 Filed 9–11–19; 8:45 am]

BILLING CODE 8026–03–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2019–0039]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes one new collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2019–0039].

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than November 12, 2019. Individuals can obtain copies of the collection instruments by writing to the above email address.

The Strengthening Protections for Social Security Beneficiaries Act of 2018, Section 103(b) Questionnaire—0960–NEW.

Background

SSA pays monthly benefits to members of the public who qualify under the Old Age, Survivors, and Disability Insurance (OASDI) program and who are eligible for the Supplemental Security Income (SSI) program. Some claimants who qualify for monthly payments under these programs are unable to manage their benefit payments. When SSA determines program participants incapable of managing or directing the management of their benefits, SSA sends the payments to a representative payee on the beneficiary's behalf. The representative payee is a person or organization designated by SSA to manage OASDI or SSI payments to meet the individual's basic needs, such as food, clothing, and shelter.

Explanation of Proposed Information Collection Tool

To help ensure that appointed representatives are acting in the best interests of the claimants whom they represent, Section 103(b) of the *Strengthening Protections for Social Security Beneficiaries Act (SPSSBA), Public Law 115–165,* requires SSA to assess the administrative feasibility of improving information sharing with State agencies that provide Adult Protective Services about claimants with representative payees. Specifically, Section 103(b) of the SPSSBA asks us to evaluate the following:

- The assessment of an individual's need for a representative payee in connection with benefits to which the individual is entitled under Title II or Title XVI of the Social Security Act; and
- Oversight of the individuals and organizations who are serving as representative payees.

To conduct this evaluation, SSA created the Strengthening Protections for Social Security Beneficiaries Act of 2018, Section 103(b) Questionnaire. The Questionnaire will assess the representative payee data available from each State and determine if the State is willing to share the data it collects. We will email this one-time questionnaire to State agencies or non-governmental entities that provide Adult Protective Services, and will let them know that participation in the questionnaire is voluntary. We estimate we will receive one response per respondent, with one respondent per agency completing the questionnaire on the agency's behalf. Our goal is to complete this study by June 30, 2022, so we can submit the required report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate in accordance with the SPSSBA's mandates. The Respondents are State agencies and non-governmental entities that provide Adult Protective Services to disability claimants under our OASDI and SSI programs.

Type of Request: This is a new information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average hourly wage (dollars) *	Total annual opportunity cost (dollars) **
Emailed Questionnaire	57	1	12	11	$12.15	$133.65

* We based this figure on average State Governmental Information Clerks hourly salary, as reported by Bureau of Labor Statistics data.

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. There is no actual charge to respondents to complete the questionnaire.

Date: September 9, 2019.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2019–19678 Filed 9–11–19; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2019–0037]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes one new collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2019–0037].

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than November 12, 2019. Individuals can obtain copies of the collection instruments by writing to the above email address.

Ohio Direct Referral Demonstration (ODRD)—0960–NEW

Background

SSA is requesting clearance to collect data necessary to conduct a random assignment evaluation of volunteers in Ohio who enroll in Ohio Direct Referral Demonstration (ODRD). SSA and Opportunities for Ohioan's with Disabilities (OOD) will conduct the ODRD to test the effectiveness of providing direct referrals to vocational rehabilitation services for 18 and 19 year-olds who are, or may become, Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) recipients. The participants in the demonstration will be individuals ages 18 and 19 at the time of enrollment, who are either (1) applying for SSDI or SSI or (2) undergoing an age-18 redetermination of SSI eligibility. The ODRD is a joint effort by SSA and

OOD's Division of Disability Determination (DDD), and Ohio's Bureau of Vocational Rehabilitation (BVR). ODRD builds off other work by SSA exploring ways to improve the adult employment outcomes and financial independence for SSI recipients and SSI and SSDI applicants who are in the process of transitioning to adulthood. ODRD tests the effects of a direct referral to vocational rehabilitation services for individuals aged 18 or 19 who are in the process of applying for, or undergoing an evaluation to, retain SSDI benefits or SSI payments. We will use the data collected to answer the following questions:

- What effect did the intervention have on receipt of Ohio's BVR services?
- What effect did the intervention have on employment outcomes, such as job placement and earnings?
- What is the length of time from application to eligibility decision?
- What general vocational rehabilitation outcomes did participants achieve?
- What was the number of closed cases resulting in employment and what was the number of cases closed for other reasons?

Ohio Direct Referral Demonstration (ODRD) Project

Currently, SSA is seeking OMB clearance for the data collection related to enrollment and evaluation of the ODRD. Using SSA claims records, which DDD will access to perform disability determinations for SSA, DDD will attempt to recruit at least 750 participants.

As required under SSA's demonstration authority, DDD will obtain signed, informed consent from individuals who want to participate in the demonstration. Recruitment for the ODRD will require two forms: (1) A new Invitation to Participate and Consent form, and (2) Form SSA–3288, Consent for Release of Information (OMB #0960 0566). ODD will send the new Invitation to Participate and Consent form to young adult disability recipients, whose claim we sent to the DDD for a continuing disability review, and applicants to see if they are interested in participating in the demonstration. The ODRD Invitation to Participate and Consent forms will meet the informed consent requirements in the Social Security Act (Act) and SSA regulations. Specifically, they include language explaining the study as well as potential benefits and harms. SSA will use administrative records systems and BVR data to evaluate the effect of the demonstration.

This is a onetime collection of information, and there are no surveys or additional data collections for the ODRD. This collection is voluntary, and participation in this demonstration will have no impact on respondents' disability determination, benefits, or SSI payments. In addition, participation in the ODRD is revocable at any time. SSA and OOD will remove participants who revoke consent from the demonstration. Upon notification of revocation of participation, SSA and OOD will no longer use, transmit, or request information about the participant who revoked participation in any ODRD data exchange or analysis. Participation in the ODRD will have no effect on DDD's usual process for deciding eligibility for SSI payments or SSDI benefits.

The respondents are individuals aged 18 or 19 who are in the process of applying for, or undergoing an evaluation, to obtain or retain SSDI benefits or SSI payments.

Type of Request: This is a new information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Invitation to Participate and Consent Form	750	1	6	75

Dated: September 6, 2019.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2019–19696 Filed 9–11–19; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 10876]

Notice of Department of State Sanctions Actions Pursuant to Executive Order 13846 of August 6, 2018; Correction

AGENCY: Department of State

ACTION: Notice; correction.

SUMMARY: The Department of State published a document in the **Federal Register** of August 15, 2019, concerning ''Notice of Department of State Sanctions Actions Pursuant to Executive Order 13846 of August 6, 2018''. The document contained an incorrect sanctions effective date. The imposed sanctions were effective on the date of the Secretary of State's announcement, which was July 22, 2019.

FOR FURTHER INFORMATION CONTACT: Ernesto Rivera, 202–485–2166.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 15, 2019, in FR Doc. 2019–17538, on page 41802, in the third column, correct the **DATES** caption to read:

DATES: The Secretary of State's determination that Zhuhai Zhenrong has knowingly, on or after November 5, 2018, engaged in a significant transaction for the purchase, acquisition, sale, transport, or marketing of petroleum or petroleum products from Iran, and the Secretary of State's selection of certain sanctions to be imposed upon Zhuhai Zhenrong and Youmin Li, are effective on July 22, 2019.

Zachary A. Parker,

Acting Director, Office of Directives Management, Bureau of Administration.

[FR Doc. 2019–19709 Filed 9–11–19; 8:45 am]

BILLING CODE 4710–24–P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent To Seek Extension of Approval: Class I Railroad Annual Report

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for an extension of the collection of Class I Railroad Annual Reports, described below.

DATES: Comments on this information collection should be submitted by November 12, 2019.

ADDRESSES: Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to *PRA@stb.gov*. When submitting comments, please refer to ''Paperwork Reduction Act Comments, Class I Railroad Annual Report.'' For further information regarding this collection, contact Pedro Ramirez at (202) 245–0333 or *pedro.ramirez@stb.gov*. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection:

Title: Class I Railroad Annual Report.

OMB Control Number: 2140–0009.

Form Number: R–1.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: No more than 250 hours. This estimate includes time spent reviewing instructions; searching existing data sources; gathering and maintaining the data needed; completing and reviewing the collection of information; and converting the data from the carrier's individual accounting system to the Board's Uniform System of Accounts, which ensures that the information will be presented in a consistent format across all reporting railroads. In prior years, the estimate was higher, but many of these functions have become automated and more routine through the respondents' software programming. Thus, the time per response has been reduced, with additional technological efficiencies anticipated in the future.

Frequency of Response: Annual.

Total Annual Hour Burden: No more than 1,750 hours annually.

Total Annual ''*Non-Hour Burden*'' *Cost:* No ''non-hour cost'' burdens associated with this collection have been identified. The information is submitted electronically.

Needs and Uses: Annual reports are required to be filed by Class I railroads under 49 U.S.C. 11145. The reports show operating expenses and operating statistics of the carriers. Operating expenses include costs for right-of-way and structures, equipment, train and yard operations, and general and administrative expenses. Operating statistics include such items as car-miles, revenue-ton-miles, and gross ton-miles. These reports are used by the Board, other Federal agencies, and industry groups to monitor and assess railroad industry growth, financial stability, traffic, and operations, and to identify industry changes that may affect national transportation policy. Information from these reports is also entered into the Uniform Railroad Costing System (URCS), which is the Board's general purpose costing methodology. URCS, which was developed by the Board pursuant to 49 U.S.C. 11161, is used as a tool in rail rate proceedings (in accordance with 49 U.S.C. 10707(d)) to calculate the variable costs associated with providing a particular service. The Board also uses information from this collection to more effectively carry out other regulatory responsibilities, including: Acting on railroad requests for authority to engage in Board-regulated financial transactions such as mergers, acquisitions of control, and consolidations, *see* 49 U.S.C. 11323–24; analyzing the information that the Board obtains through the annual railroad industry waybill sample, *see* 49 CFR 1244; measuring off-branch costs in railroad abandonment proceedings, in accordance with 49 CFR 1152.32(n); developing the ''rail cost adjustment factors,'' in accordance with 49 U.S.C. 10708; and conducting investigations and rulemakings.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Information from certain schedules contained in these reports is compiled and published on the Board's website, *http://www.stb.gov*. Information in these reports is not available from any other source.

Dated: September 9, 2019.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–19777 Filed 9–11–19; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Petition for Exemption; Summary of Petition Received: Wing Aviation, LLC; Correction

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

ACTION: Notice; correction.

SUMMARY: On September 5, 2019, the FAA published a notice in the **Federal Register** containing a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. 84 FR 46774. This notice corrects the sections of the Code of Federal Regulations from which the petitioner seeks relief.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 20, 2019.

ADDRESSES: Send comments identified by docket number FAA–2018–0835 using any of the following methods:

- *Federal eRulemaking 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: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as

described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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 the 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: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition. This notice corrects the sections of the Code of Federal Regulations from which the petitioner seeks relief.

Issued in Washington, DC, on September 9, 2019.

James M. Crotty,

Acting Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0835

Petitioner: Wing Aviation, LLC

Sections of 14 CFR Affected: §§ 135.109(b); 135.243(b)(1); 135.337(b)(5) and (e); 135.338(b)(5); 135.339(e)(3) and (4); 135.340(e)(3) and (4); and 135.341(b)(2), (3), and (4).

Description of Relief Sought: Wing Aviation, LLC seeks an amendment to its existing exemption to allow it to conduct part 135 air carrier operations using small unmanned aircraft systems. This amendment would enable Wing to train its personnel-pilots in command, visual observers, and nest managers.

[FR Doc. 2019–19783 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Van Wyck Expressway Capacity and Access Improvements to JFK Airport Project, Queens County, New York

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other federal agencies.

SUMMARY: This notice announces action taken by FHWA and other Federal agencies that are final. The actions relate to the Van Wyck Expressway Capacity and Access Improvements to John F. Kennedy (JFK) Airport Project located in Queens County, New York.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before FEBRUARY 10, 2020. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Richard J. Marquis, Division Administrator, Federal Highway Administration, Leo W. O'Brien Federal Building, Room 719, 11A Clinton Avenue, Albany, New York 12207, Telephone (518) 431–4127.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of New York: Van Wyck Expressway Capacity and Access Improvements to JFK Airport Project, Queens County, New York (''the Project''). The purpose of the Project is to provide increased capacity on the Van Wyck Expressway (VWE) between the Kew Gardens Interchange (KGI) and JFK Airport to improve vehicular access to and from JFK Airport. In addition, the Project will address operational, geometric, and structural deficiencies on the VWE between the KGI and JFK Airport.

The following objectives have been established to further refine the Project purpose:

- Provide an additional vehicular travel lane on the VWE in each direction between JFK Airport and the KGI.
- Address geometric and operational deficiencies of the VWE exit/entrance ramps within the identified project limits.
- Address structural deficiencies on the bridges on or crossing over the VWE within the project limits.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the FHWA Final Environmental Impact Statement (FEIS) for the project, approved by FHWA in the Record of Decision (ROD) issued on August 14, 2019, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record files are available by contacting FHWA at the address provided above. The FEIS and ROD can also be viewed and downloaded from the project website at: *https://www.dot.ny.gov/VWE.*

This notice applies to FHWA agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)] (Transportation Conformity).
3. Noise: Noise Control Act of 1972 [42 U.S.C. 4901 *et seq.*].
4. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
5. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712], Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].
6. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
7. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996].
8. Right of Way: Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 *et seq.*].
9. Wetlands and Water Resources: Coastal Zone Management Act, 16

U.S.C. 1451–1465; Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); 33 U.S.C. 401–406; Flood Disaster Protection Act, 42 U.S.C. 4001–4128; Clean Water Act (Section 404, Section 401, Section 402, Section 319) [33 U.S.C. 1251–1377].

10. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).

11. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: September 3, 2019.

Richard J. Marquis,

Division Administrator, Albany, New York.

[FR Doc. 2019–19780 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0041; Notice 1]

FCA US LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: FCA US LLC (f/k/a Chrysler Group LLC (''FCA US''), has determined that certain MY 2014–2019 Fiat 500 motor vehicles do not comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 138, *Tire Pressure Monitoring Systems.* FCA US filed a noncompliance report dated April 11, 2019 and subsequently petitioned NHTSA on May 3, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of FCA US's petition.

DATES: Send comments on or before October 15, 2019.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, a notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: FCA US has determined that certain MY 2014–2019 Fiat 500 motor vehicles do not comply with paragraph S4.2(a) of FMVSS No. 138, *Tire Pressure Monitoring Systems* (49 CFR 571.138). FCA US filed a noncompliance report dated April 11, 2019, pursuant to 49 CFR 573, *Defect and Noncompliance Responsibility and Reports,* and subsequently petitioned NHTSA on May 3, 2019, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 40 U.S.C. 30118 and 49 U.S.C. 30120, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of FCA US's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 12,675 MY 2014–2019 Fiat 500 motor vehicles, manufactured between July 27, 2013, and February 9, 2019, are potentially involved.

III. Noncompliance: FCA US explains that the noncompliance is that the subject vehicles are equipped with incorrectly programmed tire pressure monitor system (TPMS) sensors that do not meet the minimum activation pressure requirements of paragraph S4.2(a) of FMVSS No. 138. Specifically, the TPMS sensors may not illuminate the low tire pressure warning telltale until the inflation pressure is one to two pounds per square inch (PSI) below the minimum allowable activation pressure.

IV. Rule Requirements: Paragraph S4.2(a) of FMVSS No. 138 provides the requirements relevant to this petition. The TPMS must illuminate a low tire pressure warning telltale not more than 20 minutes after the inflation pressure

in one or more of the vehicle's tires, up to a total of four tires, is equal to or less than either the pressure 25 percent below the vehicle manufacturer's recommended cold inflation pressure, or the pressure specified in the 3rd column of Table 1 of FMVSS No. 138 for the corresponding sort of tire, whichever is higher.

V. Summary of Petition: FCA US described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, FCA US submitted the following reasoning:

1. The affected Fiat 500 vehicles meet FMVSS No. 110. The vehicle maximum load on the tire is not to be greater than the applicable maximum load rating as marked on the sidewall of the tire.

2. The affected Fiat 500 vehicles are equipped with tires that meet FMVSS No. 139:

a. Tire manufacturers are required to certify the tires meet all applicable requirements of FMVSS No. 139.

b. FMVSS No. 139 specifies a low inflation pressure performance test in which the tire is loaded to its maximum tire load capacity and inflated to only 140 kPa (20 PSI), significantly less than the TPMS telltale activation pressure for the subject Fiat 500 vehicles. In order to pass this test, the tires are loaded to 100% of the tire's maximum load carrying capacity and then run on a test axle for 1.5 hours at 20 PSI.

3. Although the TPMS warning telltale may not illuminate until the tire pressure drops to the point where a noncompliance exists (28–27 PSI) on the affected Fiat 500 vehicles, which is significantly above the 20 PSI requirement called and tested to in FMVSS No. 139, FCA US believes that the warning provided will give drivers sufficient time to check and inflate tires well before the tires would be susceptible to appreciable damage and that the described noncompliance is inconsequential to motor vehicle safety.

4. FCA US is not aware of any crashes, injuries, or customer complaints associated with the condition.

5. FCA US says that NHTSA has previously granted inconsequential treatment for a similar FMVSS No. 138 noncompliance to the American Honda Motor Company (77 FR 43145, July 23, 2012).

6. FCA US believes that the foregoing information establishes that the noncompliance is inconsequential to safety and that the operator can safely use their vehicle in the noncompliant condition.

7. Tire pressure sensor values in unsold vehicles are being updated to reflect the correct pressure values.

FCA US concluded that the subject noncompliance is inconsequential as it relates to motor vehicle safety and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

The FCA US complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* and following the online search instructions to locate the docket number listed in the title of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that FCA US no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after FCA US notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2019–19723 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0049; Notice 1]

FCA US, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: FCA US, LLC, (f/k/a Chrysler Group LLC) ''FCA US'' has determined that certain model year (MY) 2018 Jeep Wrangler motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Material.* FCA US filed a noncompliance report dated April 25, 2019. FCA also petitioned NHTSA on May 15, 2019, and later submitted a supplemental petition on May 31, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of FCA US's petition.

DATES: The closing date for comments on the petition is October 15, 2019.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket number and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and

will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: FCA US has determined that certain MY 2018 Jeep Wrangler motor vehicles do not fully comply with paragraph S5.1.1 of FMVSS No. 205, *Glazing Materials* (49 CFR 571.205). FCA US filed a noncompliance report dated April 25, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* FCA also petitioned NHTSA on May 15, 2019, and later submitted a supplemental petition on May 31, 2019, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt, of FCA US's petition, is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercises of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 1,804 MY 2018 Jeep Wrangler motor vehicles, manufactured between October 13, 2018, and October 19, 2018, are potentially involved.

III. Noncompliance: FCA US explains that the noncompliance is that the liftgate privacy glass in the subject vehicles does not fully comply with paragraph S5.1.1 of FMVSS No. 205. Specifically, the liftgate glass in the subject vehicles contains the AS2 solar glazing marking when they should have been marked with the AS3 privacy glazing marking.

IV. Rule Requirements: Paragraph S5.1.1 of FMVSS No. 205 includes the requirements relevant to this petition. Except as otherwise specifically provided by FMVSS No. 205, glazing for use in multipurpose passenger vehicles shall conform to the requirements for glazing for use in trucks as specified in ANSI/SAE Z26.1–1996 (incorporated by reference, *See* § 571.5).

V. Summary of FCA US' Petition:

FCA US described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, FCA US submitted the following reasoning:

1. NHTSA recently described the glazing materials certification and marking requirements as follows: ''A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1–1996''. American National Standard Institute (''ANSI'') standard ANSI/SAE Z26.1–1996 requires privacy glass to meet AS3 requirements for light transmissibility and requires labeling the glass with an AS3 marking.

2. FCA US states that the liftgate glass glazing of the affected vehicles otherwise meets all marking and performance requirements of FMVSS No. 205 and ANSI/SAE Z26.1–1996. Since all transparent sections of the affected glazing fully meet all the applicable performance requirements, FCA US does not believe that the incorrect AS2 marking impacts the ability of the glazing to satisfy the stated purpose or affect the performance of the glazing intended by FMVSS No. 205.

3. FCA US stated that the subject glazing meets all applicable performance requirements of FMVSS No. 205. FCA US stated their belief that there is no safety performance implication associated with this technical noncompliance.

4. In addition to meeting all the component level performance requirements of FMVSS No. 205, the subject glazing also fully meets the vehicle level installation requirements specified by FMVSS No. 205. The subject glazing at 22% transmissibility is permitted in the rear window location on the affected Jeep Wrangler vehicles.

5. The actual transmissibility of the subject glass glazing (approximately 22%) is consistent with all the other glazing rearward of the driver (*i.e.,* left and right-side windows, and the left and right rear quarter window glazing) on the affected Jeep Wrangler vehicles. Accordingly, there is no reason for the customer, state inspection authorities, service personnel, or anyone else to focus on or detect any distinction involving the subject liftgate glass.

6. In the extremely unlikely event that a glazing corresponding to the incorrect markings (*i.e.,* solar glazing with 70% transmittance) was installed on an affected vehicle, this would also be fully compliant to all the requirements of FMVSS No. 205, including component level and vehicle level marking requirements of the standard.

7. FCA US is not aware of any crashes, injuries, or customer complaints associated with the condition.

8. NHTSA has previously granted inconsequential treatment for FMVSS No. 205 glazing material marking noncompliances. Examples of the Agency granting similar inconsequentiality petitions for incorrect markings related to glazing include:

- Supreme Corporation, NHTSA–2015–0126; N2, October 21, 2016
- Mitsubishi Motors North America, Inc., NHTSA–2015–0066; N2, August 22, 2015
- Ford Motor Company, NHTSA–2014–0054; N2, March 2, 2015
- Custom Glass Solutions Upper Sandusky Corp., NHTSA–2013–0124; N2, January 23, 2015
- General Motors, LLC, NHTSA–2013–0039; N2, April 28, 2015
- Fiji Heavy Industries U.S.A. Inc., NHTSA–2013–0017; N2, September 25, 2013
- Ford Motor Company, NHTSA–2010–0060; N2, May 30, 2013
- Pilkington North America, Inc., NHTSA–2009–0092; N2, April 17, 2013
- Pilkington Glass of Canada LTD., NHTSA–2006–24707; N2, July 11, 2006
- General Motors, NHTSA–2005–21675; N2, August 25, 2005
- Freightliner LLC, NHTSA–2002–15644; N2, November 24, 2003
- Toyota Motors North America Inc, NHTSA–2002–12367; N2, March 4, 2003
- Guardian Ind. Corp., NHTSA–2002–12319; N2, October 23, 2002
- Ford Motor Company, NHTSA–1999–5210; N2, December 15, 1999
- Western Star Trucks Inc, NHTSA–1998–3869; N2, December 1, 1998

FCA US concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that FCA US no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after FCA US notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2019–19724 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0015; Notice 1]

Arai Helmet, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Arai Helmet, Inc. (Arai), has determined that certain Arai Corsair X Mamola Edge motorcycle helmets, do not comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 218, *Motorcycle Helmets.* Arai filed a noncompliance report dated March 6, 2019, and later amended it on March 28, 2019. Arai subsequently petitioned NHTSA on March 28, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Arai's petition.

DATES: Send comments on or before October 15, 2019.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. *Overview:* Arai has determined that certain Arai Corsair X Mamola Edge helmets, size small, do not comply with paragraph S5.6.1(b) of FMVSS No. 218, *Motorcycle Helmets* (49 CFR 571.218). Arai filed a noncompliance report dated March 6, 2019, and later amended it on March 28, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports,* and subsequently petitioned NHTSA on March 28, 2019, for an exemption from the notification and remedy requirement of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Arai's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Equipment Involved:* Approximately 24 Arai Corsair X Mamola Edge helmets, size small, manufactured between June 29, 2018, and January 31, 2019, are potentially involved.

III. *Noncompliance:* Arai explains that the noncompliance is that the discrete size label may not be permanently attached as required by S5.6.1(b) of FMVSS No. 218.

IV. *Rule Requirements:* Paragraph S5.6.1(b) of FMVSS No. 218, provides the requirements relevant to this petition. Each helmet must be labeled permanently and legibly, in a manner such that the label can be read easily without removing padding or any other permanent part, with ''discrete size.''

V. *Summary of Petition:* Arai described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Arai submitted the following reasoning:

1. Arai states that the subject motorcycle helmets comply with all the performance requirements under FMVSS No. 218 and all labeling requirements of FMVSS No. 218, except that the discrete size label does not appear to be permanent as required by paragraph S5.6.1(b). Arai cited FMVSS No. 218, which says the discrete size means ''a numerical value that corresponds to the diameter of an equivalent circle representing the helmet interior in inches (±0.25 inch) or

to the circumference of the equivalent circle in centimeters (±0.64 centimeters).''

2. Arai believes NHTSA's reasons for requiring the helmet's discrete size is primarily to determine the appropriate headform for conducting the performance testing of paragraph S6.1 of FMVSS No. 218. In promulgating the discrete size label, Arai cited the agency as saying that it added the discrete size requirement to the standard to ''eliminate enforcement problems.'' *See* 73 FR 57297, 57304 (October 2, 2008). Arai says that the agency had previously permitted generic head sizes on helmet labels, however, they lacked the precision the agency desired for enforcing the helmet standard, raising potential problems with the objective requirements of 49 U.S.C. 30111(a). Arai says that NHTSA explained its reasoning in the rulemaking for specifying the discrete size and cited the following:

a. The reason for this is to eliminate enforcement problems that arise when helmets are labeled only with a generic size specification (*e.g.* Small, Medium, or Large). Enforceability problems can arise because while S6.1 specifies which headform is used to test helmets with a particular ''designated discrete size or size range,'' a helmet's generic size may not correspond to the same size ranges that the agency uses to determine which headform to use for testing.

3. Arai stated that in the final rule, NHTSA further elaborated that defining the discrete size ''would have two benefits:''

a. First, it would provide certainty as to the headform on which the helmet would be tested by NHTSA, thereby, improving the enforceability of the standard. Second, it would provide more precise information to customers. Further that the requirement would in no way preclude manufacturers from specifying a generic size in addition to the discrete size on the size label.

4. Arai believes that the primary reason for requiring the discrete size is related to enforceability of the performance tests and that a label that is present on the helmet at the time of NHTSA's testing, but that may not be permanently attached to the helmet does not expose the user of the noncompliant helmet to a ''significantly greater risk'' than to a user of a compliant helmet.

5. Arai states that NHTSA tested Arai Helmet under FMVSS No. 218, and that the testing demonstrated that these helmets meet the performance standards. The discrete label helmet, tested by NHTSA, permitted the Agency to select the correct headform for the Arai Corsair-X, size small, helmet that was tested. According to Arai, the primary purpose of the discrete size label, specifically its enforceability of NHTSA's objective test standards, was met by the noncompliant helmet.

6. Arai believes that in the FMVSS No. 218 final rule, NHTSA explained that while the discrete label would provide ''more precise information to customers,'' NHTSA acknowledged that generic sizes could also be used on helmets. Arai believes this indicates that the value to customers of a ''more precise'' helmet size serves limited safety benefits. Arai says that NHTSA did not claim the discrete size served a safety purpose, but stated that ''discrete size labeling requirements will both improve customer information regarding the size of the helmet and avert potential enforceability problems.'' *See* 76 FR 28145.

7. Arai stated that the noncompliance arose from the permanency of the label, not the content and that the label would be present, at a minimum, to the first purchaser. Further, Arai states that another label showing the discrete size of the helmet is sewn into a tag in the headliner; moreover, the helmet's packaging provides the size information and secondhand purchasers could try on the helmet to determine whether it properly fits; accordingly, the consumer would have sizing information available to determine the correct helmet size for purchase.

8. Arai says that in a petition related to a noncompliance that resulted from a goggle strap potentially obscuring the DOT label of a motorcycle helmet, NHTSA agreed that the noncompliance was inconsequential to motor vehicle safety. *See* 79 FR 47720. Arai went on to write that NHTSA reasoned that ''the presence of the strap holder which obscures the DOT label does not affect the helmet's ability to protect the wearer in the event of a crash if that helmet meets or exceeds the performance requirements of FMVSS No. 218.'' Arai believes the same reasoning applies here as well.

9. Arai stated their belief that the helmets potential failure to permanently provide ''customer information'' does not pose a ''significantly greater risk'' to the user of a noncompliant helmet compared to the user of a compliant helmet. Arai says they are not aware of any warranty claims, field reports, customer complaints, legal claims, or any incidents or injuries related to the subject noncompliance.

Arai expressed the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject equipment that Arai no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant equipment under their control after Arai notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8.

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2019–19722 Filed 9–11–19; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Management of Federal Agency Disbursements

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Management of Federal Agency Disbursements.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information

to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Management of Federal Agency Disbursements.

OMB Number: 1530–0016.

Form Number: None.

Abstract: This regulation requires that most Federal payments be made by Electronic Funds Transfer (EFT); sets forth waiver requirements; and provides for a low-cost Treasury-designated account to individuals at a financial institution that offers such accounts.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households, Business or other for-profit institutions, Not-for-profit Institutions.

Estimated Number of Respondents: 1,300.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 325.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 4, 2019.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2019–19758 Filed 9–11–19; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Direct Deposit, Go Direct, and Direct Express Sign-Up Forms

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Direct Deposit, Go Direct, and Direct Express Sign-Up Forms.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Direct Deposit, Go Direct, and Direct Express Sign-Up Forms.

OMB Number: 1530–0006.

Form Number: SF–1199A, FS Form 1200 (English/Spanish), FS Form 1200VADE, FS Form 1201L, FS Form 1201S.

Abstract: This series of forms is used by recipients to authorize the deposit of Federal payments into their accounts at financial institutions. The information on the forms routes the direct deposit payment to the correct account at the financial institution.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households, Business or other Not-for Profit, Federal Government.

Estimated Number of Respondents: 406,175.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 67,786.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 4, 2019.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2019–19757 Filed 9–11–19; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Electronic Funds Transfer (EFT) Market Research Study

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Electronic Funds Transfer (EFT) Market Research Study.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Electronic Funds Transfer (EFT) Market Research Study.

OMB Number: 1530–0022.

Form Number: None.

Abstract: This is a generic clearance to conduct customer satisfaction surveys, focus groups, and interviews among recipients of federal benefit and vendor payments through EFT. The need for this market research continues to arise from a Congressional directive that accompanied legislation enacted in 1996, as part of the Debt Collection Improvement Act (Pub. L. 104–134), expanding the scope of check recipients required to use direct deposit to receive Federal benefit payments (see 31 U.S.C. 3332). Congress directed Treasury to ''study the socioeconomic and

demographic characteristics of those who currently do not have Direct Deposit and determine how best to increase usage among all groups.'' 142 Cong. Rec. H4090 (daily ed. April 25, 1996).

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households, Federal Government.

Estimated Number of Respondents: 19,500.

Estimated Time per Respondent: 16 minutes.

Estimated Total Annual Burden Hours: 5,200.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 9, 2019.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2019–19759 Filed 9–11–19; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing an update to the identifying information of five persons currently included on OFAC's list of Specially Designated Nationals and Blocked Persons.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action

On August 20, 2019, OFAC updated the SDN List for the following five persons, whose property and interests in property continue to be blocked under the Foreign Narcotics Kingpin Designation Act.

Individuals

1. BAYIK, Cemil; DOB 26 Feb 1955; alt. DOB 1951; alt. DOB 1954; POB Keban, Elazig, Turkey; alt. POB Hazar, Elazig, Turkey; citizen Turkey; Turkish Identificiation Number 23860719950 (Turkey) (individual) [SDNTK]
2. KALKAN, Duran (a.k.a. ERDEM, Selahattin); DOB 1954; alt. DOB 1958; POB Adana, Tufanbeyli, Turkey; alt. POB Derik, Turkey; citizen Turkey; Turkish Identificiation Number 18538165962 (Turkey) (individual) [SDNTK]
3. KARTAL, Remzi; DOB 5 May 1948; POB Van, Dibekozu, Turkey; citizen Turkey; Turkish Identificiation Number 10298480866 (Turkey) (individual) [SDNTK]
4. OK, Sabri; DOB 1958; POB Adiyaman, Turkey; citizen Turkey; Turkish Identificiation Number 15673320164 (Turkey) (individual) [SDNTK]
5. UZUN, Adem; DOB 7 Sep 1967; POB Kirsehir, Boztepe, Turkey; citizen Turkey; Turkish Identificiation Number 12203628318 (Turkey) (individual) [SDNTK]

The listings for these individuals now appear as follows:

1. BAYIK, Cemil; DOB 26 Feb 1955; alt. DOB 1951; alt. DOB 1954; POB Keban, Elazig, Turkey; alt. POB Hazar, Elazig, Turkey; citizen Turkey; Turkish Identification Number 23860719950 (Turkey) (individual) [SDNTK]
2. KALKAN, Duran (a.k.a. ERDEM, Selahattin); DOB 1954; alt. DOB 1958; POB Adana, Tufanbeyli, Turkey; alt. POB Derik, Turkey; citizen Turkey; Turkish Identification Number 18538165962 (Turkey) (individual) [SDNTK]
3. KARTAL, Remzi; DOB 5 May 1948; POB Van, Dibekozu, Turkey; citizen Turkey; Turkish Identification Number 10298480866 (Turkey) (individual) [SDNTK]
4. OK, Sabri; DOB 1958; POB Adiyaman, Turkey; citizen Turkey; Turkish Identification Number 15673320164 (Turkey) (individual) [SDNTK]
5. UZUN, Adem; DOB 7 Sep 1967; POB Kirsehir, Boztepe, Turkey; citizen Turkey; Turkish Identification Number 12203628318 (Turkey) (individual) [SDNTK]

Dated: September 6, 2019.

Gregory T. Gatjanis,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–19710 Filed 9–11–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning regulations governing practice before the Internal Revenue Service.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing Practice Before the Internal Revenue Service.

OMB Number: 1545–1871.

Regulation Number: REG–122379–02 (TD 9165).

Abstract: These regulations will ensure that taxpayers are provided adequate information regarding the limits of tax shelter advice that they receive, and also ensure that practitioners properly advise taxpayers of relevant information with respect to tax shelter options.

Current Actions: There are no changes being made to the regulation at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 8 minutes.

Estimated Total Annual Burden Hours: 13,333 hours.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–19800 Filed 9–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Form 1120–ND, Return for Nuclear Decommissioning Funds and Certain Related Persons

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 Form 1120–ND, *Return for Nuclear Decommissioning Funds and Certain Related Persons.*

DATES: Written comments should be received on or before November 12, 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: Return for Nuclear Decommissioning Funds and Certain Related Persons.

OMB Number: 1545–0954.

Form Number: 1120–ND.

Abstract: Form 1120–ND is filed by utilities that have nuclear power plants. These utilities set up funds to provide cash to decommission the nuclear power plant. Form 1120–ND is used to determine the tax liability and income tax that the fund must pay.

Current Actions: There is no change to the burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 32 hrs., 35 mins.

Estimated Total Annual Burden Hours: 3,259.

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: September 4, 2019.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2019–19680 Filed 9–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 972

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce

paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning consent of shareholder to include specific amount in gross income.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Christina Leeper, at (737) 800–7737 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Christina.E.Leeper@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Consent of Shareholder to Include Specific Amount in Gross Income.

OMB Number: 1545–0043.

Form Number: Form 972.

Abstract: Form 972 is used by a shareholder who agrees to report a consent dividend as taxable income on their own tax return. The shareholder completes the form and sends it to the corporation that will claim the consent dividend as a deduction.

Current Actions: There is no change to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 3 hours, 51 minutes.

Estimated Total Annual Burden Hours: 385.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–19747 Filed 9–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for T.D. 8649.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning netting rule for certain conversion transactions.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Sara Covington, (202)317–6038, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulations Under Section 1258 of the Internal Revenue Code of 1986; Netting Rule for Certain Conversion Transactions.

OMB Number: 1545–1452.

Regulation Project Number: TD 8649.

Abstract: Internal Revenue Code section 1258 recharacterizes capital gains from conversion transactions as ordinary income to the extent of the time value element. The regulation provides that certain gains and losses may be netted for purposes of determining the amount of gain recharacterized. To be eligible for netting relief, the taxpayer must identify on its books and records all the positions that are part of the conversion transaction. This must be done before the close of the day on which the positions become part of the conversion transaction.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 5,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection

techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–19743 Filed 9–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning excise taxes on excess inclusions of REMIC residual interests.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Excise Taxes on Excess Inclusions of REMIC Residual Interests.

OMB Number: 1545–1379.

Form Number: 8831.

Abstract: Taxpayers use Form 8831 to report and pay excise tax on any transfer of a residual interest in a REMIC to a disqualified organization, the amount due if the tax is waived, and the excise tax due on pass-through entities with interests held by disqualified organizations.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 31.

Estimated Time per Respondent: 7 hours, 39 minutes.

Estimated Total Annual Burden Hours: 237 hours.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–19802 Filed 9–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation and Form Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning applications and renewal of enrollment for those who are seeking actuary status under ERISA, and regulations governing the performance of actuarial services under the employee retirement income security act of 1972.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Application for Enrollment, Application for Renewal of Enrollment, and Regulations Governing the Performance of Actuarial Services Under the Employee Retirement Income Security Act of 1972.

OMB Number: 1545–0951.

Form and Regulation Number: 5434, 5434–A, and TD 9517/REG–159704–03.

Abstract: Form 5434 is used to apply for enrollment to perform actuarial services under the Employee Retirement income Security Act of 1974 (ERISA). Form 5434–A is used to renew enrollment every three years to perform actuarial services under (ERISA). The information is used by the Joint Board for the Enrollment of Actuaries to determine the eligibility of the applicant to perform actuarial services. The regulations require that records be kept that verify satisfaction of requirements, and certificates of completion education requirements.

Current Actions: There are no changes to the forms or regulations at his time. However, the agency is updating the number of respondents based on its most recent filing data.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals and households.

Form 5434

Estimated Number of Respondents: 400.

Estimated Time per Respondent: 1 hour.

Estimated Annual burden hours: 400.

Form 5434 A

Estimated Number of Respondents: 1,666.

Estimated Time per Respondent: .30 hour.

Estimated Annual burden hours: 500.

TD 9517/REG–159704–03

Estimated Number of Respondents/Recordkeepers: 4,100.

Estimated Time per Respondent: .24 hour.

Estimated Annual Burden Hours: 984.

Total Estimated Annual Burden: 1,884 hours.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–19801 Filed 9–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning production tax credit for refined coal.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Production Tax Credit for Refined Coal.

OMB Number: 1545–2158.

Notice Number: 2010–54.

Abstract: This notice sets forth interim guidance pending the issuance of regulations relating to the tax credit under § 45 of the Internal Revenue Code (Code) for refined coal. Taxpayers must file certification that its refined coal has achieved 'qualified emissions reduction' with its tax return in order to claim the production tax credit for refined coal.

Current Actions: There are no changes to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 15 hours.

Estimated Total Annual Burden Hours: 1,500 hours.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–19745 Filed 9–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning extended carryback of losses to or from a consolidated group.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue

Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Christina Leeper, (737)800–7783, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Christina.E.Leeper@irs.gov* .

SUPPLEMENTARY INFORMATION:

Title: Extended Carryback of Losses to or from a Consolidated Group.

OMB Number: 1545–2171.

Regulation Project Number: TD 9490.

Abstract: Final, temporary, and proposed regulations under section 1502 contain rules regarding the implementation of section 172(b)(1)(H) within a consolidated group. The regulations also permit certain acquiring consolidated groups to elect to waive all or a portion of the pre-acquisition portion of the extended carryback period pursuant to section 172(b)(1)(H) for specific losses attributable to certain acquired members.

Current Actions: There is no changes in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 4,000.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–19746 Filed 9–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Geriatrics and Gerontology Advisory Committee

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Office of Geriatrics and Extended Care, is seeking nominations of qualified candidates to be considered for appointment as a member of the Geriatrics and Gerontology Advisory Committee (herein-after in this section referred to as ''the Committee''). The Committee advises the VA Secretary and the Under Secretary for Health on all matters pertaining to geriatrics and gerontology.

DATES: Nominations of qualified candidates are being sought to fill two vacancies on the Committee. Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on October 31, 2019.

ADDRESSES: All nominations should be mailed to Ms. Alejandra Paulovich, Designated Federal Officer (DFO), Geriatrics and Gerontology Advisory Committee (GGAC), Department of Veterans Affairs, 810 Vermont Ave. NW, (10NC4), Washington, DC 20420 or emailed to *Alejandra.Paulovich@va.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Alejandra Paulovich, DFO, GGAC, by phone at (202) 461–6016 or by email at *Alejandra.Paulovich@va.gov.* A copy of the Committee charter and list of the current membership can also be obtained by contacting Ms. Paulovich.

SUPPLEMENTARY INFORMATION: The Committee's areas of interest include but are not limited to: (1) Assessing the capability of VA health care facilities to respond with the most effective and appropriate services possible to the medical, psychological and social needs of Veterans facing the consequences of aging, serious illness or disability; and (2) advancing scientific knowledge to meet those needs by enhancing geriatric care for older Veterans through geriatric and gerontology research, the training of health personnel in the provision of health care to older individuals, and the development of improved models of clinical services for older Veterans.

Membership Criteria and Qualifications: The Committee is comprised of not more than 12 members, each of whom have established interest and considerable vocation-related experiences bearing on health care for aging Veterans, including experience in areas such as: VA- and non-VA health systems, academic geriatric and gerontology programs, palliative medicine, home and community-based care, nursing home care, relevant policy issues, and grant-funded academic research.

The expertise required of GGAC members includes, but is not limited to, the following:

a. Familiarity or experience with clinical and health policies concerning the elderly; and/or

b. Familiarity or experience with the partnerships between VA and health sciences academic programs; and/or

c. Familiarity with the history of geriatrics in the VA and in the U.S., and the unique role that has been played in that evolution by the VA's Geriatric Research, Education, and Clinical Centers (GRECC).

Membership Requirements: The Committee holds at least one face to face meeting in Washington, DC and conducts 4–5 site visits a year. The ideal candidate will be willing to travel 3–5 times per year to help the Committee fulfill its Chartered objectives.

The Committee's diverse membership is characterized by a range of backgrounds and knowledge sufficiently broad to provide adequate advice and guidance to the Secretary. VA strives to develop a Committee membership that includes diversity in military services, ranks, and deployments, military service, military deployments, working with Veterans, committee subject matter expertise, as well as diversity in race/ethnicity, gender, religion, disability, geographical background, and profession. We ask that nominations include information of this type so that VA can ensure diverse Committee membership.

Requirements for Nomination Submission: Nominations should be typed (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating the willingness to serve as a member of the Committee;

(2) The nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) The nominee's curriculum vitae; and

(4) A summary of the nominee's experience and qualifications relative to the membership considerations described above.

Individuals selected for appointment to the Committee shall be invited to serve a 4-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of VA Federal advisory committees is diverse in terms of points of view represented and the committee's capabilities. Appointments to this Committee shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identify, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership.

Dated: September 6, 2019.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–19693 Filed 9–11–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0864]

Agency Information Collection Activity: VA Post-Separation TAP Longitudinal Survey

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), 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 revision 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 15, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or Nancy Kessinger, Veterans Benefits Administration (20M3), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0864'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354).

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 112–56 Sec 221–225.

Title: Department of Veterans Affairs (VA) Post-Separation Transition Assistance Program (TAP) Longitudinal Survey.

OMB Control Number: 2900–0864.

Type of Review: New collection.

Abstract: This collection effort is the second phase of the PSTAP and participants are respondents of the original collection under the subject control number approved on 4 Apr 19. The PSTAP Longitudinal Survey will be implemented by VA to assess how the TAP training for Transitioning Servicemembers (TSMs) prepares Veterans for civilian life and its effects on long-term Veteran outcomes. This new information collection request (ICR) will be conducted once per year and is designed as a longitudinal survey in conjunction with a cross sectional survey previously submitted to OMB. The survey population will include servicemembers who participated in the cross-sectional survey and voluntarily agreed to participate in the longitudinal survey. VA will use email, other electronic communications and mail methods to administer the survey, limiting the burden on respondents. The survey will be administered to gauge the long-term effectiveness of the Transition Assistance Program (TAP) by: (1) Examining the relationship between attendance in TAP courses and the use of VA Benefits; (2) analyzing the effect of participation in TAP courses on the long-term outcomes of Veterans in the broad life domains of employment, education, health and social relationships, financial, social connectivity and overall satisfaction and well-being, and; (3) identifying areas of improvement for TAP and the broader transition process to guide training and/or operational activities aimed at enhancing the quality of service provided to transitioning service members, Veterans, their families and caregivers.

Affected Public: Individuals.

Estimated Annual Burden: 1,683 hours.

Estimated Average Burden per Respondent: 18.5 minutes.

Frequency of Response: Annual.

Estimated Number of Respondents: 5,457.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance, and Risk, Department of Veterans Affairs.

[FR Doc. 2019–19748 Filed 9–11–19; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 84 Thursday,
No. 177 September 12, 2019

Part II

The President

Proclamation 9922—National Historically Black Colleges and Universities Week, 2019
Proclamation 9923—Opioid Crisis Awareness Week, 2019
Memorandum of September 6, 2019—Providing an Order of Succession Within the Council on Environmental Quality

Federal Register
Vol. 84, No. 177
Thursday, September 12, 2019

Presidential Documents

Title 3—

The President

Proclamation 9922 of September 6, 2019

National Historically Black Colleges and Universities Week, 2019

By the President of the United States of America

A Proclamation

For more than 180 years, America's Historically Black Colleges and Universities (HBCUs) have made extraordinary contributions to the general welfare and prosperity of our country by advancing the educational pursuits of African Americans and many others. These fine institutions help shape citizens of character and purpose, position them to thrive beyond graduation, and expand our Nation's pipeline of productivity by creating meaningful employment opportunities that empower talented employees to succeed in the workforce and in public service. During National Historically Black Colleges and Universities Week, we celebrate these pillars of higher learning, their unique history, and the pathways to success they provide for African American students and our country.

While HBCUs comprise just 3 percent of all nonprofit colleges and universities, they enroll nearly 10 percent of all African American college students. Moreover, these institutions account for 17 percent of African Americans who earn their bachelor's degrees and 27 percent of those who earn degrees in science, technology, engineering, and math fields. My Administration has made HBCU success a national priority. I have signed legislation providing more than $404 million in funding for HBCU Higher Education Act programs and assisted 13 schools experiencing financial difficulty to restructure to be better positioned to meet student and community needs. HBCUs directly contribute $15 billion to our Nation's economy and directly support more than 134,000 jobs. We are working every day to enhance this sizable economic footprint.

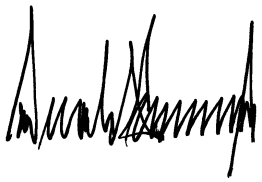
In accordance with my Executive Order establishing the President's Board of Advisors on HBCUs, 32 Federal agencies have outlined plans describing efforts to make HBCUs stronger and more competitive when seeking grants and other Federal support. Additionally, I have commissioned the Executive Office of the President to develop a unique Federal HBCU strategy that encourages HBCUs to partner with leaders in advancing local economic development goals. We will continue to strengthen the role of these institutions to help them improve the lives of their students, alumni, and the communities they serve.

This year, as our Nation solemnly recognizes the 400th anniversary of the arrival of the first Africans in the American colonies in 1619, we take the time to herald the unyielding spirit of African Americans who have triumphed over enslavement, discrimination, oppression, and injustice. We commend HBCUs for all that they have done and continue to do to inspire and foster success in their students, preserve our history, and ensure that we remember, learn from, and build upon the past to create a brighter and more prosperous future for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 8 through September 14, 2019, as National Historically Black Colleges and Universities Week, and further proclaim September 9, 2019, as the Inaugural National

HBCU Colors Day. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities and to boldly, joyfully, and proudly don institutional colors.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.



[FR Doc. 2019–19928
Filed 9–11–19; 11:15 am]
Billing code 3295–F9–P

Presidential Documents

Proclamation 9923 of September 6, 2019

Opioid Crisis Awareness Week, 2019

By the President of the United States of America

A Proclamation

The opioid crisis has devastated communities across America and has stolen precious lives, leaving families with an unfillable void. During Opioid Crisis Awareness Week, we reaffirm our commitment to ending this terrible crisis and eradicating drug addiction from our society.

On average, 130 Americans die every day from an opioid overdose. Drug overdose is the leading cause of accidental death in the United States, and opioids are the most common drug used in cases of drug overdose. Since the start of the 21st century, our Nation has lost nearly the same number of lives to the opioid crisis as we lost in World War II.

My Administration is taking aggressive action to address this nationwide public health emergency. In 2018, our High Intensity Drug Trafficking Area program disrupted or dismantled nearly 3,000 drug trafficking organizations. During that operation, the Department of Justice seized enough fentanyl to kill more than 100,000 Americans out of our communities. Additionally, I released my *Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand,* which is preventing over-prescription, reducing the demand for drugs through education and awareness, and cutting off the flow of illicit drugs across our borders and into American communities. As a part of this Initiative, we are working with State and local partners to expand access to evidence-based addiction treatment in every part of our country. Further, I signed the bipartisan H.R. 6, the Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act, the largest legislative effort ever to address a single drug crisis in our Nation's history. This law is expanding access to evidence-based treatment, protecting our communities from illicit drugs, investing more in sustained recovery, bringing those in treatment and recovery back into the workforce, and raising awareness of the dangers of illicitly imported synthetic opioids.

My Administration is determined to use every resource at our disposal to release the grip of addiction plaguing our citizens. This month, the Department of Health and Human Services announced $1.8 billion in new grant money to fight the opioid epidemic. These funds will be delivered to communities where help is most needed and will support State and local governments in obtaining high-quality, comprehensive data to save lives. Moreover, in order to break the cycle of addiction, we must prevent young Americans from ever trying drugs in the first place. To help succeed in this important cause, we launched a nationwide public ad campaign to educate young people about the dangers of misusing prescription opioids. This campaign has already reached 58 percent of young adults. These critical actions, combined with the record $6 billion in new funding I secured during my first 2 years in office to fuel the response to this crisis, are leading to results. Provisional data shows we are making progress, with overdose deaths declining for the first time since 1990.

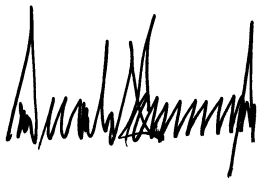
It is crucial to remove the societal stigma surrounding those suffering from opioid use and other substance use disorders by approaching addiction as a treatable disease. We need to make it clear that treatment is available

and effective, and that recovery is possible. Already, we are seeing encouraging progress toward ensuring that those struggling with addiction receive evidence-based treatment in order to begin the road to recovery. In 2018, 250,000 more Americans received medication-assisted treatment than in 2016. Through *The Crisis Next Door* platform, which my Administration launched last year, those who have been affected by the opioid crisis can help encourage other people struggling with addiction to seek the care they need.

As we observe Opioid Crisis Awareness Week, we strengthen our resolve to win the fight against the opioid epidemic. Together, we will ensure that all Americans have the opportunity for a brighter future, free from the oppression of drug addiction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 8 through September 14, 2019, as Opioid Crisis Awareness Week. I call upon my fellow Americans to observe this week with appropriate programs, ceremonies, religious services, and other activities that raise awareness about the prescription opioid and heroin epidemic and to consider concrete follow-up activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.



[FR Doc. 2019–19929
Filed 9–11–19; 11:15 am]
Billing code 3295–F9–P

Presidential Documents

Memorandum of September 6, 2019

Providing an Order of Secession Within the Council on Environmental Quality

Memorandum for the Chairman of the Council on Environmental Quality

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, as amended, 5 U.S.C. 3345 *et seq.* (the ''Act''), it is hereby ordered that:

Section 1. *Order of Succession.* Subject to the provisions of section 2 of this memorandum and to the limitations set forth in the Act, the following officials of the Council on Environmental Quality, in the order listed, shall act as and perform the functions and duties of the office of the Chairman of the Council on Environmental Quality (Chairman), during any period in which the Chairman has died, resigned, or otherwise becomes unable to perform the functions and duties of the office of the Chairman:

(a) Chief of Staff, CEQ;

(b) General Counsel, CEQ; and

(c) Associate Directors, CEQ, in the order in which they have been appointed as such.

Sec. 2. *Exceptions.* (a) No individual who is serving in an office listed in section 1 of this memorandum in an acting capacity, by virtue of so serving, shall act as Chairman pursuant to this memorandum.

(b) No individual listed in section 1 of this memorandum shall act as Chairman unless that individual is otherwise eligible to so serve under the Act.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Chairman.

Sec. 3. *Revocation.* The Presidential Memorandum of January 13, 2017 (Providing an Order of Succession Within the Council on Environmental Quality), is hereby revoked.

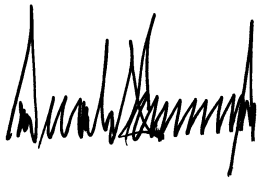
Sec. 4. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(c) You are hereby authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
Washington, September 6, 2019

[FR Doc. 2019–19930
Filed 9–11–19; 11:15 am]
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Reader Aids

Federal Register

Vol. 84, No. 177

Thursday, September 12, 2019

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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

45873–46418 3
46419–46652 4
46653–46874 5
46875–47114 6
47115–47404 9
47405–47874 10
47875–48040 11
48041–48228 12

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9917 46865
9918 46867
9919 46869
9920 46871
9921 47873
9922 48223
9923 48225

Executive Orders:
13885 46873
13886 48041

Administrative Orders:
Memorandums:
Memorandum of January 13, 2017 (Revoked by Memorandum of September 6, 2019) 48227
Memorandum of September 6, 2019 48227
Notices:
Notice of September 10, 2019 48039

5 CFR

1650 46419
1651 46419

6 CFR

37 ..... 46423, 48045

7 CFR

Subtitle A 47405
Subtitle B 47405
253 45873
718 45877
1146 46653
1412 45877

Proposed Rules:
Subtitle A 47443
Subtitle B 47443
3565 45927

8 CFR

Proposed Rules:
103 46040
208 47148

9 CFR

Ch. I 47405
Ch. II 47405
Ch. III 47405

Proposed Rules:
Ch. I 47443
Ch. II 47443
Ch. III 47443

10 CFR

430 46661

Proposed Rules:
30 47443
40 47443
50 47443
52 47443
60 47443
61 47443
63 47443
70 47443
71 47443
72 47443
430 ..... 46469, 46830
431 48006

12 CFR

Proposed Rules:
337 46470

14 CFR

39 ..... 45895, 46426, 46429, 46432, 46434, 46875, 47406, 47407, 47410, 47875, 47877, 48045, 48047, 48050
71 ..... 46438, 46877, 47413, 47415, 48052
95 48054
97 ..... 47115, 47116, 47118, 47120

Proposed Rules:
39 ..... 46496, 46896, 46898, 46900, 46903, 47170, 47173, 47445, 47906, 48083
71 ..... 46905, 47909, 48085, 48086

15 CFR

Proposed Rules:
922 45929

16 CFR

1229 46878

17 CFR

241 47416
271 47420
276 47420

18 CFR

385 46438

19 CFR

12 46676
24 46678
141 46676

20 CFR

401 45900

21 CFR

Proposed Rules:
15 47911
216 46688

26 CFR

301.....46440, 46681

Proposed Rules:

1 .....47175, 47191, 47447, 47455

30 CFR

906.....46184

Proposed Rules:

935.....46703

31 CFR

515.....47121
582.....46440

Proposed Rules:

50.....46907

32 CFR

117.....47879
312.....47880
318.....46681
505.....46681
806b.....46882

33 CFR

100 .....45901, 46682, 48059
165 .....45903, 45905, 46882, 46883, 46885, 47123, 47427, 47429, 47431, 47880, 48059, 48062, 48064, 48066

Proposed Rules:

165.....46498
167.....46501
334.....48090

34 CFR

Ch. III.....47433

37 CFR

1.....45907

40 CFR

51.....47882
52 .....45910, 45918, 46877, 46889, 46892, 47437, 47884, 47885, 47887, 47889, 47893, 47895, 47897, 48068
60.....47882
61.....47882
62.....47899
63.....47882
81.....47895, 47897
151.....46100
180 .....47125, 47130, 47136, 48071
300.....46684, 48077

Proposed Rules:

52 .....45930, 45931, 47211, 47213, 47216, 47914
63 .....46138, 46610, 47074, 47346
80.....46909
81.....47216
721.....47923
1042.....46909

42 CFR

405.....47494
424.....47494
455.....47494
457.....47494
498.....47494

44 CFR

64.....46685

Proposed Rules:

62.....45933

46 CFR

10.....47141

Proposed Rules:

502.....45934
515.....45934

47 CFR

25.....47146
73.....46920

48 CFR

Ch. I.....47860, 47868
1.....47861
2.....47862
4.....47861
9.....47865
13.....47861, 47865
15.....47865
19.....47862
22.....47866
25.....47865, 47866
39.....47861
42.....47865
52 .....47861, 47862, 47866
801.....46448
815.....46448
816.....46448
837.....46448
849.....46448
852.....46448
871.....46448

49 CFR

395.....48077

Proposed Rules:

382.....46923
383.....45938, 46923
384.....45938, 46923
395.....45940

50 CFR

21.....45921
26.....47640
32.....47640
36.....47640
71.....47640
219.....46788
622.....45924, 47902
635.....47440
648.....48081
679 .....45295, 46457, 46458, 46686, 47904

Proposed Rules:

17 .....46927, 47231, 48090
635.....45941
660.....48094

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List August 28, 2019

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