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

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1215

[Docket No. CPSC–2009–0064]

### Revisions to Safety Standard for Infant Bath Seats

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Direct final rule.

**SUMMARY:** In December 2013, the U.S. Consumer Product Safety Commission (CPSC) published an update to the consumer product safety standard for infant bath seats. The standard incorporated by reference the applicable ASTM voluntary standard. ASTM has since published two revised versions of the voluntary standard for infant bath seats. We are publishing this direct final rule revising the CPSC's mandatory standard for infant bath seats to incorporate by reference, the most recent version of the applicable ASTM standard.

**DATES:** The rule is effective on December 22, 2019, unless we receive significant adverse comment by October 21, 2019. If we receive timely significant adverse comments, we will publish notification in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of December 22, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC–2009–0064, by any of the following methods:

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

Federal eRulemaking Portal, as described above.

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

*Instructions:* All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

*Docket:* For access to the docket to read background documents or comments received, go to: [www.regulations.gov](https://www.regulations.gov), and insert the docket number, CPSC–2009–0064, into the “Search” box, and follow the prompts.

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

#### SUPPLEMENTARY INFORMATION:

##### A. Background

##### 1. Statutory Authority

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

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

##### 2. The Infant Bath Seats Standard

On June 4, 2010, the Commission published a final rule issuing a standard for infant bath seats that incorporated by reference the standard in effect at that time, ASTM F1967–08a, *Standard Consumer Specification for Infant Bath Seats*, with certain modifications to make the standard more stringent. 75 FR 31691. The standard was codified in the Commission's regulations at 16 CFR part 1215. The ASTM standard has been revised twice since the rule issued, with the Commission incorporating by reference, ASTM F1967–11a (77 FR 45242, Jul. 31, 2012), and ASTM F1967–13 (78 FR 73692, Dec. 9, 2013), respectively.

Since December 2013, when the CPSC incorporated by reference ASTM F1967–13 as the mandatory standard for infant bath seats, ASTM published two additional revisions to the standard. On June 25, 2019, ASTM notified the Commission that it has revised ASTM's standard for infant bath seats. The current ASTM standard is ASTM F1967–19, *Standard Consumer Safety Specification for Infant Bath Seats*, approved May 1, 2019. The CPSC reviewed the changes between the current CPSC standard, 16 CFR part



1215 and the two revisions to the standard (ASTM F1967–18 and ASTM F1967–19) since ASTM F1967–13 became mandatory. ASTM did not notify CPSC of the publication of the 2018 version of the standard because ASTM was considering making additional changes in 2019. Consequently, ASTM notified CPSC of the 2019 revision to the standard, which included the changes in the 2018 version of the standard.

## B. Revisions to the ASTM Standard

The ASTM standard for infant bath seats establishes performance requirements, test methods, and labeling requirements to address hazards to children associated with infant bath seats, including stability, restraints, suction cups, latching and locking mechanisms, and resistance to collapse. Products commonly referred to as bath rings also are included in the scope of this specification. Traditional infant bath tubs that are used to bathe an infant are not within the scope of this standard.

Under section 104(b)(4)(B) of the CPSIA, unless the Commission determines that ASTM's revision to a voluntary standard that is a CPSC mandatory standard "does not improve the safety of the consumer product covered by the standard," the revised voluntary standard becomes the new mandatory standard. As discussed below, the Commission determines that the changes made in ASTM F1967–19 will either improve the safety of infant bath seats or are neutral with respect to safety. Therefore, the Commission will allow the revised voluntary standard to become effective as a mandatory consumer product safety standard under the statute, effective December 22, 2019.

There are several differences between the current CPSC standard 16 CFR part 1215 (ASTM F1967–13) and the two subsequent revisions to the standard (ASTM F1967–18 and ASTM F1967–19). We summarize the differences and the CPSC's assessment of the revisions below.

### 1. Differences Between 16 CFR Part 1215 and ASTM F1967–18

The major revisions made in ASTM F1967–18 are summarized below. ASTM F1967–18 includes several changes that improve safety by clarifying testing. ASTM also made several editorial changes, such as spacing, formatting, re-ordering, and renumbering, which do not change the safety of the infant bath seats.

#### a. Scope

The 2018 version of the ASTM standard adds language (Section 1.5), which ASTM intends to add to all of its standards, stating that ASTM developed the standard in accordance with principles recognized by the World Trade Organization. We conclude that adding this text does not change the safety of infant bath seats.

#### b. Terminology

The 2018 revision to the standard adds four new definitions to address changes the ASTM subcommittee made to achieve consistency across juvenile product safety standards, including defining the terms "conspicuous," "double action release system," "installation components," and "protective component." Of these new terms, the definition of "double action release system" is significant because it clarifies the actions and the sequence necessary for a release mechanism to be considered a double action release mechanism. Accordingly, we determine that this new definition improves the safety of infant bath seats. The other new definitions are neutral to the safety of infant bath seats.

#### c. General Requirements

Section 5 *General Requirements* contains a number of minor editorial adjustments. The Commission considers these changes to be neutral to the safety of infant bath seats. ASTM also added section 5.10, to state: "Infant bath seats must comply with applicable requirements of the Consumer Product Safety Improvement Act." The purpose of this statement is to alert potential manufacturers to CPSIA requirements. We consider this statement to be neutral to the safety of infant bath seats because the product must comply with CPSIA, regardless of this requirement in the standard.

#### d. Performance Requirements

Section 6.1 *Stability* moves wording from an explanatory note into the enforceable performance requirement. Specifically, Section 6.1.2.3 states: "If the product would continue to tip over under the application of force, but it is prevented from doing so by the test platform interior side walls, it shall be considered a tip over." With this change to the stability performance requirement, certain types of contact to the tub fixture test platform are clearly identified as failures. This change will reduce ambiguity in testing to the standard and will lead to more consistent testing. We consider the reduced ambiguity for testing to be an improvement to safety because the

revised language will clarify what constitutes a failure when conducting the testing.

The other changes to the performance requirements in section 6 are editorial in nature: The changes separate the stability requirements and present a succinct modified decimal numbering system, as opposed to paragraph form. We consider these editorial changes to be neutral to the safety of infant bath seats.

#### e. Test Methods

##### i. Section 7.1 Latching and Locking Mechanism Tests

Two different latching and locking test procedures (Section 7.1.1.1 and 7.1.2.1), in the 2018 version of the standard reference a new test surface. The new "Test Surface #3" is defined as: "(a)ny area on the side(s) of the test platform (for example, inside surface, outside surface, and top ledge), where safety tread strips are not applied." Therefore, new products that are restrained by the sides of the tub can now be installed and tested according to the manufacturer's instructions by using Test Surface #3. The changes regarding the definition of a new test surface reduce ambiguity in the standard and will lead to more consistent testing. We expect that an increase in testing consistency will improve the safety of bath seats.

##### ii. Section 7.4 Stability Test

The 2018 ASTM standard made four changes to Section 7.4 *Stability Test*:

- The new tub fixture test platform figures correct dimensioning errors, add a cross-section drawing, define more clearly the location of the cross-sections, and add new dimensions to specify accurately the physical tub detailed in ASTM F1967–18 Footnote #5. Adding the two new cross-section drawings in this section required the rest of the figures in the standard to be renumbered accordingly. These revised fixtures correct errors and increase accuracy and clarity, which we expect will improve the safety of infant bath seats.

- The 2018 version of the ASTM standard adds a requirement for a new test surface and modifies the two existing test surfaces. The 2013 version required testing on only two surfaces, and those two surfaces had to be ". . . within the 24 in. (60.0 cm) length of uniform tub side ledge thickness . . . ." The restrictive test surface definitions and the lack of a test surface on the side and end walls of the tub fixture test platform created a conflict between the test procedures and the manufacturer's installation instructions. New products

on the market engage with the side and end walls as part of the new products' retention system. To reduce potential sources of test-to-test and laboratory-to-laboratory variation, the ASTM subcommittee decided to add Test Surface #3, which addresses tub fixture test platform's sides and end walls as a new test surface in Section 7.4.1.2.3. The new language broadens the test procedures and allows for new designs of bath seats to be installed according to the manufacturer's instructions. These changes reduce ambiguity in the standard and lead to more consistent testing. We expect the reduced ambiguity and increased consistency will improve the safety of infant bath seats.

- Section 7.4.3.8 states that the 17.0 lbf applied force shall be perpendicular to the test bar. The 2013 revision stated that the force shall be horizontal. During the stability test, many products deflect elastically, while remaining in the initial manufacturer's recommended-use position. As a product deflects elastically, the test bar rotates in the direction of the applied force. If the test bar rotates, but the applied force remains horizontal, then the angle between the test bar and the applied force changes, reducing the torque applied to the sample. In contrast, the 2018 version states that the applied force must be perpendicular to the test bar, causing the applied torque to remain nominally consistent as the product deflects elastically. We conclude that a test that applies a consistent torque is a more stringent test, and therefore, this change improves the safety of infant bath seats.

- ASTM F1967–13 provides a formula for the baby wash solution that is used in testing, and states the contact information for a specific manufacturer of the solution. However, the company listed is no longer in business. ASTM F1967–18 lists two name-brand baby wash products readily available for purchase. We consider this change neutral to the safety of infant bath seats.

### iii. Section 7.5 Static Load Test

The 2018 ASTM standard also changed the static load test in section 7.5, to reflect the new Test Surface #3. This change allows new types of products that are intended to be restrained by the sides of the tub, to be installed according to the manufacturer's instructions. Adding a new test surface reduces ambiguity in the standard and leads to more consistent testing. We consider the reduced ambiguity and increased consistency to improve the safety of infant bath seats.

The second change to Section 7.5.5 requires that a product be tested “. . . in all other manufacturer's recommended use positions.” The revised language improves safety by requiring products be tested in all manufacturer's use positions, not just in one position. Typically, laboratories conduct testing in one position, usually what the laboratory considers to be the most onerous position. This can lead to different results from different laboratories. Adding the statement that testing should be “. . . in all other manufacturer's recommended use positions” will improve test-to-test and laboratory-to-laboratory repeatability. We consider the reduced ambiguity and increased consistency to improve safety.

### iv. Section 7.6 Suction Cup Tests

The suction cup test methods in section 7.6 also include the new Test Surface #3 and require testing of the product “. . . in all other manufacturer's recommended use positions.” As noted, testing “in all other manufacturer's recommended use positions” removes the possibility of different laboratories getting different testing results because of ambiguity. Reduced ambiguity leads to improving test-to-test and laboratory-to-laboratory repeatability, resulting in more consistent, testing which improves testing accuracy. We consider the reduced ambiguity and increased consistency to improve safety.

### f. Marking and Labeling

Revisions to section 8 in the 2018 standard, regarding *Marking and Labeling*, include changes to the formatting and presentation of the warnings. These revisions result from major changes ASTM initiated for juvenile products. After publishing the 2013 version of the standard, ASTM convened a task group, ASTM Ad Hoc Wording Task Group (Ad Hoc TG), consisting of members of the various durable nursery products voluntary standards committees, including CPSC staff. The purpose of the Ad Hoc TG is to harmonize the wording, as well as the warning format, across durable infant and toddler product voluntary standards. Ad Hoc TG recommendations were published as a reference document, titled, “Ad Hoc Wording—May 4, 2016,” as part of the F15 Committee Documents.

In addition to the formatting changes, the warning statement required by the 2018 ASTM standard includes a personalized warning using the words: “Stay in arms' reach of your baby,” as opposed to: “ALWAYS keep baby within adult's reach.” Research suggests

that personalizing warnings and instructions increase compliance.

The revisions in ASTM F1967–18 incorporate the Ad Hoc Wording recommendations. Accordingly, we consider adopting the Ad Hoc Wording reference document recommendations and the more personal messaging as improvements to safety because they provide noticeable, personalized, and consistent warning labels on infant bath seats.

### g. Instructional Literature

The requirements for *Instructional Literature* in section 9 of ASTM F1967–18 are expanded to include infant bath seat labeling requirements similar to the marking and labeling section of the standard. Staff considers these changes to improve the safety of bath seats because they provide noticeable, personalized, and consistent instructional literature.

### 2. Differences Between 16 CFR Part 1215 and ASTM F1967–19

ASTM F1967–19 revises two sections of the standard. The first, a change to section 7.5.1, allows the static load tests to be conducted on any of the three test surfaces, rather than specify a particular test surface. The second update removes Footnote #6 from the ASTM standard. The standard already covers the same topic in Section 7.4.1.2, and the footnote was incomplete and confusing. Both changes are neutral to the safety of bath seats.

### C. Incorporation by Reference

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

In accordance with the OFR's requirements, section B of this preamble summarizes the major provisions of the ASTM F1967–19 standard that the Commission incorporates by reference into 16 CFR part 1215. The standard is reasonably available to interested parties, and interested parties may purchase a copy of the standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; [www.astm.org](http://www.astm.org). A copy of the standard can also be inspected at CPSC's Division of the Secretariat, U.S. Consumer Product

Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301-504-7923.

#### D. The Congressional Review Act

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

#### E. Certification

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

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

#### F. Notice of Requirements

In accordance with section 14(a)(3)(B)(iv) of the CPSIA, the Commission has previously published a notice of requirements (NOR) for accreditation of third party conformity

assessment bodies for testing infant bath seats (75 FR 31688, September 4, 2010). The NOR provided the criteria and process for our acceptance of accreditation of third party conformity assessment bodies for testing infant bath seats to 16 CFR part 1215. The NORs for all mandatory standards for durable infant or toddler products are listed in the Commission’s rule, “Requirements Pertaining to Third Party Conformity Assessment Bodies,” codified at 16 CFR part 1112.

CPSC staff from the Directorate for Laboratory Sciences, Division of Mechanical Engineering, analyzed testing revisions to the infant bath seat standard and found that the revised tests use existing equipment and similar testing protocols. Testing laboratories that have demonstrated competence for testing in accordance with ASTM F1967–13 will have the competence to test in accordance with the revised standard ASTM F1967–19. Therefore, the Commission considers the existing CPSC-accepted laboratories for testing to ASTM F1967–13 to be capable of testing to ASTM F1967–19 as well. Therefore, the Commission considers the existing accreditations that the Commission has accepted for testing to this standard also to cover testing to the revised standard. Accordingly, the existing NOR for this standard will remain in place, and CPSC-accepted third party conformity assessment bodies are expected to update the scope of the testing laboratories’ accreditation to reflect the revised standard in the normal course of renewing their accreditation.

#### G. Direct Final Rule Process

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

Under the process set out in section 104(b)(4)(B) of the CPSIA, when ASTM revises a standard that the Commission has previously incorporated by reference as a Commission standard for a durable infant or toddler product under section 104(b)(1)(b) of the CPSIA, that revision will become the new CPSC standard, unless the Commission determines that ASTM’s revision does

not improve the safety of the product. Thus, unless the Commission makes such a determination, the ASTM revision becomes CPSC’s standard by operation of law. The Commission is allowing ASTM F1967–19 to become CPSC’s new standard. The purpose of this direct final rule is merely to update the reference in the Code of Federal Regulations so that it reflects accurately the version of the standard that takes effect by statute. Public comment will not impact the substantive changes to the standard or the effect of the revised standard as a consumer product safety standard under section 104(b) of the CPSIA. Under these circumstances, notice and comment are not necessary. In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorsed direct final rulemaking as an appropriate procedure to expedite promulgating rules that are noncontroversial and that are not expected to generate significant adverse comment. *See* 60 FR 43108 (August 18, 1995). ACUS recommended that agencies use the direct final rule process when they act under the “unnecessary” prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because we do not expect any significant adverse comments.

Unless we receive a significant adverse comment within 30 days, the rule will become effective on December 22, 2019. In accordance with ACUS’s recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, including an assertion challenging the rule’s underlying premise or approach, or a claim that the rule would be ineffective or unacceptable without change.

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

#### H. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that agencies review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603 and 604. The RFA applies to any rule that is subject to notice and

comment procedures under section 553 of the APA. *Id.* As explained, the Commission has determined that notice and comment are not necessary for this direct final rule. Thus, the RFA does not apply. We also note the limited nature of this document, which updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

#### I. Paperwork Reduction Act

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

#### J. Environmental Considerations

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

#### K. Preemption

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

#### L. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standard organization revises a standard upon which a consumer product safety standard was based, the revision becomes the CPSC

standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. The Commission has not set a different effective date. Thus, in accordance with this provision, this rule takes effect 180 days after we received notification from ASTM of revision to this standard. As discussed in the preceding section, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on December 22, 2019.

#### List of Subjects in 16 CFR Part 1215

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

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

#### PART 1215—SAFETY STANDARD FOR INFANT BATH SEATS

■ 1. The authority citation for part 1215 continues to read as follows:

**Authority:** Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (August 14, 2008); Sec. 3, Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

■ 2. Revise § 1215.2 to read as follows:

##### § 1215.2 Requirements for infant bath seats.

Each infant bath seat shall comply with all applicable provisions of ASTM F1967–19, Standard Consumer Safety Specification for Infant Bath Seats, approved May 1, 2019. The Director of the Federal Register approves the incorporation by reference listed in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of this ASTM standard from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; [www.astm.org](http://www.astm.org). You may inspect a copy at the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

**Alberta E. Mills,**

*Secretary, U.S. Consumer Product Safety Commission.*

[FR Doc. 2019–19965 Filed 9–19–19; 8:45 am]

**BILLING CODE 6355–01–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### 20 CFR Part 655

[Docket No. ETA–2018–0002]

RIN 1205–AB90

#### Modernizing Recruitment Requirements for the Temporary Employment of H–2A Foreign Workers in the United States

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Final rule.

**SUMMARY:** The Department of Labor (Department or DOL) is amending its regulations governing the certification of agricultural labor or services to be performed by temporary foreign workers in H–2A nonimmigrant status (H–2A workers). The Department issues this certification pursuant to Section 218(a) of the Immigration and Nationality Act (INA), which requires a prospective employer of H–2A workers to apply for a certification from the Secretary of Labor (Secretary) that there are not sufficient able, willing, and qualified United States (U.S.) workers available to fill the petitioning employer's job opportunity, and that the employment of H–2A workers in that job opportunity will not adversely affect the wages and working conditions of workers in the United States similarly employed. This final rule modernizes and improves the labor market test that the Department uses to assess whether able, willing, and qualified U.S. workers are available by: Rescinding the requirement that an employer advertise its job opportunity in a print newspaper of general circulation in the area of intended employment; expanding and enhancing the Department's electronic job registry; and leveraging the expertise and existing outreach activities of State Workforce Agencies (SWAs) to promote agricultural job opportunities.

**DATES:** This final rule is effective October 21, 2019.

**FOR FURTHER INFORMATION CONTACT:** Thomas M. Dowd, Deputy Assistant Secretary, Employment and Training Administration, Department of Labor, Box #12–200, 200 Constitution Ave. NW, Washington, DC 20210, telephone (202) 513–7350 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

## SUPPLEMENTARY INFORMATION:

## I. Executive Summary

## A. Statutory and Regulatory Background

The INA, as amended by the Immigration Reform and Control Act of 1986 (IRCA), establishes an “H–2A” nonimmigrant visa classification for a worker “having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services . . . of a temporary or seasonal nature.” 8 U.S.C. 1101(a)(15)(H)(ii)(a); *see also* 8 U.S.C. 1184(c)(1) and 1188.<sup>1</sup> The admission of foreign workers under this classification involves a multi-step process before several Federal agencies. First, a prospective H–2A employer must apply to the Secretary for a certification that:

(A) There are not sufficient U.S. workers who are able, willing, and qualified, and who will be available at the time and place needed to perform the labor or services involved in the petition; and

(B) The employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

The INA prohibits the Secretary from issuing this certification—known as a “temporary labor certification”—unless both of the above-referenced conditions are met and none of the conditions in 8 U.S.C. 1188(b) concerning strikes or lock-outs at the worksite, labor certification program debarments, workers’ compensation assurances, and positive recruitment apply.

8 U.S.C. 1188(b). The Secretary has delegated his authority to issue H–2A temporary labor certifications to the Assistant Secretary, Employment and Training Administration (ETA), who in turn has delegated that authority to ETA’s Office of Foreign Labor Certification (OFLC). Secretary’s Order 06–2010 (Oct. 20, 2010). Second, once an employer obtains a temporary labor certification from DOL, it may file a nonimmigrant visa petition with the Secretary of Homeland Security. 8 U.S.C. 1184(c).<sup>2</sup> Finally, if the employer’s petition is approved, the foreign workers whom it seeks to employ must, generally, apply for a nonimmigrant visa at a U.S. embassy or consulate abroad. *Id.*

The regulatory process whereby an employer may apply for and receive an

H–2A labor certification is set forth in Title 20, part 655, subpart B of the Code of Federal Regulations (CFR). The Department’s last significant revision to these regulations took effect in 2010.<sup>3</sup> The application process set forth in these regulations is designed to ensure that OFLC acquires sufficient information to make the factual determinations required by the INA, including the determination as to whether there are sufficient able, willing, and qualified U.S. workers available to perform the agricultural labor or services for which an employer seeks H–2A workers. 20 CFR 655.100.

To that end, the Department’s regulations require an employer seeking an H–2A temporary labor certification to test the labor market by recruiting U.S. workers for the position(s) in which it intends to employ H–2A workers. *See, e.g.*, 20 CFR 655.121, 655.141–655.144. The outcome of this labor market test forms the basis of OFLC’s determination as to whether there are sufficient able, willing, and qualified U.S. workers available to fill the employer’s job opportunity.

## B. Current Recruitment Requirements

Under the regulations currently in effect, an employer seeking H–2A workers generally initiates the labor market test by filing an *Agricultural and Food Processing Clearance Order*, Form ETA–790 (job order) with the SWA in the area where it seeks to employ H–2A workers. 20 CFR 655.121. Absent limited exceptions, an employer must file this job order no more than 75 days, but no less than 60 days, before it seeks to employ H–2A workers. *Id.* The SWA will review the job order to confirm that the employer’s job opportunity complies with the Department’s regulations and, if so, it will place the job order into intrastate clearance, where the job order must remain active until 50 percent of the period of employment certified by the Department is complete. 20 CFR 655.135. The SWA will refer each qualified U.S. worker who applies during this period to the employer, and the employer may reject applicants only for lawful, job-related reasons. *Id.*

Unless a specific exemption applies, an employer must include a copy of this job order with the *Application for Temporary Employment Certification*,

Form ETA–9142A (H–2A application) that it files with the Department. 20 CFR 655.130. An OFLC Certifying Officer (CO) will review the H–2A application and job order for compliance with program requirements. 20 CFR 655.140. If the H–2A application and job order meet all applicable requirements, the CO will issue a Notice of Acceptance (NOA) authorizing conditional access to the interstate clearance system and direct the SWA to circulate a copy of the employer’s job order to other states where there are potential sources of U.S. workers. 20 CFR 655.153. The NOA will also specify the recruitment steps that the employer must conduct to complete the labor market test, as well as the date by which the employer must provide the Department an initial written report of its recruitment efforts. *Id.* Upon receipt of this report, the CO will make a final determination whether to grant, partially grant, or deny the employer’s H–2A application, based on the criteria for certification set forth in 20 CFR 655.160–655.161.

Sections 655.151 through 655.153 outline the recruitment steps that most employers seeking H–2A labor certification will be required to conduct. Under these regulations, unless a limited exception applies, an employer must place two print advertisements that meet certain content requirements in a newspaper of general circulation serving the area of intended employment, *see* 20 CFR 655.151–655.152, and contact the former U.S. workers whom it employed in the previous year, *see* 20 CFR 655.153.

In addition, under section 655.154, when an employer’s job opportunity is served by an area of traditional or expected labor supply, the CO may direct an employer to recruit U.S. workers in up to three additional states. 20 CFR 655.154. This latter regulation implements the statutory requirement that an employer make “positive recruitment efforts” in regions “where the Secretary finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed.” 8 U.S.C. 1188(b)(4). Paragraph (c) of section 655.154 leaves the precise nature of the additional positive recruitment that an employer must conduct to the discretion of the CO. In practice, however, when an employer’s job opportunity is served by traditional or expected labor supply states, the CO has traditionally required the employer to place print advertisements in

<sup>1</sup> For ease of reference, sections of the INA are referred to by their corresponding section in the United States Code.

<sup>2</sup> Under Section 1517 of title XV of the Homeland Security Act of 2002 (“HSA”), Pub. L. 107–296, 116 Stat. 2135, reference to the Attorney General’s or other Department of Justice Official’s responsibilities under section 1184(c) have been expressly transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202, 271(b).

<sup>3</sup> *See Temporary Agricultural Employment of H–2A Aliens in the United States*; Final Rule, 75 FR 6884 (Feb. 12, 2010) (2010 Final Rule). The Department originally promulgated regulations governing H–2A labor certifications in 1987. *See Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States*; Interim Final Rule, 52 FR 20496 (June 1, 1987).

newspapers with the largest circulations in those states.<sup>4</sup>

*C. Summary of Proposed Changes to the Recruitment Requirements and the Changes Adopted in This Final Rule*

On November 9, 2018, the Department issued a Notice of Proposed Rulemaking (NPRM) announcing its intent to modernize the recruitment that an employer must conduct in conjunction with an H-2A application. See 83 FR 55985 (Nov. 9, 2018). Specifically, the Department proposed to eliminate the requirement that every employer advertise its job opportunity in a print newspaper and replace it with a requirement to post an electronic advertisement on a website. The Department invited interested parties to submit written comments on all aspects of this proposal, including a variety of issues related to the electronic advertising requirement. The Department also solicited comments as to whether there were alternative methods of recruitment that would more broadly and effectively disseminate information about agricultural job opportunities to U.S. workers. The Department originally stated that it would accept comments through December 10, 2018, but in response to a request for an extension, it subsequently extended this period through December 28, 2018. The public may review all comments that the Department received in response to the NPRM in the Federal Docket Management System (FDMS) at <http://www.regulations.gov>, docket number ETA-2018-0002.

Upon careful consideration of the comments that it received, the Department has decided to adopt its proposal to transition to electronic advertising with several changes. Specifically, this final rule adopts the NPRM's proposal to eliminate the existing requirement for most employers seeking H-2A labor certification to advertise their job opportunities in print newspapers of general circulation in the area of intended employment. The Department's transition to electronic advertising will not require an employer to place an electronic advertisement on the internet in the manner proposed in the NPRM. As explained in detail below, the Department will instead advertise all H-2A job opportunities by posting them on [SeasonalJobs.dol.gov](http://SeasonalJobs.dol.gov), the expanded and improved version of the Department's existing electronic job registry. This final rule further

strengthens the labor market test by enhancing the existing role of the SWAs in conducting outreach activities. Specifically, this final rule allows the CO to direct a SWA, where appropriate, to offer written notice of an employer's H-2A job opportunity to organizations that provide employment and training services to workers who are likely to apply for the job and/or place written notice in other physical locations where such workers are likely to gather.

*D. Severability*

To the extent that any portion of this final rule is declared invalid by a court, the Department intends for all other parts of the final rule that are capable of operating in the absence of the specific portion that has been invalidated to remain in effect. Thus, even if a court decision invalidating a portion of this final rule results in a partial reversion to the current regulations or to the statutory language itself, the Department intends that the rest of the final rule continue to operate, to the extent possible, in tandem with the reverted provisions.

**II. Revisions to 20 CFR Part 655, Subpart B**

*A. The Department Is Rescinding the Regulation Generally Requiring Employers To Place Print Newspaper Advertisements in the Area of Intended Employment*

**1. Background**

In the NPRM, the Department proposed to revise section 655.151(a) to replace the requirement for an employer to place print newspaper advertisements with a requirement for an employer to post an electronic advertisement on a website that is widely viewed and appropriate for use by workers who are likely to apply for the job opportunity in the area of intended employment. The Department based this proposal on data indicating that print newspaper circulation continues to decline and that U.S. workers are increasingly turning to the internet in their job searches. The Department also relied on data from the National Agricultural Workers Survey (NAWS), which indicated that farmworkers in the United States very rarely, if ever, learn about job opportunities or obtain employment through print newspaper advertisements. The Department noted that the NAWS data was consistent with its experience conducting audit examinations of H-2A applications and anecdotal evidence from stakeholders who reported that newspaper advertisements were not an effective means of recruiting prospective U.S.

workers for agricultural job opportunities. In light of this data, experience, and stakeholder feedback, the Department asserted that classified advertisements in print editions were becoming a less effective means of recruiting U.S. workers, and it proposed to replace section 655.151's current requirement to place a print newspaper advertisement with a requirement to post an electronic advertisement on the internet.

Many of the H-2A employers, agents, agricultural associations, and farm bureaus that submitted comments in response to the NPRM applauded the Department's efforts to modernize the recruitment process and confirmed that, based on their experience, the existing newspaper advertising requirement was not effective in recruiting U.S. workers for agricultural positions. A number of these commenters expressed concern about the high costs associated with placing newspaper advertisements under the existing rule. They asserted these costs are unwarranted because newspaper advertisements result in few, if any, referrals of U.S. applicants. For instance, one agent for H-2A employers reported that its employer-clients had spent about \$75,000 to advertise roughly 5,000 positions, and the employers did not receive a single applicant in response to the advertisements. An association representing agricultural employers similarly reported that its members spent millions of dollars on newspaper advertisements for H-2A positions each year and received no U.S. applicants in response.

Nevertheless, many of these same commenters disagreed with the Department's proposal to completely eliminate print newspaper advertisements and urged that the Department provide an individual employer with the option to choose whether to post two print newspaper advertisements in accordance with the requirement in the existing rule or an electronic advertisement in accordance with the requirement in the proposed rule. These commenters provided varied reasons to justify their request. For instance, some asserted that mandating electronic advertisements would unfairly exclude employers who do not have reliable access to the internet or who do not use the internet due to religious reasons. Others maintained that an individual employer is in the best position to know whether newspaper or electronic advertisements are most likely to be successful in its area and urged that the Department allow employers to select the method that works best for them.

<sup>4</sup> See *Temporary Agricultural Employment of H-2A Aliens in the United States*; Final Rule, 75 FR 6884, 6930 (Feb. 12, 2010) (2010 Final Rule).

The Department also received comments from others—including individuals, a SWA, and a group of farmworker advocacy organizations—that generally expressed support for its proposal to transition to electronic advertising. Although the farmworker advocacy organizations conditioned their support on several issues they felt needed to be addressed before the Department issued a final rule, they did not contend that the newspaper advertisements placed under the current rule are effective in recruiting U.S. agricultural workers, nor did they urge the Department to retain this requirement.

While the vast majority of commenters supported eliminating (or partially replacing) the print newspaper advertising requirement, the Department received some comments—mostly from newspapers or organizations associated with the newspaper industry—expressing opposition to eliminating this requirement. These commenters generally questioned whether electronic advertisements would be effective in reaching U.S. workers interested in agricultural employment and pointed to data suggesting that some of these workers may have limited access to the internet. Others urged the Department to consider the effect that the proposed rule would have on the newspaper industry.

Commenters associated with the newspaper industry additionally alleged that the Department's proposal to eliminate its print newspaper advertising requirement overlooked certain factors. For instance, a trade association alleged newspapers are more effective than the internet in disseminating information to relevant viewers. In support of this assertion, the trade association cited two instances in which non-job related public notices went unnoticed for weeks after they were exclusively posted on the internet, but drew thousands of public comments several weeks after newspapers had published stories about the proposals in print. This same trade association also alleged that many local newspapers reach an audience that is larger than their subscribership indicates because a single newspaper is often read by multiple people and the content in these newspapers is often available online. According to this trade association, the distribution and readership of a local newspaper, including all of its formats (print and electronic), can easily exceed the number of visits to a third-party job search website.

Others similarly noted that print newspapers are widely accessible and distributed in local and regional

communities where agricultural job opportunities exist. Some of these commenters argued that the Department incorrectly focused on large newspapers and subscribership numbers, and maintained that newspapers continue to have large readership, especially in smaller and more rural communities. Accordingly, they urged the Department to revise section 655.151 to allow advertisements in local community newspapers, which according to these commenters, are more likely to be effective in recruiting U.S. agricultural workers than larger newspapers with broader markets.

Finally, several commenters asserted that the electronic advertising requirement proposed in the NPRM would sacrifice accountability and transparency. In particular, they argued newspaper advertisements are more difficult for unscrupulous employers to alter or falsify and thus provide better evidence to demonstrate compliance with regulatory requirements.

## 2. Discussion

After carefully considering the comments it received, the Department has decided to rescind section 655.151, and it will no longer generally require a prospective H-2A employer to advertise its job opportunity in a newspaper serving the area of intended employment. This decision is grounded in the Department's determination that the newspaper advertisements required under this section do not meaningfully contribute to the labor market test that the Department administers to assess the availability of able, willing, and qualified U.S. workers. Accordingly, this final rule rescinds the regulation imposing this requirement, as set forth at 20 CFR 655.151, and the regulation prescribing the content that an employer must include in those advertisements, as set forth at 20 CFR 655.152.

This determination is supported by the lack of data indicating newspaper advertisements are an effective means of recruiting U.S. workers for agricultural positions. Specifically, as noted in the NPRM, available data indicate that farmworkers in the United States very rarely, if ever, learn about job opportunities or obtain employment through print newspaper advertisements. *See* 83 FR at 55987. For instance, none of the farmworkers interviewed in connection with the latest NAWS identified print newspaper advertisements as a source for obtaining their current job. In addition, the Department considered anecdotal accounts in comments from farmers, agents, and agricultural associations, who reported that the newspaper

advertisements they have placed in connection with this requirement have yielded very few, if any, applications from able, willing, and qualified U.S. workers.

Moreover, as noted in the NPRM, these comments and available data are consistent with the Department's experience in conducting audit examinations of H-2A labor certifications, as well as anecdotal evidence that the Department has received from stakeholders, both of which illustrate that print newspaper advertisements are not an effective method of recruiting prospective U.S. workers for agricultural job opportunities. *See* 83 FR at 55987. Specifically, as part of the audit process, the Department reviews the recruitment reports that H-2A employers must maintain under 20 CFR 655.156(b). An employer's recruitment report must identify each recruitment source (*e.g.*, newspaper advertisements, contact with former employees, word-of-mouth), the names and contact information for each U.S. worker who applied or was referred to the job opportunity, and the disposition of each U.S. applicant. 20 CFR 655.156(a). Based on the Department's experience in conducting audit examinations under current regulations, few of these recruitment reports indicate that U.S. workers have applied to agricultural job opportunities in response to the print newspaper advertisements that employers have placed under section 655.151.

In arriving at this determination, the Department carefully considered the arguments that commenters raised in support of retaining the requirement to place print newspaper advertisements. As explained below, however, none of these arguments contradict the findings discussed above that newspaper advertisements are rarely, if ever, an effective means of recruiting U.S. workers for agricultural positions. Accordingly, these arguments have not persuaded the Department that it must require every employer seeking H-2A workers to place print advertisements in order to effectively test the labor market for able, willing, and qualified, and available U.S. workers. As is currently the case, to the extent the Department receives information that an advertisement in a particular print publication is likely to reach able, willing, qualified, and available U.S. workers in specific areas or across certain populations, a CO may direct an employer to place such an advertisement, on a case-by-case basis, under his or her authority to order additional positive recruitment. *See* 20 CFR 655.154.



Significantly, the commenters who urged the Department to retain a general print newspaper-advertising requirement did not point to data that showed such advertisements are effective in recruiting U.S. workers for *agricultural* positions. Rather, these commenters discussed the purported advantages of newspaper advertisements in general terms, compared to the purported advantage of electronic advertisements proposed in the NPRM, without specifically addressing the efficacy of newspaper advertisements in recruiting U.S. agricultural workers. For instance, some commenters cited data indicating certain populations and demographics are less likely to use the internet when searching for jobs and are more likely to turn to community newspapers than the internet to obtain local news. As it was not specific to agricultural workers, such data do not speak to whether U.S. workers seeking agricultural job opportunities actually use newspapers to look for work. The arguments that commenters raised regarding the circulation and distribution of newspapers suffer from the same flaw: They do not refute the Department's observation in the NPRM, nor do the assertions and anecdotes received in response to the NPRM, that farmworkers in the United States very rarely, if ever, learn about job opportunities or obtain employment using print newspaper advertisements. Similarly, the fact that the Department can easily verify whether an employer has placed a newspaper advertisement is irrelevant if the Department determines that the placement of such advertisements is not always required to adequately test the labor market.

Moreover, as discussed in detail below, the Department has decided not to adopt its proposal to replace the requirement to place newspaper advertisements with a requirement for *an employer* to post an electronic advertisement on the internet. Instead, the Department will post an electronic advertisement on an employer's behalf on *SeasonalJobs.dol.gov*, an improved and expanded version of the electronic job registry that the Department is required to maintain under its existing regulations. *See* 20 CFR 655.144. This addresses concerns that some commenters expressed regarding the effect of the proposed rule on those employers who have limited or no access to the internet and/or religious objections to internet use, because such employers will not need to access the internet in order to participate in the H-2A program. Accordingly, employers

who lack access to the internet will not need to acquire access to the internet in order for *SeasonalJobs.dol.gov* to advertise their job opportunities or for them to respond to any applications received from U.S. workers in response to these advertisements. Likewise, employers will not need to determine whether a particular website meets applicable regulatory criteria or retain evidence of this posting. Rather, the Department will use information that an employer provides on its job order and H-2A application to generate the advertisement that the Department posts on the employer's behalf on *SeasonalJobs.dol.gov*, and U.S. workers interested in a particular job opportunity can apply to the employer directly using the contact information that the employer provided to the Department.

While the Department is aware that the final rule may have an impact on the newspaper industry, the Department is also obligated to carry out its statutory mandate in a manner that ensures the methods and locations in which employers conduct positive recruitment yield concrete results and are cost effective. As a general requirement for all employers, the Department has determined that newspaper advertisements do not meaningfully contribute to the labor market test, which must be carried out by prospective employers to determine the availability of able, willing, and qualified U.S. workers. Therefore, the impact the newspaper industry experiences as a result of this final rule is outweighed by the Department's need to more effectively carry out its statutory mandate to ensure an adequate test of the U.S. labor market.

The relevant question is whether this requirement is an effective component of the labor market test that the Department conducts in connection with an H-2A application. Given the absence of evidence suggesting print newspaper advertisements are effective in recruiting U.S. workers for agricultural job opportunities, the Department has decided not to continue requiring most employers seeking an H-2A labor certification to place print newspaper advertisements. Accordingly, the Department is rescinding the regulation that generally requires employers to place such advertisements, *see* 20 CFR 655.151, and the regulation that prescribes the content of such advertisements, *see* 20 CFR 655.152. Moreover, as proposed in the NPRM, the Department is also amending the regulation that specifies the post-acceptance requirements for positions engaged in the herding or

production of livestock on the range, *see* 20 CFR 655.225, to conform to the rescission of section 655.151.

*B. Instead of Requiring a Prospective H-2A Employer To Post Its Own Electronic Advertisement, as Originally Proposed, the Department Will Advertise The Employer's Job Opportunity on SeasonalJobs.gov, an Improved and Expanded Version of the Department's Electronic Job Registry*

#### 1. Background

In the NPRM, the Department proposed to amend section 655.151 to require that an employer post an advertisement on a website meeting certain criteria. The Department suggested that such websites might include those operated by state or local agricultural associations, job search websites that advertise agricultural job opportunities, and other classified advertisement websites with sections focused on local jobs. The Department requested comments on whether it should establish additional qualifying criteria (*e.g.*, minimum number of unique visitors per month) or more specifically define the types of websites that an employer may use.

Under the Department's proposed revision to section 655.151, an employer's advertisement would need to be clearly visible on the website's homepage or easily retrievable using the search tools on the website, posted for a period of no less than 14 consecutive calendar days, and publicly accessible to U.S. workers at no cost using the latest browser technologies and mobile devices. The proposed rule also required employers to use commonly understood terms and keywords to describe their job opportunities, so that U.S. workers likely to apply could easily retrieve advertisements using the website's search function. Moreover, in an attempt to ensure the advertisement would be readily available to U.S. workers at no cost, the proposed rule prohibited employers from placing it on a website that required U.S. workers to establish personal accounts or make payments of any kind to view the advertisement. For the same reason, the proposed rule also required the website to be functionally compatible with the latest commercial web browser platforms and easily viewable on mobile smartphones and similar portable devices. To ensure employers retained the documentation necessary to demonstrate their compliance with these requirements, the proposed rule required employers to print and retain screen shots of the web pages on which their advertisements appeared, as well



as screen shots of the web pages establishing the path used to access their advertisements.

Separately, in the NPRM, the Department provided notice that it was evaluating the development of a centralized online platform to automate the advertising of H-2A job opportunities in order to assist employers in complying with the proposed electronic advertising requirement. Specifically, the Department envisioned that this electronic advertising platform would maintain a standard set of data on each job opportunity for integration with a wide array of job search website technologies. As envisioned in the NPRM, employers who elected to use this electronic advertising platform would consent to have the Department transmit information about their H-2A job opportunities to companies offering to provide advertising services. These companies would, in turn, advertise the employers' job opportunities on their respective job-search websites.

## 2. Discussion

The Department received comments both in support and in opposition to the proposal to replace the print newspaper-advertising requirement in section 655.151 with a requirement to post an electronic advertisement on the internet. Some commenters fully supported the Department's proposed transition to electronic advertising, agreeing it was a necessary modernization of the H-2A program and had the capacity to reach a larger number of U.S. job seekers across a larger geographic area. These commenters noted that online advertisements would permit employers to recruit labor more quickly and reliably than print newspaper advertisements and offer an easier method for applicants to contact agricultural employers looking for labor.

However, the Department also received a number of comments that raised significant concerns with various aspects of its proposal. For instance, many commenters expressed concern that the Department had not adequately considered whether farmworkers are likely to search for jobs online. A number of commenters cited data indicating people in rural communities and lower skilled positions are less likely to have reliable high-speed internet access than those in urban areas who seek higher skilled positions, which could impede employers' ability to post—and U.S. workers' ability to view—electronic advertisements. Other commenters raised significant issues with the proposed criteria for websites, the minimum required duration of the

posting, and the documentation that employers would be required to retain to establish compliance.

After considering these comments, the Department continues to believe that electronic advertising is an effective medium through which to reach U.S. workers. However, upon further consideration of how an electronic posting requirement can be effective in testing the U.S. labor market, how it can be effectively administered and enforced, and by whom, the Department has decided to rescind, rather than revise, the advertising requirement in section 655.151. Instead, the Department has decided to carry out the electronic advertising itself by posting H-2A job opportunities on *Seasonaljobs.dol.gov*, an improved and expanded version of the electronic job registry that the Department is required to maintain under its existing regulations. See 20 CFR 655.144. To accomplish this, in addition to placing copies of all approved H-2A job orders on its publicly accessible electronic job registry, 20 CFR 655.144, the Department will enhance the functional capabilities of this registry so that it also serves as a job search website that broadly advertises and disseminates H-2A job opportunities to U.S. workers. As discussed in detail below, the Department believes this approach strikes an appropriate balance between addressing the concerns that stakeholders have raised with the proposed electronic advertising requirement and realizing the Department's goal of modernizing and improving the labor market test conducted in connection with an H-2A application.

Having the Department facilitate the electronic advertising of H-2A job opportunities will have several salutary effects. First, it addresses concerns raised in public comments regarding the effect that this rule will have on employers who lack internet access and/or who have religious objections to using the internet. The employer will not need internet access to advertise job opportunities because the Department will be placing advertisements on *seasonaljobs.dol.gov* on behalf of all employers using the information that employers provide to the Department in their H-2A applications. U.S. workers interested in a particular job opportunity can apply by directly contacting the employer, using the contact information—regardless whether that is an email or physical address—that the employer provided to the Department. Second, it eliminates the need to establish regulatory criteria for the websites on which employers

may place advertisements or the documentation employers must retain to establish compliance with those criteria. It also reduces burden on prospective H-2A employers—who historically have been the parties tasked with placing advertisements—by effectively transferring the responsibility (and cost) for this activity from prospective H-2A employers to the Department. Finally, and most importantly, it strengthens the integrity and efficiency of the labor market test that is conducted in connection with an H-2A application by leveraging the latest job search technologies to more broadly disseminate information about H-2A job opportunities through a centralized website. The enhancements that the Department is making to its electronic H-2A job registry, as well as each of these salutary effects, are discussed in further detail below.

### (a) The Department Will Improve and Expand Its Electronic H-2A Job Registry Instead of Creating a Separate DOL-Assisted Advertising Platform

As previously mentioned, after considering the comments it received in response to the NPRM, the Department has decided that the best approach is to assume the responsibility for posting an electronic advertisement through the Department's own website. Accordingly, this final rule provides notice that the Department intends to improve and enhance the electronic job registry that the Department maintains under its existing regulations. See 20 CFR 655.144 (generally requiring the CO to place a copy of an employer's job order on an electronic job registry once the employer's H-2A application has been accepted for processing, and generally requiring that this job order remain posted on the electronic job registry until 50 percent of the employer's contract period has elapsed).

The Department has used the iCERT Visa Portal System (iCERT System) to host its electronic job registry since July 2010, shortly after section 655.144 originally went into effect. Under this system, once an employer's application has been accepted for processing, the CO will redact any confidential information on the employer's job order and upload a redacted image of the job order onto the iCERT system, where it will generally remain posted until 50 percent of the employer's contract period has elapsed. At the conclusion of this period, the CO will change the job order to inactive status, so that the information on the job order will still be available for public research and access. The iCERT System currently allows the public to search and retrieve H-2A job

orders using several common data points—including the H-2A application number, employer name, area of intended employment, work contract period, job title, and primary crop or agricultural activity.

The Department implemented the job registry for two reasons. See 75 FR 6884, 6927 (Dec 12, 2010). One was to promote public disclosure and transparency, and the other was to have an additional tool through which U.S. workers and other intermediaries providing services to agricultural workers could more easily identify available job opportunities. The Department's experience demonstrates that many stakeholders value the transparency of a publicly available job registry and use the current job registry to locate H-2A job orders.

Currently, however, the technology supporting the current job registry is more than 10 years old, lacks compatibility with the latest mobile devices, and provides limited search options for the public to retrieve H-2A job orders. It also serves as a static repository of H-2A job orders and lacks functionality that can facilitate the dissemination of these job opportunities to the widest audience. Finally, the manual process of scanning, redacting, and uploading scanned images of job orders creates the risk of error, incomplete information, and delays in posting, especially during the late fall and winter months when employers are filing large numbers of applications for the upcoming spring season.

To address these limitations and expand U.S. workers' awareness and access to agricultural job opportunities, the Department is in the process of transitioning its electronic job registry to a new platform, *SeasonalJobs.dol.gov*, and it plans to decommission the public job registry on the iCERT System in the fall of 2019.<sup>5</sup> *SeasonalJobs.dol.gov* is a mobile-friendly website that leverages the latest technologies to automate the electronic advertising of H-2A job opportunities and ensures copies of H-2A job orders are promptly available for public examination.

*SeasonalJobs.dol.gov* is currently operational. Once a CO has accepted an employer's H-2A application for further processing, the Department posts a brief description of the employer's job opportunity on *SeasonalJobs.dol.gov* that includes a link to a full copy of the employer's job order. The employer's job opportunity appears on the website

in a concise and easy-to-read format, using information that the employer reports to the Department on its H-2A application and job order. While currently functional, the Department continues to enhance the functionality of *SeasonalJobs.dol.gov* to make information about H-2A job opportunities more accessible to U.S. workers. For instance, the search options available in the iCERT system are limited to job title, employer name, job order posting date, and the state where work will be performed. *SeasonalJobs.dol.gov* will offer a more targeted and robust set of search options than those on the current job registry. Users will be able to create and save customizable job search profiles and request email notifications informing them when the Department posts positions that match their search criteria. In addition, a geolocation Application Programming Interface will connect a user's current geographic location (when available) to the website's automated search tool, so that search results favor job opportunities near the user's current location. Location history will also help the Department identify how many users are searching for work in certain areas of the country and more effectively steer H-2A job opportunities to groups of job seekers located in certain regional areas and/or seeking different types of agricultural work.

In addition, *SeasonalJobs.dol.gov* will make information about H-2A job opportunities more accessible to U.S. workers with limited English proficiency by posting the jobs in a format that allows language translation services to access and translate both the general web content on *SeasonalJobs.dol.gov* and specific terms and conditions of the job opportunities presented on job orders through the site. It will also facilitate broader dissemination of available job opportunities by making a standard set of job data available to third-party job search websites, which will allow job-search websites to execute web-scraping protocols that extract new H-2A job opportunities from *SeasonalJobs.dol.gov* and index them for advertising to U.S. workers. In fact, Jobs on Google and LinkedIn job search features index the H-2A job opportunities currently advertised on *SeasonalJobs.dol.gov*, and the Department is evaluating additional integrations with other commonly used job search and social media websites to cast as wide a net as possible to help Americans find jobs. Finally, the Department will be further enhancing the RSS feed capability to allow

interested U.S. workers and stakeholders to tailor notifications of relevant job opportunities.

The Department believes that the enhancements it has and will continue to make to the electronic job registry will improve the existing labor market test and resolve many of the concerns that commenters raised in response to the NPRM. This approach is also consistent with suggestions that the Department received from numerous commenters who urged the Department to either allow postings on its electronic job registry to fulfill the proposed electronic advertisement requirement or to implement a DOL-assisted electronic advertising platform. In fact, most of the commenters who addressed the DOL-assisted advertising platform expressed support for the proposal, noting it would reduce regulatory burdens on employers, assist employers in complying with advertising requirements, and enhance U.S. worker access to employers' job opportunities in a centralized location and standardized format.

However, a few commenters questioned the Department's decision to expend resources developing this platform and suggested it was unnecessary, while another generally supported the idea as long as it did not impede or disrupt the processing of H-2A applications and was not mandated. In addition, a few commenters urged the Department to consult stakeholders prior to developing or implementing a DOL-assisted advertising platform.

The Department has considered these comments, and while the Department has decided not to go forward with the DOL-assisted advertising platform that was proposed in the NPRM, it anticipates that stakeholders will be pleased with the improvements the Department has—and continues—to make to the electronic job registry. The Department has administered this electronic job registry in some form for nearly a decade. Accordingly, employers have been and continue to be on notice that, as a condition of participating in the H-2A program, the CO will place a copy of their approved H-2A job order on an electronic job registry. As explained above, the Department created this job registry to promote greater public awareness of and access to H-2A job opportunities. The enhancements the Department has and continues to make to *SeasonalJobs.dol.gov*, including the capability for third-party websites to extract H-2A job opportunities for broader advertising, are designed to further this goal and increase the likelihood that U.S. workers interested

<sup>5</sup> The Department first announced that it would be launching *SeasonalJobs.dol.gov* on December 21, 2018. See <https://www.dol.gov/newsroom/releases/eta/eta20181221>.

in agricultural opportunities, as well as intermediaries providing services to those workers, receive timely notice of H-2A job opportunities. In addition, to increase the speed with which positions are posted on the public job registry, the website will generate postings using the information that an employer provides on the newly designed H-2A *Agricultural Clearance Order* (Form ETA-790/790A), which an employer will electronically submit through the Foreign Labor Application Gateway (FLAG) System beginning no later than October 1, 2019. This enhanced job order will replace the current paper-based submission process in the iCERT System, reduce the frequency of inadvertent errors or manual corrections, and improve the efficiency of posting H-2A job opportunities on the electronic job registry by eliminating the need to manually redact, scan, and upload physical image files.

Because the Department is not implementing a separate advertising platform, but rather enhancing the electronic job registry that it is currently required to maintain, the Department has decided that U.S. workers will be best served if it implements these enhancements as soon as practicable. Nevertheless, the Department values all suggestions and ideas to improve the functionality of *SeasonalJobs.dol.gov* and invites public input on changes that it can make to attract U.S. workers who are likely to apply for seasonal or temporary agricultural jobs. To facilitate public input, the Department has made the site easily accessible and included a specific function to collect stakeholder feedback and questions. The Department will also continue—as is its practice—to solicit and incorporate informal feedback from program users and other stakeholders in the course of outreach and technical assistance activities (including DOL-hosted stakeholder meetings and webinars) and at conferences, forums, and events hosted by interested stakeholders.

The Department has also considered issues that several commenters raised regarding technical difficulties with its existing job registry and the iCERT system, and agrees that it is critical for *SeasonalJobs.dol.gov* to function effectively and reliably. Although this is a goal of the Department independent of public comments in response to the NPRM, the above-referenced steps that the Department is taking to meet this goal should address and allay the concerns of the stakeholder community.

#### (b) Posting H-2A Job Opportunities on *SeasonalJobs.dol.gov* Will Reduce Regulatory Burden and Address Concerns About the Proposed Criteria for Employer-Posted Electronic Advertisements

The Department received numerous comments addressing electronic advertisements, the criteria that would apply to these advertisements, and the documentation that an employer would be required to maintain. Many commenters generally agreed with the Department's proposal to transition to electronic advertising, but a number of commenters urged the Department to modify its proposal in various ways. For example, a number of commenters expressed concern that the proposed rule did not accommodate employers who had limited or no access to the internet (or those employers who did not access the internet for religious reasons), and they urged the Department to provide employers the option of posting an electronic advertisement or print newspaper advertisements. Other commenters speculated that electronic advertisements—and in particular, advertisements on publicly accessible websites—might result in employers being inundated with hundreds of applications from unqualified or disinterested workers, and they urged the Department to consider the burden employers would face in reviewing and documenting responses to such applications.

The Department also received many comments suggesting that the standard it proposed to define the websites on which an employer could place an electronic advertisement required clarification. A number of commenters felt the proposed standard was ambiguous and did not sufficiently identify the websites—or types of websites—that would be permissible under the proposed rule. These commenters expressed varying opinions about the types of websites they believed should qualify and, for differing reasons, urged the Department to further clarify, define, or list the websites where it would be appropriate for an employer to advertise an H-2A job opportunity.

For example, farmworker advocacy organizations urged the Department to identify additional qualifying criteria and suggested that the Department and SWAs provide a list of approved websites, including websites widely viewed by U.S. workers in areas of traditional or expected labor supply. Farmers, H-2A agents, and agricultural associations, by contrast, opposed the adoption of more specific qualifying

criteria, which they argued would be cumbersome and make the regulation difficult to adapt to future changes in practices and technologies. Indeed, at least one commenter expressed concern that the proposed standard would require employers to monitor website platforms and technologies to ensure that they remain compliant with regulatory criteria. The Department also received comments from stakeholders who assumed job postings on SWA websites or the Department's existing electronic job registry would satisfy the proposed standard and/or who urged the Department to clarify that advertisements on such websites were acceptable.

In addition, several commenters sought clarification on the documentation that an employer would be required to retain under the proposed recordkeeping requirements. For example, some stakeholders complained that the proposed rule did not clearly articulate how many screen shots an employer needed to retain (e.g., one screen shot, a screen shot from the first and last day of the posting, or a screen shot for each day the advertisement is posted), while others asserted it was overly burdensome. Commenters associated with the newspaper industry additionally alleged that newspapers are a more reliable means of documenting compliance, because they are archived and available if an employer loses its copy of the tear sheet, whereas screen shots of websites can be easily lost, altered, or fabricated. Other commenters urged the Department to require other, more specific documentation (e.g., electronic confirmation of posting or invoice payment from third-party website).

The issues that these commenters raised have persuaded the Department that it would be extraordinarily difficult to develop, interpret, and implement qualifying criteria to govern the types of websites on which employers should place an electronic advertisement, as well as the documentation that an employer should retain to demonstrate compliance with this requirement. Accordingly, as explained above, the Department has decided not to adopt its proposal to amend section 655.151 to require that an employer post an electronic advertisement. Instead, the Department will advertise on an employer's behalf by posting its job opportunity on *SeasonalJobs.dol.gov*.

Assuming control over the posting of the electronic advertisement and placing it on a centralized, DOL-administered platform addresses many, if not all, of the above-referenced concerns. As a preliminary matter, the

Department will no longer need to establish—and employers will no longer need to comply with—regulatory criteria limiting the types of websites on which employers must place an electronic advertisement or the documentation necessary to demonstrate compliance with this requirement. Moreover, the advertisement that the Department posts on *SeasonalJobs.dol.gov* will not create any additional regulatory burden for an employer because the employer will have already provided the Department with information about its job opportunity on its job order and H-2A application, which the Department will use to generate the advertisement it posts on *SeasonalJobs.dol.gov*. U.S. workers interested in a particular job opportunity can apply by directly contacting the employer, using the contact information that the employer provided on its job order and H-2A application. As noted above, employers who lack access to the internet will not need to acquire access to the internet to post advertisements on *SeasonalJobs.dol.gov* or respond to any applications that they receive from U.S. workers in response to these advertisements; and employers will not need to determine whether a particular website meets applicable regulatory criteria or retain evidence of this posting.

The Department has also considered comments suggesting that it rely on SWAs to post job orders on their websites. The Department believes that the advertisements it places on *SeasonalJobs.dol.gov* and the intra- and interstate clearance process administered by SWAs serve important, but distinct, purposes in facilitating the labor market test conducted in connection with an H-2A application. Specifically, *SeasonalJobs.dol.gov* will accomplish the Department's objective of broadly disseminating information about H-2A job opportunities nationwide to the widest possible audience. The intra- and interstate clearance process, by contrast, target specific regional labor markets, so that SWAs in particular areas (the area of intended employment and areas of traditional or expected labor supply) assist in matching U.S. workers with H-2A job opportunities and facilitate applications for those jobs. The combination of these recruitment activities and, if ordered, an employer's positive recruitment efforts, help cast as wide a net as possible to apprise U.S. workers of agricultural job opportunities that could otherwise be filled by H-2A workers.

The Department also appreciates the suggestion from worker advocacy organizations to expand the criteria in the NPRM to include websites that are widely viewed by U.S. workers in areas of traditional or expected labor supply. If the Department becomes aware of websites that are widely viewed by U.S. workers in areas of traditional or expected labor supply, the CO may order an employer to post an advertisement on such a website under section 655.154.

Finally, while the Department is hopeful that advertising H-2A job opportunities on *SeasonalJobs.dol.gov* will increase the number of U.S. workers who apply for these positions, the Department does not believe that employers will be inundated with applications from unqualified or unwilling U.S. workers. The concerns some commenters raised to the contrary were speculative, generalized, or based on undocumented anecdotal experience from a different job search website. The Department reminds commenters that the electronic job registry, including the enhancements the Department has and continues to make through *SeasonalJobs.dol.gov*, is designed to promote greater public awareness of and access to H-2A job opportunities and increase the likelihood that U.S. workers interested in these jobs will apply. Any burden that an employer incurs reviewing increased applications from U.S. workers is a fundamental obligation for choosing to participate in the H-2A program and outweighed by the Department's statutory obligation to ensure that able, willing, and qualified U.S. workers are not available. Because H-2A job opportunities typically require minimal education, skills, and experience, employers should not find it especially burdensome to assess the qualifications of U.S. workers who submit applications for job opportunities advertised on *SeasonalJobs.dol.gov* or to document their assessment of these applicants in a recruitment report.

(c) The Advertisements That the Department Places on *SeasonalJobs.dol.gov* Will Improve the Information That U.S. Workers Receive About H-2A Job Opportunities

The Department also received numerous comments questioning whether U.S. workers would be able—or likely—to access the electronic advertisements required under the proposed rule. As explained below, the Department's decision to assume control over the posting of the electronic advertisement not only reduces the burden of applying for an H-2A labor

certification, but also improves access to information about H-2A job opportunities.

First, it ensures that all H-2A job opportunities are advertised in a centralized location and in a uniform manner. This eliminates the concern raised by some commenters that U.S. workers would not know where to go to look for information about available H-2A job opportunities if employers were not posting advertisements in consistent locations or that unscrupulous employers could intentionally post advertisements on websites that able, willing, and qualified U.S. workers are unlikely to view. Second, the Department can assure broader dissemination of H-2A job opportunities without requiring an employer to ensure that the website on which it places its advertisement is functionally compatible with the latest commercial web browser platforms and easily viewable on mobile smartphones and similar portable devices. Under the Department's revised proposal, it is the Department (and not the employer) who will ensure compliance with these requirements. The Department will stay abreast of broader changes in technologies and implement appropriate upgrades to the usability and security of the *SeasonalJobs.dol.gov*. For example, unlike the iCERT System, *SeasonalJobs.dol.gov* uses Responsive Web Design (RWD), which allows the Department to optimize the design and content structure of the website to fit on the screen of the user's computer, smartphone, or other similar portable device, regardless of size. The RWD approach allows the Department to create a single website design that can reach users across a wide array of computing devices. The Department continuously tests the site's mobile device compatibility using a series of emulation tools and a wide array of actual mobile devices.

Third, the Department will be able to improve the presentation of H-2A job opportunities to U.S. workers. For example, some commenters complained about the Department's existing advertising content requirements and suggested that they require employers to place advertisements that are too formalistic and contain too much information to attract U.S. workers. While the Department continues to believe that U.S. workers should have access to all of the information that is currently required by section 655.152, it also understands that, in some situations, a concise summary of the job opportunity may be more attractive to U.S. workers. Accordingly, the advertisements that the Department

places on *SeasonalJobs.gov* highlight select information about an employer's job opportunity and include a link to the job order, so that U.S. workers can quickly review listings to assess whether they are interested in a particular job and, if interested, review the job order to access all of the terms and conditions of employment. The Department additionally intends to upgrade *SeasonalJobs.dol.gov* to allow users to create and manage customizable notifications for the H-2A job opportunities. Specifically, as noted above, the Department plans to enhance the site's current RSS feed capability, which includes a basic function that alerts users when the Department updates web-based content, with more sophisticated options that will allow users to personalize these alerts so that they only receive notifications of new postings for specific types of agricultural work and/or in pre-determined frequencies (e.g., immediately, daily, weekly, monthly) tailored to their individual preferences. Users will be able to manage these notifications and turn them off when they are no longer needed or relevant.

Fourth, it addresses the concerns that some commenters raised regarding effective language access. Specifically, several commenters urged the Department to require employers to include commonly used search terms in English, Spanish, and other languages spoken by the agricultural workers whom they typically employ. To justify this recommendation, the commenters cited data from the NAWS, which showed that most farmworkers identified Spanish as their primary language, and that many farmworkers reported they did not speak or read English well or even at all.

The Department appreciates suggestions on ways to improve the accessibility of electronic advertisements to U.S. workers, especially those workers with limited English proficiency. The internet offers an abundance of content presented in languages other than English, and the Department recognizes there are already a number of free browser applications and extension technologies (e.g., Google Translate, Chrome Duolingo, Firefox's Flagfox) that provide users with translations, definitions, and other dialect-related assistance. To assist U.S. workers who search for jobs online but who have limited proficiency in English, jobs available on *SeasonalJobs.dol.gov* will be posted in a format that allows language translation services to access and translate both the general web content and specific terms and conditions of the job opportunities

presented on job orders. The Department is further evaluating whether existing technologies and services can provide effective language translation services, and can be implemented through the site, to both general web content on *SeasonalJobs.dol.gov* and specific information about H-2A job opportunities presented on the site. The Department understands the challenges (e.g., numerous language dialects, accurately applying grammatical rules) associated with language translation tools and services, but believes that it is important for the information on *SeasonalJobs.dol.gov* to be accessible and understandable to the widest possible audience of U.S. workers who are looking for employment. The Department will therefore work as expeditiously as possible within existing budgetary constraints to implement additional built-in language translation services for all job opportunities advertised on *SeasonalJobs.dol.gov*.

Finally, the Department acknowledges that some U.S. workers may lack reliable access to the internet, and it agrees that no single recruitment method will reach all job seekers. The Department likewise does not dispute that other methods of recruitment may be effective in limited circumstances. But the Department's move to electronic advertising—and to *SeasonalJobs.dol.gov* in particular—is only one aspect of the labor market test conducted in connection with an H-2A application. The existing labor market test additionally includes the intra- and interstate clearance process, see 20 CFR 655.121 and 655.150, the requirement for an employer to contact former U.S. employees, see 20 CFR 655.153, and in certain circumstances, additional positive recruitment. The Department believes that the enhancements it has and continues to make to the electronic job registry will improve the existing labor market test by increasing awareness of H-2A job opportunities, which interested parties may then share with U.S. workers who do not have access to the internet or who may not use the internet to search for job opportunities. Moreover, as discussed in detail below, this final rule further encourages word-of-mouth recruitment by requiring a SWA, if directed by the CO, to provide written notice of H-2A job opportunities to certain types of organizations or in physical locations where U.S. agricultural workers are likely to gather. Accordingly, even if certain U.S. agricultural workers are unlikely to view an advertisement on

*SeasonalJobs.dol.gov* (e.g., workers who do not have internet access or who are otherwise unlikely to turn to the internet to search for available job opportunities), they may be identified through other steps in this labor market test. Indeed, the only SWA to submit a comment in response to the NPRM agreed that SWAs could address this gap, explaining SWAs provide in-person assistance to job seekers who currently lack the skills and knowledge to conduct job searches online.

### *C. The Department Will Leverage SWA Expertise and Service Delivery Systems in Local Labor Markets To More Broadly Disseminate Information About H-2A Job Opportunities*

As mentioned above, this final rule will further strengthen the labor market test conducted in connection with an H-2A application by leveraging the existing localized services, knowledge, and expertise of SWAs to promote awareness of H-2A job opportunities. Specifically, in addition to activities already performed by the SWA, the Department has decided to leverage the contact networks that its SWA grantees have with organizations that provide services to U.S. workers who are likely to apply for agricultural job opportunities and utilize their knowledge of recruitment and job search patterns in the state to determine the appropriate places to post the job opportunity. In the Department's view, this will lead to broader dissemination of information about available jobs and will expand word-of-mouth recruitment by friends and family members.

In arriving at this determination, the Department has given careful consideration to comments regarding alternative methods of recruitment that would more broadly and effectively disseminate information about available agricultural job opportunities to U.S. workers. A number of commenters informed the Department that word-of-mouth recruitment is the most effective and most commonly cited method of recruiting U.S. agricultural workers. A few commenters suggested other methods of recruitment, such as placing advertisements on radio stations serving farmworkers; posting advertisements at the employer's worksite or other locations within the community where farmworkers are known to congregate (e.g., local businesses and churches); placing advertisements in community-based or other publications that target populations who may be interested in agricultural work; and leveraging social media. Commenters representing worker advocacy organizations also urged the Department to require employers to

contact organizations that serve farmworkers, such as migrant health centers and farmworker unions, to disseminate information about the job opportunity using their networks.

Several commenters also recommended that the Department expand outreach and recruitment activities of the SWAs to make job seekers, particularly those who lack adequate access to the internet, aware of H-2A job opportunities. These commenters stated that the SWAs have resources and expertise in locating and screening, on behalf of employers, available and qualified U.S. agricultural workers through their existing outreach programs. In its comment, a SWA reinforced this suggestion, stating it provides in-person assistance, as needed, to both employers and job seekers who lack the skills and knowledge to post job openings and conduct job searches online. Worker advocacy organizations similarly urged the Department to work with SWAs to promote effective recruitment based on state-level recruitment and farmworker migration patterns. One of these commenters further stated that SWA staff located in traditional or expected labor supply states are likely to have particular knowledge of how U.S. agricultural workers in their region seek out and learn about job opportunities.

The Department appreciates the ideas and suggestions that it received on alternative forms of recruitment. The Department has considered each of these suggestions but notes that many of these proposals—including advertising on local radio stations or in community-based and ethnic publications, posting physical notices at worksites or other places frequented by potential job applicants, or using social media—are challenging to regulate and monitor. Because the Department does not currently have sufficient information regarding the efficacy of these proposals in recruiting U.S. agricultural workers, the Department has decided against requiring every employer to use these methods. However, to the extent that the Department receives information indicating that one or more of these methods are effective in a particular area or among specific groups of workers, the CO retains the authority under section 655.154 to order an employer to use that method to recruit U.S. workers.

While the Department agrees with worker advocacy organizations that word-of-mouth remains one of the simplest, yet most effective, recruitment tools for U.S. agricultural workers, as the Department previously pointed out in prior rulemaking efforts, it is almost

impossible to mandate and enforce compliance with a requirement to recruit U.S. workers via word-of-mouth. See *Temporary Agricultural Employment of H-2A Aliens in the United States*; Final Rule, 75 FR 6928 (Feb. 12, 2010) (2010 Final Rule). Nevertheless, the Department seeks to encourage this form of recruitment, and it has decided to do so by enhancing the SWA's existing employment service and outreach activities. Specifically, the CO may direct a SWA, where appropriate, to provide written notice of an employer's H-2A job opportunity to organizations that provide employment and training services to workers likely to apply for the job and/or to place written notice in other physical locations where such workers are likely to gather. Because SWAs have knowledge of local labor markets in their state and already coordinate regional outreach activities with organizations, SWAs are in the best position to identify which organizations or physical locations in their state will be effective in reaching U.S. workers who are able, willing, qualified and available for the job opportunity.

Accordingly, this final rule amends section 655.143(b) to include a new paragraph (5), which authorizes the CO to direct a SWA to provide written notice of the job opportunity to organizations providing employment and training services to workers likely to apply for the job and/or to place written notice of the job opportunity in other physical locations where such workers are likely to gather. Specifically, after reviewing the job opportunity and consulting with the applicable SWA, the CO will determine whether to direct the SWA to provide the written notice described above. If the CO determines such a direction is appropriate, the CO will include directions to this effect in the Notice of Acceptance, as specified in paragraph (b)(5) of this section. Depending on the situation, the written notice need not necessarily include a full copy of the approved H-2A job order and all attachments, but rather, may consist of a written summary of the terms and conditions of the job opportunity. The Department does not anticipate that SWAs will find this task to be particularly burdensome, as SWAs may deliver this notice in a manner that is cost effective and consistent with section 653.501(d)(10).

The Department has decided to direct SWAs, rather than employers, with distributing the written notice described above, because employers may not be able to discern when and what types of organizations should be provided

written notice of available job opportunities and/or the physical locations that would be best suited for such postings. SWAs, on the other hand, are uniquely situated to perform this function given their existing role in, and the Department's funding to support, the Wagner-Peyser Employment Services program.

The Wagner-Peyser Employment Services program provides job search and placement services for job seekers as well as recruitment services for employers. The Department envisions that the SWAs existing services and obligations under the Employment Service (ES)—in particular services provided to Migrant and Seasonal Farmworkers (MSFWs)—can be leveraged to carry out the notification that the CO may direct under 655.143(b)(5). For instance, SWAs are already required to publicize the availability of employment services to MSFWs through such means as newspaper and electronic media publicity and to use contacts with public and private community agencies, employers and/or employer organizations, and MSFW groups to facilitate the widest possible distribution of information concerning employment services. SWAs are required to perform these functions as the administrators of partner programs in the One-Stop System, which provides a wide range of employment and training services for U.S. workers through job training and outreach programs such as job search assistance and job referral and placement services. In carrying out their obligations under this new provision, SWAs are encouraged to reach out to other partners in the American Job Centers (AJCs) to help identify those organizations serving U.S. workers who might be interested in H-2A job opportunities.

One group of partners that SWAs currently work with and are encouraged to reach out to are the National Farmworker Jobs Program (NFJP) grantees. The NFJP program is a nationally directed, locally administered program of services for migrant and seasonal farmworkers. It includes 52 Career Services and Training grants, also known as Employment and Training grants, and 11 Housing grants across the United States and Puerto Rico. Grantees of this program are a required partner in the AJC network with the SWAs, and they work closely with other local organizations to provide a wide array of support services to counter the chronic unemployment and underemployment experienced by farmworkers who

depend primarily on jobs in agriculture performed across the country. In regional areas where there are significant numbers of migrant and seasonal farmworkers, NFJP grantees also coordinate outreach with SWA monitor advocates and farm labor staff to provide services to farmworkers and their families working in agriculture employment. In carrying out their obligations under 655.143(b)(5), if a SWA is not already doing so, the Department encourages SWAs to include NFJP grantees among the organizations to which it provides notice of the job opportunity.

Additionally, after consulting with a SWA, the CO may order the SWA to place written notice of the job opportunity in other physical locations where such workers are likely to gather, and determine the appropriate location using its local knowledge and expertise. SWAs will have discretion in determining the methods and physical locations used to place such notices based on the circumstances of the job opportunity, an assessment of local conditions and concentrations of U.S. workers likely to apply the job, and the prior effectiveness of such methods and physical locations in attracting referrals.

The Department does not intend for the written notice required by this final rule to create significantly new responsibilities for SWAs, but rather, to supplement activities already undertaken by SWAs. As noted above, SWAs already administer the ES and MSFW programs, coordinating where appropriate with NFJP grantees, and SWAs are a required partner in the AJC network. The purpose of this notice is to broaden dissemination of H-2A job opportunities to relevant populations and thereby increase word-of-mouth recruitment for these positions, which the Department hopes will increase the pool of potential applicants for H-2A job opportunities.

Finally, the final rule recognizes that the CO's determination to direct the SWA to provide additional written notice must be appropriate to the job opportunity and area of intended employment. The Department acknowledges that this provision may not be an effective recruitment option in certain circumstances, and after discussions with the SWA, the CO may decline to order the SWA to take this action. Examples of circumstances where such recruitment may not be appropriate include where it would be impractical, such as where the work is to be performed in remote or isolated geographic areas where organizations providing employment and training services do not exist.

#### *D. The Department Is Retaining Section 655.154's Positive Recruitment Requirement*

As explained above, the INA requires an employer seeking an H-2A temporary labor certification to engage in positive recruitment of U.S. workers in a multi-state region of traditional or expected labor supply where the Secretary finds that there are a significant number of qualified U.S. workers who, if recruited, would be willing to make themselves available for work at the time and place needed. 8 U.S.C. 1182(b)(4).

In enacting this statutory requirement, Congress did not intend to impose unduly burdensome requirements on employers nor did it intend to require employers to continuously return to areas that have not proven to be a reliable source of qualified U.S. workers. Rather, Congress believed the methods and locations in which employers conduct positive recruitment must yield concrete results and be cost effective.<sup>6</sup> Accordingly, the "positive recruitment" mandated by the INA is defined in the Department's regulations as "[t]he active participation of an employer or its authorized hiring agent, performed under the auspices and direction of the OFLC, in recruiting and interviewing individuals in the area where the employer's job opportunity is located and any other state designated by the Secretary as an area of traditional or expected labor supply with respect to the area where the employer's job opportunity is located, in an effort to fill specific job openings with U.S. workers." See 20 CFR 655.103.

Currently, when an employer's job opportunity is served by traditional or expected labor supply states, the CO will designate no more than three states in which the employer must perform positive recruitment for each area of intended employment listed on the employer's application. 20 CFR 655.154(c). The Notice of Acceptance that the CO issues will describe the additional positive recruitment steps that the employer must conduct in those states. Section 655.154 authorizes the CO to select the appropriate methods of recruitment on a case-by-case basis. As explained in the NPRM, the standard practice has been for the CO to order print advertisements in newspapers serving the traditional or expected labor supply states, but the Department does not intend to continue this practice.<sup>7</sup>

After carefully considering the comments it received addressing this regulation, the Department continues to believe that a CO must retain the flexibility to evaluate whether a job opportunity is served by areas of traditional or expected labor supply—and the appropriate means of recruitment in those areas—on a case-by-case basis. Accordingly, this final rule adopts the NPRM's proposal to retain section 655.154 without amendment.

When evaluating an employer's application, a CO will continue to evaluate, on a case-by-case basis, the appropriate locations and methods of recruiting in traditional or expected labor supply states where a significant number of qualified U.S. workers who, if recruited, would be willing to make themselves available for work at the time and place needed. In retaining section 655.154 as drafted, the Department understands that Congress did not intend the positive recruitment requirement ordered under section 218(b)(4) to be unduly burdensome, and it believes that section 655.154 is consistent with Congressional intent. Notably, section 655.154 does not afford the CO unlimited discretion; rather, it authorizes the CO to order the recruitment necessary to ensure an adequate test of the labor market for the employer's job opportunity, after taking into account the location and characteristics of the position.

In determining whether and what positive recruitment is required for a position, the CO will continue to consider information that the Department obtains from SWAs and other relevant stakeholders. The Department also continues, as it did when it adopted this regulation in 2010, to invite stakeholders to submit information on areas of traditional or expected labor supply and effective means of recruiting U.S. workers in those areas. The Department acknowledges the comments it received suggested a wide array of alternative methods of advertising that, depending on the information provided to the CO, may effectively disseminate information about available job opportunities to U.S. workers. For example, based on the

Rulemaking, 83 FR 55989 (Nov. 9, 2018) (2018 NPRM). See *Temporary Agricultural Employment of H-2A Aliens in the United States*; Final Rule, 75 FR 6884 (Feb. 12, 2010) (2010 Final Rule). The Department originally provided notice that the types of recruitment used in the H-2A program have not varied tremendously through the decades, and that stated its intention to continue to rely on newspaper advertising. See *Temporary Agricultural Employment of H-2A Aliens in the United States*; Final Rule, 75 FR 6930 (Feb. 12, 2010) (2010 Final Rule).

<sup>6</sup> House Conference Report No. 99-682(I), House Judiciary Committee, July 16, 1986, p. 81.

<sup>7</sup> See *Modernizing Recruitment Requirements for the Temporary Employment of H-2A Foreign Workers in the United States*; Notice of Proposed



information the Department receives from SWAs and other stakeholders, the CO may determine that a particular method of advertising (*e.g.*, community-based newspaper, agricultural careers website) covering a regional area, whether in print and/or electronic, may be effective in recruiting U.S. workers for a particular position, in a specific location, or during a certain period of the year. In requiring the use of a particular method of advertising, the CO will take into consideration all available information about whether that method has been, or is likely to be, effective in generating referrals of qualified U.S. workers.

The Department also recognizes that the increased rates of innovation in job search technologies and infrastructure development designed to improve internet access within rural communities may be changing the way many U.S. workers search for and find available job opportunities in the future. Fortunately, section 655.154 provides the CO with flexibility to keep pace with the ever-changing labor market trends and technologies and select the most appropriate method(s) of recruitment for a particular job opportunity.

Finally, the Department acknowledges the concerns that several associations raised regarding the areas in which a CO has ordered employers to perform additional positive recruitment under section 655.154. These associations contend that the Department should no longer require additional positive recruitment under this section because there has been significant growth in certified H-2A positions in areas of alleged labor supply. The Department reminds the commenters that under current regulations the CO has the flexibility to gather information, including current use of the H-2A program in areas of alleged labor supply, to determine whether U.S. workers may be found and available for work at the time and place needed. The Department's statutory mandate to ensure that positive recruitment efforts are made within a multistate region of traditional or expected labor supply remains a factual determination with respect to the employer's job opportunity and location and time of year. Because many farm workers migrate over the course of the year and the time it takes to perform various farm work activities varies from year to year, the CO must consider current information to determine the states to which to refer an employer to conduct positive recruitment. The CO's review of such information, with respect to the job opportunity located in certain states and

during certain seasons of the year, may or may not lead to the designation of traditional or expected labor supply states with respect to other states in which H-2A applications are filed.

#### *E. Out of Scope Comments on the Proposed Rule*

The Department received comments on several issues that were unrelated to its proposal to modernize the recruitment that an employer must conduct under its regulations by replacing print newspaper advertisements with electronic advertisements posted on the internet.

The Department recognizes and appreciates the value of these comments and suggestions. However, they are outside the scope of this rulemaking and the Department cannot adopt them without additional regulatory—and in some cases Congressional—action. To the extent that parties who submitted such comments seek further revisions to the H-2A program, the Department intends to propose a separate rule to streamline the process by which employers obtain an H-2A temporary labor certification, and it invites all interested parties to review this proposal, when published, and submit comments in response.

### **III. Administrative Information**

#### *A. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)*

Under Executive Order (E.O.) 12866, the Office of Management and Budget (OMB)'s Office of Information and Regulatory Affairs determines whether a regulatory action is significant and, therefore, subject to the requirements of the E.O. and review by OMB. 58 FR 51735. Section 3(f) of E.O. 12866 defines a "significant regulatory action" as an action that is likely to result in a rule that: (1) Has an annual effect on the economy of \$100 million or more, or adversely affects in a material way a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as economically significant); (2) creates serious inconsistency or otherwise interferes with an action taken or planned by another agency; (3) materially alters the budgetary impacts of entitlement grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or

the principles set forth in the E.O. *Id.* OMB has determined that this final rule is a significant, but not economically significant, regulatory action under Sec. 3(f) of E.O. 12866. Consequently, OMB has reviewed this rule.

E.O. 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; the regulation is tailored to impose the least burden on society, consistent with achieving the regulatory objectives; and in choosing among alternative regulatory approaches, the agency has selected those approaches that maximize net benefits. E.O. 13563 recognizes that some benefits are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

This final rule is an E.O. 13771 deregulatory action because the cost savings to H-2A employers associated with the rule are larger than the costs. The estimated cost savings associated with this regulatory action are derived from the rescission of section 655.151 to remove the newspaper-advertising requirement, the rescission of section 655.152 to eliminate the corresponding ad content requirements, and the revision of section 655.167 to eliminate document retention requirements associated with print newspaper advertisements.

#### **1. Discussion of Comments**

Some commenters expressed concern about the cost of posting online advertisements, and the burden of reviewing a large volume of online applications. One commenter suggested that the Department's estimates for the costs of online advertisements underestimated actual fees, stating that prices for advertising online are in some instances the same as, if not greater than, the cost of a single newspaper advertisement. The commenter asserted that posting an advertisement online typically cost just as much as placing a print advertisement. An additional commenter stated that print advertising requirements add significant cost to H-2A employers already facing multiple other costs (*e.g.*, agent fees, filing fees, housing, transportation, and adverse effect wage rates) and argued that print advertising has no value in targeting prospective job applicants. Another commenter suggested that newspaper advertisement packages often include options to advertise in either the print or online edition. A few other commenters took issue with the



assumption that online advertising has no cost to the employer, stating that several websites have a price associated with the cost of posting advertisements online. Some commenters argued that the proposed requirements help neither workers nor employers, since they do not actually protect the rights of U.S. workers but impose unnecessary costs on employers.

Lastly, one commenter remarked that as the newspaper industry declines and fewer competitors are available, instances of abusive pricing have been reported, since newspaper companies know that employers have no alternative because of government-mandated advertisements. The commenter reasoned that the cost savings of switching to electronic advertisements would be beneficial to employers already incurring other large expenses from participating in the program (e.g., filing fees, transportation, subsistence, consular fees, DOL-mandated prevailing wages).

Several commenters asserted that the proposal was based on an incomplete analysis of recruiting costs and the burden placed on employers. These commenters described employers' experiences with high volumes of applicants to online job postings to argue that the overall cost of electronic advertisements could be higher than print advertisements because of the increased burden of vetting hundreds of unqualified applicants. The commenters stated that large job posting websites often include "Apply Now" options that increase the likelihood of large responses to online postings, which they argued drives up costs for employers.

The Department agrees with the commenters' concern that the Department may have underestimated the cost of online advertising. As explained elsewhere in this preamble, the Department has concluded that, to reduce this cost and burden, expand the reach of each ad, and leverage the Department's existing technology and infrastructure, it is appropriate for the Department rather than employers to place H-2A electronic advertisements. The final rule replaces the print newspaper-advertising requirement with employers' job opportunities posted on a DOL-maintained website, *SeasonalJobs.dol.gov*, thus eliminating the cost to employers. Additionally, the enhancements the Department has and continues to make to *SeasonalJobs.dol.gov* are designed to further the Department's goal to promote greater public awareness of and access to H-2A job opportunities in order to increase the likelihood that U.S.

workers interested in agricultural opportunities, as well as intermediaries providing services to those workers, receive timely notice of H-2A job opportunities. Any costs or burden that an employer incurs reviewing increased applications from U.S. workers is a fundamental obligation for choosing to participate in the H-2A program and outweighed by the Department's statutory obligation to ensure that able, willing, and qualified U.S. workers are not available.

The Department also received comments on the recordkeeping costs associated with employers' online advertising. One commenter suggested that the per-employer costs required to adjust to the new electronic notifications might be slightly higher than estimated due to the increased recordkeeping fees incurred from vetting more applicants. The commenter stated that while these fees may be greater than the Department's estimates, the new requirements and fees associated with the rule are far more favorable to employers than the current print newspaper costs. A second commenter concluded that DOL's estimates of stakeholder time and cost required to conform business practices to the new rule are adequate.

As the final rule eliminates an H-2A employer's recordkeeping obligation as it pertains to print advertisements, it also eliminates the cost associated with that requirement. Accordingly, the Department has estimated the cost savings associated with eliminating the requirements of document retention.

Some commenters took issue with the specifics of the Department's calculations. This final rule eliminates costs, including recordkeeping costs, associated with employer-posted advertisements, both print and electronic. In the interest of transparency and responsiveness, the Department explains key elements of these calculations below.

One commenter stated that the cost assessment in the rulemaking appeared to underestimate the actual cost to H-2A employers. According to this commenter, data for FYs 2015 through 2018 showed a trend toward ever-increasing numbers of certifications each year (e.g., 10,917 certifications for FY 2017, and 11,319 certifications in FY 2018), suggesting that an average of 9,796 was simply too low to use as a basis for estimating certification totals in future years. The Department agrees with the commenter that the number of certifications is likely to grow in future years. Therefore, for this final rule, the Department has estimated an annual growth rate for the number of

certifications in the 10-year analysis period, and revised our estimates of cost and cost-savings accordingly.

Another commenter believed the use of advertisement rates for the largest newspapers in the five states with the most H-2A temporary labor certifications inflated the cost estimates. From the commenter's perspective, many employers may not use the largest newspapers to fulfill their advertising requirements, and smaller newspapers are likely to have lower ad rates. The commenter was concerned that the analysis did not specify which criteria were used to develop the rate estimates, and that rates vary depending on the advertisement size, number of lines, and placement. Another commenter agreed with DOL's average print advertisement cost estimate (\$336 per advertisement), but pointed to additional costs associated with the print advertising requirement, including staff time required to place the advertisement, process the payment, and document and maintain records of print advertisements in case of an audit. All such efforts, the commenter concluded, had attracted no applicants in over four years.

The Department based the cost estimates for two newspaper advertisements on advertising costs from newspapers with the widest circulation in the five states where H-2A certifications are most prevalent, as well as the advertising costs from the most widely circulating newspapers in the top feeder states that are adjacent to the primary H-2A prevalent states. The Department believes that its estimate of \$672 represents, on average, a reasonable cost-savings of removing print newspaper requirements. The cost of active recruitment now disappears completely, as the Department will assume responsibility for posting employer advertisements. As explained above, the Department has also estimated the cost savings from eliminating the document retention requirement.

Two commenters expressed concern that the proposed rule did not consider the impact on the newspaper industry. One commenter argued that the rule could potentially reduce budgets for vital local journalism since local newspapers may rely on revenue from H-2A job postings. As a safeguard, the commenter recommended the rule provide for a period of adjustment to allow employers to compare the effect and usefulness of electronic advertising versus print. Another commenter argued that removing newspaper-advertising requirements would be detrimental to the newspaper industry. In contrast,

another commenter—arguing U.S. farmworkers looking for work would no longer be required to purchase print newspapers for the classified advertisements—remarked that many comments against the proposed rule were from local newspaper publishers complaining that the rule change would reduce their profits. U.S. farms and farmworkers, this commenter asserted, are not responsible for subsidizing the newspaper industry. Further, the commenter stated that newspaper companies do not know how many applications employers receive because of a newspaper job posting and, therefore, cannot comment on the effectiveness of print advertisements.

The Department concludes that while this rule may have an effect on the newspaper industry, the advertising revenue lost from employers who are no longer required to post job openings in print is expected to represent an insignificant portion of the industry's overall advertisement revenue.

## 2. Subject-by-Subject Analysis

The Department's analysis below considers the expected impacts of the following aspects of the final rule against the baseline (*i.e.*, the 2010 Final Rule): (a) Rescission of the requirement that an employer advertise its job opportunity in a print newspaper of general circulation in the area of intended employment; (b) elimination of the document retention requirement associated with print newspaper advertisements; and (c) the time it takes the regulated community to read and review the rule.

Based on historical program data on H-2A labor certifications issued from FY 2012–2018—the only data available to the Department for estimates a growth rate in certifications—the Department estimated a 14 percent annual growth rate in the number of certified H-2A applications. The Department cautions, however, that this growth rate estimate represents the extreme upper bounds of projected certified H-2A applications, and the actual number of certifications could very well be lower.<sup>8</sup> The Department applied this average annual growth rate to the number of H-2A certifications for the 10-year study period to account for projected program growth.

### (a) Eliminating the Use of Print Newspaper Advertisements

This final rule modernizes H-2A recruitment by rescinding the regulation

imposing the requirement for print newspaper advertisements, at 20 CFR 655.151, and the regulation prescribing the content that an employer must include in those advertisements, at 20 CFR 655.152. In conjunction with this rule, the Department will assume responsibility for these recruitment activities by advertising each employer's job opportunity on a DOL website designed to make the job opportunity more broadly available to U.S. workers.

To estimate the cost savings to employers that would result from this final rule, the Department multiplied the average number of H-2A labor certifications issued each fiscal year by the average cost to an employer of placing a print advertisement. First, the Department used program data for FYs 2015–2017 to estimate that the H-2A program approves, on average, 9,796 labor certifications each fiscal year.<sup>9</sup> Next, the Department applied a growth rate of 14 percent to this average number of certifications to estimate an annual count of H-2A certifications. To estimate the average cost of a print ad, the Department identified the top five states in which prospective H-2A employers received temporary labor certifications,<sup>10</sup> and it researched the cost of placing a newspaper advertisement in the most populous city in each of these states (for several newspapers, including large and local papers), for advertisements satisfying the content requirements set forth in section 655.152. Based on this data, the Department estimated that, on average, it costs an employer \$336 to place a single ad complying with section 655.152's content requirements. Thus, placing the two advertisements required by section 655.151 costs an employer, on average, twice as much, or \$672 (\$336 for each advertisement).

As mentioned above, employers can advertise using the DOL-maintained website free of charge, so removing the requirement to advertise in a print newspaper would result in a cost savings equal to the cost of complying with the current regulation. Although section 655.151 currently requires employers to advertise on two consecutive days, one of which must be a Sunday, the Department did not identify a significant difference in cost between advertisements placed on

Sundays and weekdays, so the Department did not distinguish between these two costs when calculating total advertising cost savings. To estimate the annual newspaper advertising costs that employers will avoid under the final rule, the Department multiplied the estimated annual number of H-2A temporary labor certifications (9,796 multiplied by the 14 percent annual growth rate) by the average newspaper advertising cost of \$672. This yielded annual cost savings ranging from \$7.48 million in year one to \$23.48 million in year ten. The annualized cost savings over the ten-year period is \$14.14 million and \$14.11 million at discount rates of 3 and 7 percent, respectively. The Department believes that the cost to the Department of upgrading its database and posting employer's job opportunities on its website would be *de minimis* on an annual basis. The Department also notes that the startup investment for *SeasonalJobs.dol.gov* is a cost which exists in the baseline as DOL initiated the job posting site separate and apart from this rule. As a result, these costs are not considered costs of this rule.

### (b) Eliminating Document Retention Requirements

The final rule amends section 655.167 to eliminate the document retention requirement associated with print newspaper advertisements. To estimate the cost savings from this revision, the Department calculated the average cost for each employer to retain print ad records for each H-2A certification. To do so, the Department multiplied each employer's per-certification staff time by its per-certification staff cost. The Department estimates that it takes a human resources (HR) manager, on average, two minutes to store (print and file) proof of print advertisement. The Department estimated a wage rate by multiplying the median hourly wage of an HR manager at an agricultural business (\$31.84) by the loaded wage rate (1.63) to account for fringe benefits and overhead.<sup>11</sup> The Department then multiplied the resulting wage rate by the staff time (two minutes), which yielded a cost of \$1.73 per certification. As explained above, the Department estimated that the Department issues, on average, 9,796 labor certifications each fiscal year, and applied an annual growth rate of 14 percent to this total. By multiplying the estimated annual

<sup>8</sup> The Department of Labor believes that an annual growth rate of 14 percent is unlikely to be sustained over the next 10 years, as this would require that workers in these industries all be H-2A employees.

<sup>9</sup> The average is based on 8,721 H-2A temporary labor certifications in FY 2015; 9,751 temporary labor certifications in FY 2016; and 10,917 temporary labor certifications in FY 2017. See <https://www.foreignlaborcert.doleta.gov/performance/cfm>.

<sup>10</sup> The top 5 states in which employers seek to place H-2A workers are California, Florida, Georgia, North Carolina, and Washington.

<sup>11</sup> The loaded wage factor is calculated using a fringe benefit rate of 46 percent, which is based on the Bureau of Labor Statistics Employer Cost for Employee Compensation data. This fringe benefit rate was added to an overhead rate of 17 percent, which is based on DOL practices.

number of certifications by the cost per certification (\$1.73), the Department estimated an annual cost savings ranging from \$19,245 in year one to \$60,437 in year ten. The annualized cost savings over the ten-year period is \$36,392 and \$36,337 at the discount rates of 3 percent and 7 percent, respectively.

### (c) Time To Review and Understand the Rule

During the first year after this rule takes effect, employers seeking H-2A workers will need time to learn about the new requirements. The Department assumes that many employers participating in the H-2A program will learn about the requirements of the new rule from an industry newsletter or bulletin. The Department estimates that an employer will require approximately 10 minutes to understand the rule change, as this final rule addresses only the job-advertising requirement for employers seeking H-2A workers.

The requirement to review and understand the rule represents a cost to employers participating in the H-2A program in the first year of the rule. The Department estimates this cost for each employer by multiplying the staff time required to read and review the new rule by the estimated staff cost. As above, the Department estimated a wage rate by multiplying the median hourly wage of an HR manager at an agricultural business (\$31.84)<sup>12</sup> by the loaded wage rate (1.63) to account for fringe benefits and overhead. The Department then multiplied the resulting wage rate by the required staff time (10 minutes), which yielded a cost of \$8.65 per employer. The Department estimated the total cost of reading and reviewing the rule by multiplying \$8.65 by the average number of employers participating in the H-2A program over FY 2015–2017 (6,676). This calculation results in a cost of \$57,747 in the first year. The annualized cost over the ten-year period is \$6,770 and \$8,222 at the discount rates of 3 percent and 7 percent, respectively.

### 3. Summary of Impacts

The Department estimates the total first-year costs of the final rule to be \$57,747. This cost results from the time required to read and review the final rule, for all current H-2A employers combined. The Department estimates first-year cost savings of \$7.49 million. This cost savings results from eliminating the requirement that

employers place print newspaper advertisements and retain ad-related documents. Net first-year cost savings, therefore, amount to \$7.44 million.

Generally, annual cost savings are expected to range from \$8.51 million to \$23.54 million in years following the first. The 10-year discounted net cost savings of the rule range from \$120.90 million to \$99.39 million (with 3 percent and 7 percent discount rates, respectively). The annualized net cost savings of the final rule ranges from \$14.17 million to \$14.14 million (with 3 percent and 7 percent discount rates, respectively). When the Department uses a perpetual time horizon to allow for cost comparisons under E.O. 13771, the annualized cost savings of this final rule are \$14.15<sup>13</sup> million at a discount rate of 7 percent in 2016 dollars.

### B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121 (March 29, 1996), requires federal agencies engaged in rulemaking to consider the impact of their proposals on small entities, consider alternatives to minimize that impact, and solicit public comment on their analyses. The RFA requires the assessment of the impact of a regulation on a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions. Agencies must perform a review to determine whether a proposed or final rule would have a significant economic impact on a substantial number of small entities. 5 U.S.C. 603 and 604.

This rule may impact small businesses that request H-2A temporary labor certifications. Based on data obtained from the Small Business Administrations, the department identified that on average 1,195 total unique small employers could be affected by the implementation of this rule.<sup>14</sup> The Department assumes that the average number of H-2A temporary labor certifications requested by any small business per year will be one. The Department estimates that small businesses will incur a one-time cost of \$8.65 to familiarize themselves with the rule. Following the initial

familiarization period, employers will experience annualized cost savings of \$674<sup>15</sup> associated with advertising online rather than in print newspapers and the elimination of document retention requirements. To estimate the cost savings to small businesses the Department multiplied the average cost of a single newspaper advertisement by the number of advertisements required by 20 CFR 655.42 (\$336 per advertisement × 2 advertisements). This amount was added to the estimated cost savings from the elimination of the document retention requirement (\$1.73). Over a 10-year period, the net annualized cost savings for a small business would be \$716 at a 7-percent discount rate.

The Department reviewed the impacts of the final rule for two North American Industry Classification System (NAICS) Codes that frequently request H-2A temporary labor certifications—NAICS 115115: Farm Labor Contractors & Crew Leaders, and NAICS 111998: All Other Miscellaneous Crop Farming. The Small Business Administration (SBA) estimates that annual revenue for a small business with NAICS Code 115115 is \$15 million and for NAICS Code 111998 is \$750,000.<sup>16</sup> The Department estimates that the impact of the final rule will be less than 1 percent of annual revenue for the small businesses in these industries with the employment size fewer than 5 (\$710,717 for NAICS 115115 and \$430,835 for NAICS 11).<sup>17</sup> Based on this determination, the Department certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

One commenter asserted that the final rule might impact small businesses that request H-2A temporary labor certifications. The commenter argued that DOL's assumption that small businesses would only request one H-2A temporary labor certification is incorrect because a large percentage of small employers submit multiple certification applications. Another commenter, expressing support for the rule, argued that increasingly costly and cumbersome aspects of the H-2A program have precluded many small

<sup>15</sup> \$674 = (\$336 for newspaper advertisement cost × 2 required advertisements) + \$2 for the elimination of document retention requirement.

<sup>16</sup> U.S. Small Business Administration. (2017). *Table of Small Business Size Standards Matched to North American Industry Classification System Codes*. Retrieved from: [https://www.naics.com/wp-content/uploads/2017/10/SBA\\_Size\\_Standards\\_Table.pdf](https://www.naics.com/wp-content/uploads/2017/10/SBA_Size_Standards_Table.pdf).

<sup>17</sup> U.S. Census, *2012 SUSB Annual Data Tables by Establishment Industry*, <https://www.census.gov/data/tables/2012/econ/susb/2012-susb-annual.html>.

<sup>12</sup> Wage derived from Bureau of Labor Statistics median hourly wage for HR Specialists (occupational code 13–1071), May 2017.

<sup>13</sup> Cost savings in current dollars are \$14.16 million. To comply with E.O. 13771 accounting costs calculated on a perpetual time horizon are multiplied by the GDP deflator (0.980702077) to convert to 2016 dollars then multiplied by a discount rate (0.816297877) in order to set to discount the amount to 2016 figures.

<sup>14</sup> The average is based on 1,136 unique small business entities FY 2016; and 1,253 unique small business entities in FY 2017.

family farms from participating. The commenter argued that the new rule would mitigate such costs and make the program more economically viable for those employers who lack the size and scale to absorb the additional overhead.

The Department understands that some small businesses may have more than one certification, but this final rule makes no change to affect small employers to increase or decrease their number of certifications. This final rule will provide cost savings to small businesses by removing print newspaper advertisement requirements and associated document retention requirements.

### C. Paperwork Reduction Act

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, provides that a Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. DOL has submitted the Information Collection Request (ICR), concerning OMB Control Number 1205–0532, contained in this final rule to OMB to obtain approval using emergency clearance procedures outlined at 5 CFR 1320.13.

The revisions detailed in this final rule closely relate to existing information collections approved for the H–2A Foreign Labor Certification Program under OMB control number 1205–0466. The Department is not submitting this ICR under that control number, however, because the ROCIS database, which is OMB's system for processing requests, allows only one ICR per control number to be pending at any given time, and the existing control number will be encumbered by an unrelated ICR when submitting the final rule in this regulatory process. The Department is therefore submitting the instant ICR under a different control number, 1205–0532, which was assigned by OMB, for administrative purposes only. Once all of the outstanding actions are complete, the Department intends to submit a non-material change request to transfer the burden from this OMB control number (1205–0532) to the existing OMB control number for the H 2A Foreign Labor Certification Program (1205–0466) and

proceed to discontinue the use of this OMB control number 1205–0532.

This final rule modernizes and improves the labor market test that the Department uses to assess whether able, willing, and qualified U.S. workers are available by: (1) Rescinding the requirement that an employer advertise its job opportunity in a print newspaper of general circulation in the area of intended employment; (2) expanding and enhancing the Department's electronic job registry; and (3) further leveraging the knowledge and expertise of State Workforce Agencies (SWAs) to promote agricultural job opportunities. More specifically, this final rule eliminates the general requirement for a prospective H–2A employer to advertise its job opportunity in a print newspaper of general circulation in the area of intended employment. However, in contrast to the NPRM, this final rule does not require the employer to place this electronic advertisement. Rather, as explained in detail in this final rule, the Department will advertise the employer's job opportunity on its behalf by posting it on SeasonalJobs.dol.gov, an expanded and improved version of the Department's existing H–2A job registry website. In addition, this final rule further strengthens the labor market test by leveraging existing recruitment outreach activities of the SWAs to provide written notice of the job opportunity to organizations providing employment and training services to workers likely to apply for the job, or place written notice in other physical locations where such workers are likely to gather.

The information collection change in requirements associated with this final rule are summarized as follows:

*Agency:* DOL–ETA.

*Type of Information Collection:* New OMB Control Number 1205–0532.

*Title of the Collection:* Advertising Requirements for Employers Seeking to Employ H–2A Nonimmigrant Workers.

*Agency Form Number:* None.

*Affected Public:* Private Sector—businesses or other for-profits and state/local agencies.

*Total Estimated Number of Respondents:* 9,796.

*Average Responses per Year per Respondent:* 2.

*Total Estimated Number of Responses:* 19,592.

*Average Time per Response:* 7 minutes per application.

*Total Estimated Annual Time Burden:* 137,144 hours.

*Total Estimated Other Costs Burden:* \$0.

### D. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on state, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in \$100 million or more expenditure (adjusted annually for inflation) in any one year by state, local, and tribal governments, in the aggregate, or by the private sector.

SWAs are mandated to perform certain activities for the Federal Government under the H–2A program, and receive grants to support the performance of these activities. The current regulation requires SWAs to review and place approved job orders into their intrastate and interstate clearance systems, which includes dissemination of the job opportunity to all offices where SWA staff are located as well as one-stop partner sites and other specialized offices affiliated with the state one-stop delivery system. SWAs are also responsible for assisting U.S. workers to understand the terms and conditions of employment set forth in intrastate and interstate clearance orders, actively referring qualified U.S. workers to available job opportunities, and performing housing inspections to ensure compliance with applicable housing standards.

Under the final rule, SWAs will continue to play a significant and active role in disseminating available job opportunities and providing the full range of employment and training services to the agricultural community, both workers and employers, through the state one-stop delivery system. Specifically, the final rule strengthens the labor market test by leveraging existing recruitment outreach activities of the SWAs to provide written notice of the job opportunity to organizations providing employment and training services to workers likely to apply for the job, or place written notice in other physical locations where such workers are likely to gather.

Regulations under the Wagner-Peyser Act require each state to conduct outreach activities to U.S. agricultural workers and circulate available job opportunities throughout the state's one-stop delivery system, including NFJP grantees serving migrant and seasonal farmworkers. The Department recognizes that this final rule may slightly increase the outreach activities of some SWAs, particularly those who

do not serve significant numbers of U.S. agricultural workers, in terms of identifying organizations providing employment and training services to workers likely to apply for agricultural job opportunities or gathering information on where such workers are likely to gather. However, the Department anticipates that the workload associated with these activities will be minimal, since information needed to contact employment and training service providers is readily available, and the SWAs possess extensive experience conducting a wide array of outreach services to U.S. agricultural workers.

Funding to carry out these activities under the H-2A program is provided by the Department through grants under the Wagner-Peyser Act, 29 U.S.C. 49 *et seq.*, and directly through appropriated funds for administration of the Department's foreign labor certification program. The Department anticipates continued funding under the Wagner-Peyser Act to support the activities of the SWAs. Furthermore, this final rule does not exceed the \$100 million expenditure in any 1 year when adjusted for inflation, and this rulemaking does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply, and the Department has not prepared a statement under the Act.

#### *E. Small Business Regulatory Enforcement Fairness Act of 1996*

This final rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996, Public Law 104-121, 804, 110 Stat. 847, 872 (1996), 5 U.S.C. 804(2). This final rule has not been found to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic or export markets.

#### *F. Executive Order 13132 (Federalism)*

This final rule does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Accordingly, Executive Order 13132, Federalism, requires no further agency action or analysis.

#### *G. Executive Orders 13175 (Indian Tribal Governments)*

This final rule does not have "tribal implications" because it does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Accordingly, Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, requires no further agency action or analysis.

#### *H. The Treasury and General Government Appropriations Act of 1999: Assessment of Federal Regulations and Policies on Families*

This final rule will have no effect on family well-being or stability, marital commitment, parental rights or authority, or income or poverty of families and children. Accordingly, section 654 of the Treasury and General Government Appropriations Act of 1999 (5 U.S.C. 601 note) requires no further agency action, analysis, or assessment.

#### *I. Executive Order 13045 (Protection of Children From Environmental Health Risks and Safety Risks)*

This final rule will have no adverse impact on children. Accordingly, Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, as amended by Executive Orders 13229 and 13296, requires no further agency action or analysis.

#### *J. Environmental Impact Assessment*

This action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This action is therefore categorically excluded from further review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321-4375.

#### *K. Executive Order 13211 (Energy Supply)*

This final rule will not have impacts on energy supply. Accordingly, Executive Order 13211 requires no further Agency action or analysis.

#### *L. Executive Order 12630 (Constitutionally Protected Property Rights)*

This final rule will not implement a policy with takings implications. Accordingly, Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, requires no further agency action or analysis.

#### *M. Executive Order 12988 (Civil Justice Reform Analysis)*

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

#### **List of Subjects in 20 CFR Part 655**

Administrative practice and procedure, Employment, Employment and training, Enforcement, Foreign workers, Forest and forest products, Fraud, Health professions, Immigration, Labor, Longshore and harbor work, Migrant workers, Nonimmigrant workers, Passports and visas, Penalties, Reporting and recordkeeping requirements, Unemployment, Wages, Working conditions.

Accordingly, DOL amends part 655 of title 20 of the Code of Federal Regulations as follows:

#### **PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES**

■ 1. The authority citation for part 655 continues to read as follows:

**Authority:** Section 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii), 8 U.S.C. 1103(a)(6), 1182(m), (n) and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102-232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103-206, 107 Stat. 2428; sec. 412(e), Pub. L. 105-277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106-95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 107-296, 116 Stat. 2135, as amended; Pub. L. 109-423, 120 Stat. 2900; sec. 205 of division M, Pub. L. 115-141, 132 Stat. 348; 8 CFR 2.1, 214.2(h)(4)(i), and 214.2(h)(6)(iii).

Subpart A issued under 8 CFR 214.2(h).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), and 1188; and 8 CFR 214.2(h).

Subparts F and G issued under 8 U.S.C. 1288(c) and (d); sec. 323(c), Pub. L. 103-206, 107 Stat. 2428; and 28 U.S.C. 2461 note, Pub. L. 114-74 at section 701.

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b) and (b)(1), 1182(n) and (t), and 1184(g) and (j); sec. 303(a)(8), Pub. L. 102-232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 412(e), Pub. L. 105-277, 112 Stat. 2681; 8 CFR 214.2(h); and 28 U.S.C. 2461 note, Pub. L. 114-74 at section 701.

Subparts L and M issued under 8 U.S.C. 1101(a)(15)(H)(i)(c) and 1182(m); sec. 2(d), Pub. L. 106-95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); Pub. L. 109-423, 120 Stat. 2900; and 8 CFR 214.2(h).

■ 2. Amend § 655.143 by revising paragraph (b)(3) and (b)(4) and by adding paragraph (b)(5) to read as follows:

**§ 655.143 Notice of acceptance.**

\* \* \* \*

(b) \* \* \*

(3) State that positive recruitment is in addition to and will occur during the period of time that the job order is being circulated by the SWA(s) for interstate clearance under § 655.150 of this subpart and will terminate on the actual date on which the H-2A workers depart for the place of work, or 3 calendar days prior to the first date the employer requires the services of the H-2A workers, whichever occurs first;

(4) State that the CO will make a determination either to grant or deny the Application for Temporary Employment Certification no later than 30 calendar days before the date of need, except as provided for under § 655.144 for modified Applications for Temporary Employment Certification.; and

(5) Where appropriate to the job opportunity and area of intended employment, direct the SWA to provide written notice of the job opportunity to organizations that provide employment and training services to workers likely to apply for the job and/or to place written notice of the job opportunity in other physical locations where such workers are likely to gather.

**§ 655.151 [Removed and Reserved]**

■ 3. Remove and reserve § 655.151.

**§ 655.152 [Removed and Reserved]**

■ 4. Remove and reserve § 655.152.

**§ 655.161 [Amended]**

■ 5. In § 655.161(a), remove the reference to “§ 655.121 and § 655.152” and add in its place “this subpart”.

**§ 655.167 [Amended]**

■ 6. Amend § 655.167 by removing paragraph (c)(1)(ii) and redesignating paragraphs (c)(1)(iii) and (iv) as paragraphs (c)(1)(ii) and (iii).

**§ 655.225 [Amended]**

■ 7. Amend § 655.225 by removing paragraph (d) and redesignating paragraph (e) as paragraph (d).

**John P. Pallasch,**

*Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2019-19674 Filed 9-19-19; 8:45 am]

**BILLING CODE 4510-FP-P**

**DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Part 111**

[Docket ID: DOD-2016-OS-0116]

RIN 0790-AI99

**Transitional Compensation (TC) for Abused Dependents**

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

**ACTION:** Final rule.

**SUMMARY:** Transitional compensation is one of the many resources available to victims of domestic abuse. The Transitional Compensation for Abused Dependents program is a congressionally-authorized program that provides temporary monetary payments and military benefits to dependents of Service members, when the member has been separated from the military due to a dependent-abuse or child abuse offense. This rulemaking establishes requirements and describes authorized benefits for an abused spouse and/or abused children affected by the separation or forfeiture of pay and allowances of a military Service member.

**DATES:** This rule is effective on October 21, 2019.

**FOR FURTHER INFORMATION CONTACT:** CDR David T. Clark, 703-693-1068.

**SUPPLEMENTARY INFORMATION:****Public Comments**

On Monday, November 5, 2018 (83 FR 55329-55332), the Department of Defense published a proposed rule titled “Transitional Compensation (TC) for Abused Dependents” for a 60-day public comment period. Fifteen public comments were received, and all were supportive of the program. The Department thanks the commenters for their support. This section of the preamble responds to the public comments.

Four of the 15 comments discussed the general eligibility of dependents for the program, specifically the inclusion of step and adopted children, unborn children, and non-married domestic partners. With regard to general eligibility for dependents, the definition of “dependent child” is provided in section 1059(i) of title 10, United States Code (U.S.C.). It includes step, adopted, and unborn children, so long as the step/adopted children resided with the Service member at the time of the abuse offense or the dependent spouse was pregnant with the unborn child at the

time of the offense. Non-married domestic partners, to include boyfriends, girlfriends, or roommates, are not military dependents and are therefore not eligible to receive any military benefits. No changes were made to the rule as a result of these comments.

Three comments questioned the duration of payments. Two suggested that the 36-month payment duration is unnecessarily long, and the third supported the use of the full 36-month duration of payments to allow the abused dependents ample time to recover financially. Section 1059(e) of title 10, U.S.C., read in conjunction with 10 U.S.C. 101(a)(9), authorizes the Secretaries of the Military Departments to make TC payments to abused dependents for a period of between 12 and 36 months at their discretion pursuant to policies prescribed for this purpose. By policy, the DoD has further restricted the payment duration to be no less than either the remaining unserved portion of the Service member's obligated service contract length or 12 months, whichever is greater. In practice, the majority of abused dependents receive TC benefits for the full 36-month period authorized by law. No changes were made to the rule as a result of these comments.

Additionally, three comments expressed concerns over the program's recertification eligibility restrictions that require recipients to forfeit benefits if they cohabitate with the abusive former Service member or remarry. Two of these comments stressed that a large percentage of abuse victims return at some point to the abuser before eventually leaving for good. The purpose of the Department's TC program is to remove the financial disincentive that could otherwise discourage abuse victims from reporting and ultimately leaving an abusive environment. Continuing to pay recipients who return to the abusive environment runs counter to the policy's purpose. Abuse victims may return to the abuser, as referenced by the commenters, due to financial hardships; the Department's TC program helps alleviate that potential incentive to return. Another purpose of the Department's TC program is to assist abuse victims in rebuilding their lives after the abuse incidents and resultant loss of household military income. Remarriage by an abuse victim is a key indication that they have begun that new life and no longer require government assistance. Other support programs, to include ex-spousal support, survivor benefits, and annuitant programs typically include

similar remarriage forfeiture provisions. No changes were made to the rule as a result of these comments.

As the result of additional internal review, clarifying and style-related edits were made throughout the rule.

### Legal Authority for This Program

This program was established by Congress for abused dependents of military personnel through the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103–160). This rule consolidates and clarifies existing procedural requirements established by the Act and currently found in internal DoD guidance, DoD Instruction (DoDI) 1342.24, Transitional Compensation for Abused Dependents which was last updated in January 16, 1997 and can be found at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/134224p.pdf>.

The statute authorized temporary payments for families in which the Service member had been court-martialed with a qualifying sentence (forfeiture of all pay and allowances, or bad conduct discharge, or dishonorable discharge, or in the instance of officers and commissioned warrant officers, dismissal from the Service) or was being administratively separated from the military as a result of a dependent-abuse offense. DoD began authorizing payments in August 1995 in accordance with DoDI 1342.24.

### Eligibility Requirements for the Program

To be eligible for the benefit, a family member (spouse or dependent child) must have been living in the home of the Service member. The Service member must have been administratively separated for a dependent-abuse offense; or convicted of a dependent-abuse offense and either separated or sentenced to a forfeiture of all pay and allowances (under a court-martial sentence).

A dependent-abuse offense must be the basis for the administrative separation or conviction, although it does not have to be the primary reason. In exceptional cases where a member was separated for a reason other than a dependent abuse offense but a dependent abuse event was still determined to have occurred, the Secretary of the Military Department concerned may grant transitional compensation benefits to the dependents. Active duty victims of dependent-abuse are also eligible for transitional compensation, when the offender is also active duty.

### Summary of Benefits Under This Program

- **Amount of the benefit:** The compensation amount is based on the Dependency and Indemnity Compensation rate, which changes annually. Current amounts can be found at the Department of Veterans Affairs Dependency and Indemnity Compensation website at [https://benefits.va.gov/compensation/types-dependency\\_and\\_indemnity.asp](https://benefits.va.gov/compensation/types-dependency_and_indemnity.asp).
- **Length of the benefit:** The transitional compensation benefit is available for no less than the longer of 12 months or the unserved portion of the Service member's obligated active service. Compensation will not extend beyond 36 months.
- **Maintaining eligibility:** Individuals become ineligible for compensation and benefits if they remarry or move back in with the former Service member while receiving benefits.
- **Recertifying eligibility:** If compensation is available for more than 12 months, recertification is required annually to ensure eligibility for transitional compensation.
- **Other benefits:** As part of the Transitional Compensation Program, individuals may be eligible for other benefits including medical care, exchange privileges, and commissary privileges.

Transitional compensation is one of the many resources available to military families. Each installation's Family Advocacy Program or legal assistance office can help a family apply for transitional compensation as well as other means of assistance.

Per DoD's Financial Management Regulation at [https://comptroller.defense.gov/Portals/45/documents/fmr/current/07b/07b\\_60.pdf](https://comptroller.defense.gov/Portals/45/documents/fmr/current/07b/07b_60.pdf), transitional compensation payments are not taxable. Transitional compensation recipients should not expect to receive a Form 1099 for tax purposes. Also, recipients need not report transitional compensation payments on their tax return.

According to law and DoD Policy, transitional compensation for a dependent spouse or former spouse is at the same rate as defined in 38 U.S.C. 1311—Dependency & Indemnity Compensation to a Surviving Spouse. There is also an additional amount for children under this section. For children without a mil-spouse parent, the amount is the same as the rate defined in 38 U.S.C. 1313—Dependency & Indemnity Compensation to Children. You can find annual updates to these rates on the DoD Comptroller's website at <https://comptroller.defense.gov/>

[Portals/45/documents/fmr/Volume\\_07b.pdf](https://comptroller.defense.gov/Portals/45/documents/fmr/Volume_07b.pdf).

### Expected Impact of the Final Rule

The intent of this program is to encourage victims of dependent abuse to come forward and report abuse, provide assistance to victims in separating from an abuser, inform victims of resources available to them as victims of dependent-abuse, ensure the safety and well-being of victims, and ensure the Department of Defense does not leave a spouse and family financially destitute when an abusing Service member is discharged from the military for a dependent-abuse offense. In accordance with statute, the rate of payment varies based on the number of dependents impacted, and is designed to assist with living expenses such as food, clothing and housing. The Department spends approximately \$17M each fiscal year in transitional compensation payments. This final rule will not result in any changes to the number of TC recipients or the amount they are paid.

### Regulatory Procedures

*Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13563, "Improving Regulation and Regulatory Review"*

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a "significant regulatory action," nor is it economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB).

*Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs"*

This final rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because this final rule is not significant under E.O. 12866.

### Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended 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. We 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. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

2 U.S.C. Ch. 25, “Unfunded Mandates Reform Act”

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532) requires agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. Ch. 6)

The Department of Defense certifies that this final rule is not subject to the Regulatory Flexibility Act because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Public Law 96–511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)

Section 111.6(f)(1) of this final rule contains information collection requirements. These reporting requirements have been approved by the Office of Management and Budget and assigned OMB Control Number 0704–0578, “Transitional Compensation for Abused Dependents (TCAD).”

The applicable Systems of Records Notice (SORN) is T7347b, Defense Military Retiree and Annuity Pay System Records (January 7, 2009, 74 FR 696), <http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570196/t7347b/>. The Privacy Impact Assessment (PIA) is available at [https://www.dfas.mil/dam/jcr:5cf8a068-89c7-47eb-b844-1e2020ed5f73/Defense%20Retiree%20and%20Annuity%20Pay%20System%20\(DRAS\)%202016.pdf](https://www.dfas.mil/dam/jcr:5cf8a068-89c7-47eb-b844-1e2020ed5f73/Defense%20Retiree%20and%20Annuity%20Pay%20System%20(DRAS)%202016.pdf); or <https://www.dfas.mil/dfas/foia/privacyimpactassessments.html>.

#### Executive Order 13132, “Federalism”

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This final rule will not have a substantial effect on State and local governments.

#### List of Subjects in 32 CFR Part 111

Abuse, Dependent children, Transitional compensation.

■ Accordingly, 32 CFR part 111 is added to read as follows:

### PART 111—TRANSITIONAL COMPENSATION FOR ABUSED DEPENDENTS

Sec.

- 111.1 Purpose.
- 111.2 Applicability.
- 111.3 Definitions.
- 111.4 Policy.
- 111.5 Responsibilities.
- 111.6 Procedures.

**Authority:** 10 U.S.C. 1059.

#### § 111.1 Purpose.

This part establishes policy, assigns responsibilities, and prescribes procedures for the payment of monthly Transitional Compensation (TC) to dependents of Service members separated for dependent abuse.

#### § 111.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities in the DoD.

#### § 111.3 Definitions.

Unless otherwise noted, these terms and their definitions are for the purposes of this part.

**Dependent abuse offense.** Conduct by an individual while a Military Service member on active duty for a period of more than 30 days that involves abuse of a then-current spouse or a dependent child of the Service member and that is a criminal offense under the Uniform Code of Military Justice or another criminal code applicable to the jurisdiction where the act of abuse is committed. The term “involves abuse of the then-current spouse or a dependent child” means that the criminal offense is against the person of that spouse or

a dependent child. Crimes that may qualify as dependent-abuse offenses include sexual assault, rape, sodomy, assault, battery, murder, and manslaughter. (This is not an exhaustive or exclusive listing of dependent-abuse offenses, but is provided for illustrative purposes only. The facts and circumstances of a particular case should always be interpreted in a manner most favorable to the spouse or a dependent child of the member when determining whether the conduct constitutes a “dependent abuse offense.”)

**Dependent child.** As defined in 10 U.S.C. 1059.

**Exchange stores.** The Army and Air Force Exchange Service, the Navy Exchange, the Marine Corps Exchange, and the Coast Guard Exchange.

**Parent.** The natural father or mother, or father or mother through adoption.

For purposes of TC, parent does not include persons who have stood “in loco parentis” to a dependent child.

**Secretary concerned.** Includes the Secretary of the cognizant Military Department and the Secretary of the Department of Homeland Security, when applicable.

**Service member.** Includes former Service members, where appropriate.

**Spouse.** An individual married to a Service member, but does not include a domestic partner.

#### § 111.4 Policy.

The DoD will make monthly TC payments and provide other benefits described in this part for spouses or dependents of Service members who meet the eligibility requirements of 10 U.S.C. 1059 and this part.

#### § 111.5 Responsibilities.

(a) The Under Secretary of Defense for Personnel and Readiness (USD(P&R)):

(1) Establishes and prescribes procedures for the payment of TC to dependents of Service members separated for dependent abuse.

(2) Oversees compliance with this part.

(b) The Secretaries of the Military Departments and the Secretary of the Department of Homeland Security, when applicable:

(1) Appoint representatives to coordinate requests for TC, approve requests (except exceptional eligibility requests), and forward those requests for payment in accordance with Chapter 60, Volume 7B of DoD 7000.14–R, “Department of Defense Financial Management Regulations (FMRs): Military Pay Policy—Retired Pay” (available at [http://comptroller.defense.gov/Portals/45/documents/fmr/Volume\\_07b.pdf](http://comptroller.defense.gov/Portals/45/documents/fmr/Volume_07b.pdf)).



(2) Review and approve or disapprove requests for TC benefits in accordance with the exceptional eligibility authority in accordance with 10 U.S.C. 1059. This responsibility may not be delegated.

(3) Ensure dependents who are victims of a dependent-abuse offense are aware of their eligibility to apply for TC.

(4) Establish departmental guidance to implement this part.

#### **§ 111.6 Procedures.**

(a) *Recipients of payment.* The Secretary concerned makes TC payments to Service member dependents, former dependents, or court-appointed guardians as described by 10 U.S.C. 1059. If a recipient is incapable of handling his or her own affairs, payments may be made only to a court-appointed guardian.

(b) *Payments.* (1) Payments begin in accordance with 10 U.S.C. 1059.

(2) Payments must continue for at least 12 months and no more than 36 months, as prescribed by the Secretary concerned. When the unserved portion of the Service member's obligated active duty service, as of the starting date of payment, is greater than 12 months and less than or equal to 36 months, payments continue for no less than the unserved portion.

(i) For enlisted Service members, obligated active duty service is the time remaining on their terms of enlistment.

(ii) For officers, obligated active duty service is indefinite unless an officer has a date of separation established. In that case, it is the time remaining until the date of separation.

(3) The amount of payment will be in accordance with 10 U.S.C. 1059. Partial month entitlements are pro-rated. If a recipient dies, arrears of payments are not paid.

(4) Payments will be stopped in accordance with 10 U.S.C. 1059.

(i) Payments will end on the first day of the first month following the month in which the Secretary concerned notifies the recipient of such transitional compensation in writing that the payment of TC will stop.

(ii) Recipients are not required to repay amounts of TC received before the effective date payment is stopped, in accordance with paragraph (b)(4)(i) of this section; however, TC may be recouped for erroneous payments or payments made based on false information provided.

(c) *Forfeiture provisions.* In addition to 10 U.S.C. 1059, the following requirements apply:

(1) The former spouse receiving TC must notify the Defense Finance and Accounting Services (DFAS) within 30 days of remarriage or if the spouse or

former spouse begins residing in the same household as the spouse or former spouse.

(2) If a Service member's dependent child is not living in the same household as the spouse or former spouse who forfeits TC, payments are made to each dependent child or his or her court-appointed guardian.

(3) In order to continue benefits, the spouse or former spouse must annually certify to DFAS that he or she is not remarried and is not cohabitating with the Service member separated for the abuse. DFAS will provide a form for recertification of benefits.

(d) *Coordination of benefits.* A spouse or former spouse may not concurrently receive TC payments and retired pay payments pursuant to 10 U.S.C. 1059 and 1408(h), respectively. If a spouse or former spouse is eligible for both TC payments and retired pay payments, the spouse or former spouse chooses which of the two payments to receive. If the spouse or former spouse receives TC payments and later receives payments from a Service member's retired pay, any TC received concurrently with retired pay must be recouped.

(e) *Source of funds.* TC must be paid from operations and maintenance funds of the Department of the Service member.

(f) *Application of procedures.* An individual must initiate a request for TC through a Service-appointed representative. The Service-appointed representative:

(1) Collects data and validates the claim using DD Form 2698 (available at <http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2698.pdf>).

(2) Approves payment and forwards the application to DFAS unless otherwise submitted by the Secretary concerned in accordance with 10 U.S.C. 1059.

(g) *Commissary and exchange benefits.* (1) A recipient of TC is entitled to use commissary and exchange stores while receiving payments.

(2) If a recipient entitled to use commissary and exchange stores is also entitled to use commissary and exchange stores under another provision of law, the entitlement is determined under the other provision of law and not paragraph (g)(1).

(h) *Medical benefits.* (1) The Secretary concerned will determine appropriate medical and dental care eligibility for TC recipients and affected dependents. At a minimum, an abused dependent who is receiving TC in accordance with paragraph (a) of this section may receive medical and dental care, including mental health services, in facilities of the Uniformed Services or through the

TRICARE program as outlined in 10 U.S.C. 1076, 1077, and 1079.

(2) Dental care may be provided on a space-available basis in facilities of the Military Services.

(3) Eligible dependents of a Service member who is retirement eligible, but who loses eligibility for retirement pay because of dependent-abuse misconduct, may receive medical and dental care in accordance with 10 U.S.C. 1408(h).

Dated: September 12, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019-20075 Filed 9-19-19; 8:45 am]

BILLING CODE 5001-06-P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

[Docket Number USCG-2019-0792]

RIN 1625-AA00

#### **Temporary Safety Zone; M/V Highland Eagle Operating in the Straits of Mackinac, MI**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-yard radius of the Motor Vessel (M/V) HIGHLAND EAGLE while conducting geotechnical sampling operations in the Straits of Mackinac. The safety zone is needed to protect persons, vessels, and the marine environment from potential hazards created by geotechnical sampling operations in the Straits of Mackinac. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Sault Sainte Marie.

**DATES:** This rule is effective from October 1, 2019, through November 30, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0792 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 Lieutenant Sean Murphy, Chief, Waterways Management Division, U.S. Coast Guard; telephone 906-635-3223, email [ssmprevention@uscg.mil](mailto:ssmprevention@uscg.mil).

**SUPPLEMENTARY INFORMATION:****I. Table of Abbreviations**

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

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive the final details of the requested safety zone with sufficient time for a comment period before the start of the event. The final details of the specific dates and safety zone distances concerning the safety zone around the M/V HIGHLAND EAGLE were not finalized within a sufficient time to allow for notice and a subsequent 30-day comment period before the commencement of geotechnical sampling operations. Delaying this rule to allow for a notice and comment period would be impracticable and contrary to the public interest because it would inhibit the Coast Guard’s ability to protect the public from the potential hazards associated with geotechnical sampling.

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 would be contrary to the rule’s objectives of protecting safety of life on the navigable waters in the vicinity of the geotechnical sampling.

**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 Sault Sainte Marie has determined that potential hazards associated with ongoing geotechnical sampling starting October 1, 2019, will be a safety concern for anyone upon the navigable waters of the U.S. within a 500-yard radius of the Motor Vessel (M/V) HIGHLAND EAGLE while conducting geotechnical sampling

operations in the Straits of Mackinac. The COTP Sault Sainte Marie previously issued a rule for geotechnical sampling under the same authority, 33 CFR 165.T09–0493, (84 FR 28743, June 20, 2019). That rule is effective through 30 September 2019. This rule is needed to protect persons, vessels, and the marine environment from potential hazards created by geotechnical sampling operations in the Straits of Mackinac through November 30, 2019.

**IV. Discussion of the Rule**

This rule establishes a safety zone from October 1, 2019 through November 30, 2019 for navigable waters within a 500-yard radius of the M/V HIGHLAND EAGLE while conducting geotechnical sampling operations in the Straits of Mackinac. The duration of the zone is intended to protect personnel and vessels in these navigable waters while the M/V HIGHLAND EAGLE conducts geotechnical sampling operations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Sault Sainte Marie or a designated representative.

**V. Regulatory Analyses**

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

**A. Regulatory Planning and Review**

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

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which impacts a relatively small portion of the Straits of Mackinac and related waterway.

**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 500-yard safety zone around a vessel conducting technical operations. Vessel traffic will be able to safely transit around this safety zone, which impacts a relatively small portion of the Straits of Mackinac and related waterway.

It is categorically excluded from further review under paragraph L60a 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.T9–0792 to read as follows:

##### **§ 165.T9–0792 Temporary Safety Zone; M/V Highland Eagle operating in the Straits of Mackinac, MI.**

(a) *Location.* The following area is a safety zone: All navigable waters within 500 yards of Motor Vessel (M/V) Highland Eagle while conducting geotechnical sampling in the Straits of Mackinac.

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

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within this temporary safety zone is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie or designated representative.

(2) Before a vessel operator may enter or operate within the safety zone, the operator must obtain permission from the Captain of the Port, Sault Sainte Marie, or designated representative via VHF Channel 16 or telephone at (906) 635–3233. Vessel operators given permission to enter or operate in the safety zone must comply with all orders given to them by the Captain of the Port, Sault Sainte Marie or designated representative.

(d) *Enforcement period.* This section will be enforced from October 1, 2019 through November 30, 2019.

Dated: September 17, 2019.

**P.S. Nelson,**

*Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.*

[FR Doc. 2019–20400 Filed 9–19–19; 8:45 am]

**BILLING CODE 9110–04–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[EPA–HQ–OAR–2019–0452; FRL–9999–85–OAR]**

#### **Findings of Failure To Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS)**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to find that two states (Maryland and Michigan) failed to submit State Implementation Plans (SIPs) to satisfy certain nonattainment area planning requirements of the Clean Air Act (CAA) for the 2010 1-hour primary Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). The purpose for the development and implementation of nonattainment area SIPs is to provide for attainment of the NAAQS as expeditiously as practicable following the designation of an area as nonattainment. This action establishes certain CAA deadlines for the EPA to impose sanctions if a state does not submit a complete SIP addressing the outstanding requirements and for the EPA to promulgate a Federal Implementation Plan (FIP) to address any outstanding SIP requirements.

**DATES:** This action is effective on October 21, 2019.

**FOR FURTHER INFORMATION CONTACT:** General questions concerning this document should be addressed to Dr. Larry D. Wallace, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code: C539–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27709; by telephone (919) 541–0906; or by email at [Wallace.larry@epa.gov](mailto:Wallace.larry@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

##### **A. Notice and Comment Under the Administrative Procedure Act (APA)**

Section 553 of the APA, 5 U.S.C. 553(b)(3)(B), provides that, when an

agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this final agency action without prior proposal and opportunity for comment because no significant EPA judgment is involved in making findings of failure to submit SIPs, or elements of SIPs, required by the CAA, where states have made no submission to meet the requirement. Thus, notice and public procedures are unnecessary to take this action. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

*B. How can I get copies of this document and other related information?*

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2019–0452. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the EPA Docket Center, EPA/DC, William Jefferson Clinton Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566–1742.

*C. Where do I go if I have a specific state questions?*

For questions related to specific states mentioned in this document, please contact the appropriate EPA Regional Office:

Regional offices	States
<i>EPA Region 3:</i> Ms. Susan Spielberger, Associate Director, Office of Air Program Planning, EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2187.	Maryland.
<i>EPA Region 5:</i> Mr. Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch, EPA Region V, 77 West Jackson Street, Chicago, IL 60604.	Michigan.

*D. How is the preamble organized?*

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**II. Background**

In June 2010, the EPA promulgated a new 1-hour primary SO<sub>2</sub> NAAQS of 75 parts per billion (ppb), which is met when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50. See 40 CFR 50.17(a)–(b). On July 12, 2016, the EPA, as part of the second round of area designations for the 2010 SO<sub>2</sub> NAAQS, designated four areas of the country as nonattainment for the 1-hour primary 2010 SO<sub>2</sub> NAAQS.<sup>1</sup> See 81 FR 45039, codified at 40 CFR part 81, subpart C. These area designations had an effective date of September 12, 2016.

Areas designated as nonattainment for the SO<sub>2</sub> NAAQS are subject to the general nonattainment area planning

<sup>1</sup> The EPA completed its first round of initial area designations for the 2010 1-hour primary SO<sub>2</sub> NAAQS on August 5, 2013, with an effective date of October 4, 2013. Under a court order issued on March 2, 2015, the EPA is required to complete designations related to the remaining undesignated areas of the country by no later than December 31, 2020. The findings in this document apply only to those areas that were designated on July 12, 2016, and where, as of signature of this action, the affected states failed to submit required complete plans.

requirements of CAA section 172 and to the SO<sub>2</sub>-specific planning requirements of subpart 5 of part D of Title I of the CAA (sections 191 and 192). All components of the SO<sub>2</sub> part D nonattainment area SIP, including the emissions inventory, attainment demonstration, reasonably available control measures (RACM) including reasonably available control technology (RACT), enforceable emission limitations and control measures, reasonable further progress (RFP) plan, nonattainment new source review (NNSR), and contingency measures, are due to the EPA within 18 months of the effective date of designation of an area under CAA section 191. Thus, the nonattainment area SIPs for areas designated effective September 12, 2016, were due on March 12, 2018. These SIPs were required to demonstrate that their respective areas will attain the NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of designation, or by September 12, 2021.

**III. Consequences of Findings of Failure To Submit**

If the EPA finds that a state has failed to make the required SIP submittal or that a submitted SIP is incomplete, then CAA section 179(a) establishes specific consequences, including the imposition of mandatory sanctions for the affected area, after a period of time. Additionally, such a finding also triggers an obligation under CAA section 110(c) for the EPA to promulgate a FIP no later than 2 years after the finding of failure to submit if the affected state has not submitted, and EPA has not approved, the required SIP submittal.

If the EPA has not affirmatively determined that a state has made the required complete SIP submittal for an area within 18 months of the effective date of this rulemaking, then, pursuant to CAA section 179(a) and (b) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b)(2) will apply in the affected nonattainment area. If the EPA has not affirmatively determined that the state has made a complete submission within 6 months after the offset sanction is imposed, then the highway funding sanction will apply in the affected nonattainment area, in accordance with CAA section 179(b)(1) and 40 CFR 52.31. The sanctions will not take effect if, within 18 months after the date of these findings, the EPA affirmatively determines that the affected state has made a complete SIP submittal addressing the deficiency for which the finding was made. Additionally, if the state makes the

required SIP submittal and the EPA takes final action to approve the submittal within 2 years of the effective date of these findings, the EPA is not required to promulgate a FIP for the affected nonattainment area.

#### IV. Findings of Failure To Submit for States That Failed To Make a Nonattainment Area SIP Submittal

As of the date of signature of this action, the two states listed in Table 1 failed to make complete SIP submittals required under part D of Title 1 of the

CAA by March 12, 2018, for two areas designated nonattainment effective September 12, 2016.<sup>2</sup> The EPA is, therefore, issuing findings of failure to submit for the two states responsible for these areas: Anne Arundel County and Baltimore County, Maryland, and St. Clair, Michigan.

TABLE 1—STATES AND 2010 1-HOUR PRIMARY SO<sub>2</sub> NAAQS NONATTAINMENT AREAS AFFECTED BY THESE FINDINGS OF FAILURE TO SUBMIT

Regional office	State	Nonattainment Area
Region III .....	Maryland .....	Anne Arundel County and Baltimore County.
Region V .....	Michigan .....	St. Clair.

#### V. Environmental Justice Considerations

The EPA believes that the human health or environmental risks addressed by this action will not have disproportionately high or adverse human health or environmental effects on minority, low-income, or indigenous populations because it does not affect the level of protection provided to human health or the environment under the SO<sub>2</sub> NAAQS. The purpose of this rule is to make findings that the states named in this final action failed to submit the required SIPs to provide for timely attainment of the 1-hour primary SO<sub>2</sub> NAAQS, which will result in certain CAA-required deadlines for actions to provide for such attainment. In finding that certain states failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) for the 1-hour primary SO<sub>2</sub> NAAQS, this action does not adversely affect the level of protection provided for human health or the environment. Rather, it is intended that the actions and deadlines resulting from this notice will in fact lead to greater protection for United States citizens, including minority, low-income, or indigenous populations, by ensuring that states meet their statutory obligation to develop and submit SIPs to ensure that areas make progress toward attaining the 1-hour primary SO<sub>2</sub> NAAQS.

#### VI. Statutory and Executive Order Reviews

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

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

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

This action is not an Executive Order 13771 regulatory action because it finds that two states failed to meet the requirement in the CAA to submit SIPs under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) for the SO<sub>2</sub> NAAQS.

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

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act. This final rule does not establish any new information collection requirement apart from what is already required by law. This rule relates to the requirement in the CAA for states to submit SIPs under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) which address the statutory requirements that apply to areas designated as nonattainment for the SO<sub>2</sub> NAAQS.

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

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The rule is a finding that the named states have not made the necessary SIP submission for certain nonattainment areas to meet the requirements of part D of title I of the CAA.

##### E. Unfunded Mandates Reform Act of 1995 (UMRA)

This action does not contain any unfunded mandate as described in UMRA 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

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

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

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

This action does not have tribal implications as specified in Executive Order 13175. This rule finds that two states have failed to complete the requirement in the CAA to submit SIPs

<sup>2</sup> The EPA is not including in this action findings of failure to submit for the two other areas designated nonattainment effective September 12, 2016: Alton Township, Illinois, and Williamson County, Illinois. With respect to the first area, the state of Illinois submitted a SIP for the Alton Township, Illinois, nonattainment area on December 3, 2018, which was deemed complete on June 5, 2019. See letter from Edward Nam, Director, Air and Radiation Division, to Mr. John Kim, Director, Illinois Environmental Protection Agency

(June 5, 2019) (included in the rulemaking docket for this final action). With respect to the second area, on September 5, 2019, the EPA Administrator signed a notice of final action titled, “Reconsideration of the Area Designation for the 2010 1-Hour Sulfur Dioxide (SO<sub>2</sub>) Primary National Ambient Air Quality Standard for Williamson County, Illinois; Final Rule.” This final action changes the initial designation of Williamson County, Illinois, from nonattainment to attainment/unclassifiable, and will be codified at 40 CFR

81.314. The EPA will promptly transmit this signed final action to the Office of the Federal Register for publication. An unofficial copy of the pre-publication signed final action is available at <https://www.epa.gov/sulfur-dioxide-designations/reconsideration-nonattainment-designation-williamson-co-illinois>. Only the version of the signed final action published in the **Federal Register** will be the official version, and it will identify the effective date of the change in designation of Williamson County, Illinois.

under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) for the SO<sub>2</sub> NAAQS. No tribe is subject to the requirement to submit an implementation plan under section 172 or under subpart 5 of part D of Title I of the CAA. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it is a finding that certain states have failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA and does not directly or disproportionately affect children.

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

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

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

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations. In finding that certain states have failed to submit a complete SIP that satisfies the nonattainment area planning requirements under section 172 and subpart 5 of part D of Title I of the CAA, this action does not adversely affect the level of protection provided to human health or the environment.

#### *L. Congressional Review Act (CRA)*

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

#### *M. Judicial Review*

Section 307(b)(1) of the CAA indicates which federal Courts of Appeal have venue for petitions of review of final agency actions by the EPA under the CAA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, if “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.”

The EPA has determined that this final rule consisting of findings of failure to submit certain required SIP provisions for two nonattainment areas for the 2010 primary 1-hour SO<sub>2</sub> NAAQS is “nationally applicable” and that it is “of nationwide scope and effect” within the meaning of CAA section 307(b)(1). This final agency action affects two nonattainment areas that are located in two states, residing in two of the ten EPA Regional Offices and covered by two different federal judicial circuits. In addition, the rule addresses a common core of knowledge and analysis involved in formulating the decision and a common interpretation of the requirements of 40 CFR 51 appendix V applied to determining the completeness of SIPs in states across the country.

This determination is appropriate because in the 1977 CAA Amendments that revised CAA section 307(b)(1), Congress noted that the Administrator’s determination that an action is of “nationwide scope or effect” would be appropriate for any action that has “scope or effect beyond a single judicial circuit.” H.R. Rep. No. 95–294 at 323–324, reprinted in 1977 U.S.C.C.A.N. 1402–03. Here, the scope and effect of this action extends to the two judicial circuits that include the two states affected by this action. In these circumstances, CAA section 307(b)(1) and its legislative history authorize the Administrator to find the rule to be of “nationwide scope or effect” and thus to indicate that venue for challenges lies in the D.C. Circuit. Accordingly, the EPA is determining that this is a rule of nationwide scope or effect. Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date this final action is published in the **Federal**

**Register**. Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of the action for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. Thus, any petitions for review of this action must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**.

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

Environmental protection, Administrative practice and procedures, Air pollution control, Approval and promulgation of implementation plans, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: September 9, 2019.

**Anne L. Idsal,**

*Acting Assistant Administrator.*

[FR Doc. 2019–19992 Filed 9–19–19; 8:45 am]

**BILLING CODE 6560–50–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[EPA–R09–OAR–2019–0272; FRL–9997–16–Region 9]**

### **Air Plan Approval; California; South Coast Air Quality Management District; Stationary Source Permits**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the South Coast Air Quality Management District (SCAQMD or “the District”) portion of the California State Implementation Plan (SIP). We are finalizing approval of a revision governing issuance of permits for stationary sources, including review and permitting of major sources and major modifications under part D of title I of the Clean Air Act (CAA or “the Act”). Specifically, the revision pertains to SCAQMD Rule 1325 “Federal PM<sub>2.5</sub> New Source Review Program.”

**DATES:** This rule is effective on November 19, 2019 without further notice, unless the EPA receives one or more adverse comments by October 21, 2019. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public

that this direct final rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R09–OAR–2019–0272 at <https://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to

make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Laura Yannayon, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3534 or by email at [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us,” and “our” refer to the EPA.

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**I. The State’s Submittal**

*A. What rule did the State submit?*

Table 1 lists the rule addressed by this action with the date it was adopted by the SCAQMD and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Rule No.	Rule title	Amended	Submitted
1325 .....	Federal PM <sub>2.5</sub> New Source Review Program .....	1/4/2019	4/24/19

On June 5, 2019, the EPA determined that the submittal for Rule 1325 met the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal review by the EPA.

*B. Are there other versions of this rule?*

The current SIP contains a version of Rule 1325 “Federal PM<sub>2.5</sub> New Source Review Program,” approved into the SIP on November 30, 2018.<sup>1</sup> The EPA’s final approval of the rule identified above in Table 1 would have the effect of entirely superseding our prior approval of the same rule in the current SIP-approved program.

*C. What is the purpose of the submitted rule revision?*

Rule 1325 addresses nonattainment new source review (NNSR) permit requirements for major sources of PM<sub>2.5</sub>. The rule has been amended to address the single deficiency the EPA identified in our November 18, 2018 action regarding the lack of inclusion of volatile organic compounds and ammonia as PM<sub>2.5</sub> precursors when evaluating if a project will result in a major modification. The District also made minor clarifying edits.

**II. The EPA’s Evaluation and Action**

*A. How is the EPA evaluating the rule?*

In our November 30, 2018 action conditionally approving Rule 1325 into

the SCAQMD portion of the California SIP, we determined that separate from the identified deficiency, the rule satisfied the applicable requirements for a PM<sub>2.5</sub> NNSR permit program. Therefore, in this action we are only evaluating whether the amendments to Rule 1325 address the identified deficiency and if the minor clarifying edits are approvable.

*B. Does the rule meet the evaluation criteria?*

The definition of term Regulated NSR Pollutant was revised to include all PM<sub>2.5</sub> precursors. This revision corrects the deficiency previously identified by EPA.

The definitions of Major Polluting Facility in paragraph (b)(4) and Precursors in paragraph (b)(9), were revised to remove the existing August 14, 2017 applicability date since the date has passed. Likewise, revisions were made to section (f)—Two Year Limit on Facility Exemption, to implement the 70 ton per year applicability threshold, rather than provide a future effective date. In paragraphs (b)(6) and (b)(15), a new definition for the terms Oxides of Nitrogen and Volatile Organic Compound, respectively, were added. These definitions are consistent with EPA definitions for these terms. Other minor capitalization edits were made throughout the rule. EPA finds each of these revisions approvable.

*C. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted rule because we believe it fulfills all relevant requirements. Because the revisions to the rule are minor, or correct the identified deficiency, we do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this issue of the **Federal Register**, we are simultaneously proposing approval of the same submitted rule. If we receive an adverse comment by October 21, 2019, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comment(s) in a subsequent final action based on the proposal. If we do not receive any timely adverse comment, the direct final approval will be effective without further notice on November 19, 2019. This will incorporate the rule into the federally enforceable SIP.

**III. 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 rule listed in Table 1 of this preamble. The EPA has made, and will continue to

<sup>1</sup> 83 FR 61551.



make, these materials available electronically through <https://www.regulations.gov> and in hard copy at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### IV. Statutory and Executive Order Reviews

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

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

appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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

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

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

Dated: July 16, 2019.

**Deborah Jordan,**

*Acting Regional Administrator, Region IX.*

Part 52, 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 F—California

- 2. Section 52.220 is amended by adding paragraphs (c)(509)(i)(A)(2) and (c)(524) to read as follows:

##### § 52.220 Identification of plan—in part.

\* \* \* \* \*

(c) \* \* \*

(509) \* \* \*

(i) \* \* \*

(A) \* \* \*

(2) Previously approved on November 30, 2018 in paragraph (c)(509)(i)(A)(1) of this section and now deleted with replacement in paragraph (c)(524)(i)(A)(1) of this section, Rule 1325.

\* \* \* \* \*

(524) New and amended regulations for the following APCDs were submitted on April 24, 2019 by the Governor's designee.

(i) *Incorporation by Reference.* (A) South Coast Air Quality Management District.

(1) Rule 1325, "Federal PM<sub>2.5</sub> New Source Review Program" amended on January 4, 2019.

(2) [Reserved]

(B) [Reserved]

(ii) [Reserved]

##### § 52.248 [Amended]

- 3. Section 52.248 is amended by removing and reserving paragraph (f).

[FR Doc. 2019-19999 Filed 9-19-19; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 81

[EPA-R01-OAR-2019-0352; FRL-9999-84-Region 1]

#### Air Plan Approval and Air Quality Designation; New Hampshire; Redesignation of the Central New Hampshire Sulfur Dioxide Nonattainment Area

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



**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is redesignating the Central New Hampshire nonattainment area from nonattainment to attainment for the 2010 1-hour primary sulfur dioxide (SO<sub>2</sub>) national ambient air quality standard (NAAQS). EPA is also approving the maintenance plan submitted by the State of New Hampshire for the area for the SO<sub>2</sub> NAAQS. This nonattainment area consists of portions of Hillsborough County, Merrimack County, and Rockingham County, New Hampshire. The primary emission source in the area is now subject to federally-enforceable emission control standards, and air quality in the area now meets the SO<sub>2</sub> NAAQS. This action is being taken under the Clean Air Act.

**DATES:** This rule is effective on September 20, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2019-0352. 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:** Leiran Biton, Air Permits, Toxics and Indoor Programs Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05-2), Boston, MA 02109-3912, tel. (617) 918-1267, email [biton.leiran@epa.gov](mailto:biton.leiran@epa.gov).

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

## Table of Contents

- I. Background and Purpose
- II. Final Action
- III. Statutory and Executive Order Reviews

## I. Background and Purpose

On July 31, 2019 (84 FR 37187), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of New Hampshire. In the NPRM, EPA proposed to redesignate the Central New Hampshire nonattainment area from nonattainment to attainment for the 2010 1-hour primary SO<sub>2</sub> NAAQS. EPA also proposed to approve the maintenance plan New Hampshire submitted to ensure the area will continue to maintain the SO<sub>2</sub> NAAQS. New Hampshire submitted the request for redesignation and state implementation plan (SIP) submittal on March 16, 2018.

The NPRM provides the rationale for EPA's proposed approval, which will not be restated here. EPA received no public comments during the public comment period in response to the NPRM.

## II. Final Action

EPA is redesignating the Central New Hampshire nonattainment area from nonattainment to attainment for the 2010 1-hour primary SO<sub>2</sub> NAAQS by amending 40 CFR 81.330. EPA is also approving the maintenance plan submitted by the State of New Hampshire for the Central New Hampshire nonattainment area for the 2010 1-hour primary SO<sub>2</sub> NAAQS as an addition to the New Hampshire SIP at 40 CFR 52.1520(e), “Nonregulatory.”

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule “grants or recognizes an exemption or relieves a restriction,” and section 553(d)(3), which allows an effective date less than 30 days after publication “as otherwise provided by the agency for good cause found and published with the rule.” The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the State of

planning requirements for this SO<sub>2</sub> nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

## III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the 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. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it

is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects

##### 40 CFR Part 52

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

##### 40 CFR Part 81

Environmental protection, Air pollution control, Carbon monoxide,

Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 12, 2019.

**Dennis Deziel,**

*Regional Administrator, EPA Region 1.*

Parts 52 and 81 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. In § 52.1520, in paragraph (e), amend the table by adding an entry at the end to read as follows:

##### § 52.1520 Identification of plan.

*	*	*	*	*
(e)	*	*	*	*

#### NEW HAMPSHIRE NONREGULATORY

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Explanations
* 1-Hour Sulfur Dioxide (2010 Standard) Redesignation Request and Maintenance Plan for the Central New Hampshire Nonattainment Area.	* Central New Hampshire SO <sub>2</sub> Nonattainment Area.	* 3/16/2018	* 9/20/2019 [Insert <b>Federal Register</b> citation].	* The maintenance plan for the 2010 SO <sub>2</sub> NAAQS is Section 6 of this submittal.

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

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

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

##### Subpart C—Section 107 Attainment Status Designations

■ 4. Section 81.330 is amended in the table entitled “New Hampshire—2010

Sulfur Dioxide NAAQS (Primary)” by revising the entry for “Central New Hampshire, NH” to read as follows:

##### § 81.330 New Hampshire.

*	*	*	*	*
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#### NEW HAMPSHIRE—2010 SULFUR DIOXIDE NAAQS [Primary]

Designated area <sup>1</sup>	Designation	
	Date <sup>2</sup>	Type
Central New Hampshire, NH ..... Hillsborough County (part). Goffstown Town. Merrimack County (part). Allenstown Town, Bow Town, Chichester Town, Dunbarton Town, Epsom Town, Hooksett Town, Loudon Town, Pembroke Town, Pittsfield Town, City of Concord.	September 20, 2019	Attainment.

NEW HAMPSHIRE—2010 SULFUR DIOXIDE NAAQS—Continued  
[Primary]

Designated area <sup>1</sup>	Designation	
	Date <sup>2</sup>	Type
Rockingham County (part). Candia Town, Deerfield Town, Northwood Town.		
* * * * *		

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

<sup>2</sup> This date is April 9, 2018, unless otherwise noted.

[FR Doc. 2019–20148 Filed 9–19–19; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[EPA–HQ–OAR–2018–0851; FRL–9999–86–OAR]

RIN 2060–AU27

#### Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; Withdrawal of Direct Final Rule

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Because the U.S. Environmental Protection Agency (EPA) received adverse comment, we are withdrawing the direct final rule amending the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines published on July 5, 2019.

**DATES:** The direct final rule published on July 5, 2019 (84 FR 32084), is withdrawn effective September 20, 2019.

**FOR FURTHER INFORMATION CONTACT:** For questions about this action, contact Melanie King, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2469; fax number: (919) 541–4991; and email address: [king.melanie@epa.gov](mailto:king.melanie@epa.gov).

**SUPPLEMENTARY INFORMATION:** On July 5, 2019, the EPA published a direct final rule (84 FR 32084) and a parallel proposal (84 FR 32114) to amend the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines to revise the emission standards for particulate matter for new stationary compression

ignition engines located in remote areas of Alaska. We stated in that direct final rule that if we received adverse comment by August 5, 2019, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comment on that direct final rule and are withdrawing it. We will address those comments in any subsequent final action, which will be based on the parallel proposed rule also published on July 5, 2019. As stated in the direct final rule and parallel proposed rule, we will not institute a second comment period on this action.

#### List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: September 9, 2019.

**Andrew R. Wheeler,**  
*Administrator.*

#### PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ Accordingly, the final rule amending 40 CFR 60.4216 published in the **Federal Register** on July 5, 2019 (84 FR 32084), is withdrawn effective September 20, 2019.

[FR Doc. 2019–20128 Filed 9–19–19; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 80

[EPA–HQ–OAR–2018–0836; FRL–9999–87–OAR]

RIN 2060–AU43

#### Relaxation of the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for the Atlanta RVP Area

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a request from Georgia for EPA to relax the federal Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the following Georgia counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale (the Atlanta RVP Area). Specifically, EPA is approving amendments to the regulations to allow the gasoline RVP standard for the Atlanta RVP Area to change from 7.8 pounds per square inch (psi) to 9.0 psi. EPA has determined that this change to the federal RVP regulation is consistent with the applicable provisions of the Clean Air Act (CAA).

**DATES:** This final rule is effective on October 21, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0836. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information may not be publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly

available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

David Dickinson, Office of Transportation and Air Quality, Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: (202) 343-9256; email address: [dickinson.david@epa.gov](mailto:dickinson.david@epa.gov), or Rudolph Kapichak, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4574; email address: [kapichak.rudolph@epa.gov](mailto:kapichak.rudolph@epa.gov).

**SUPPLEMENTARY INFORMATION:** The contents of this preamble are listed in the following outline:

- I. General Information
- II. Action Being Taken
- III. History of the Gasoline Volatility Requirement
- IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
- V. Georgia's Request To Relax the Federal Gasoline Requirement for the Atlanta RVP Area
- VI. Response to Comments
- VII. Final Action
- VIII. Statutory and Executive Order Reviews

#### I. General Information

##### A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors involved in supplying gasoline to the Atlanta RVP Area.

Examples of potentially regulated entities	NAICS <sup>1</sup> codes
Petroleum Refineries .....	324110.
Gasoline Marketers and Distributors.	424710; 424720.
Gasoline Retail Stations .....	447110.
Gasoline Transporters .....	484220; 484230.

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, call the person listed in the **FOR FURTHER**

**INFORMATION CONTACT** section of this preamble.

##### B. What is EPA's authority for taking this action?

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the Clean Air Act (CAA), as amended; 42 U.S.C. 7545(h) and 7601(a).

#### II. Action Being Taken

This final rule approves a request from the state of Georgia to change the federal RVP gasoline standard during the summer ozone season that runs from June 1 to September 15 of each year for the Atlanta RVP Area. Specifically, this final rule amends EPA's regulations at 40 CFR 80.27(a)(2) to relax the federal summertime RVP standard from 7.8 psi to 9.0 psi for the Georgia counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale (the Atlanta RVP Area). This action finalizes EPA's May 14, 2019 proposal which was subject to public notice and comment (84 FR 21305). As a result of this final rule the gasoline in the Atlanta RVP Area will no longer be subject to the federal RVP summertime fuel standard of 7.8 psi and instead be subject to a federal standard of 9.0 psi, starting on June 1, 2020, and thereafter.

The preamble for this rulemaking is organized as follows: Section III provides the history of the federal gasoline volatility regulation; Section IV describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are redesignated as attainment areas; Section V provides information specific to Georgia's request for the 13 counties addressed by this action; Section VI provides a response to the comments EPA received; and Section VII presents the final action in response to Georgia's request.

#### III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOCs), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection,

and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in that final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone National Ambient Air Quality Standard (NAAQS)).

The 1990 CAA Amendments established a new CAA section 211(h) to address fuel volatility. CAA section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season (as defined by EPA in 40 CFR 80.27(a)(2)(ii)). CAA section 211(h) also prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA's policy for approving

<sup>1</sup> North American Industry Classification System.

such changes is described below in Section IV of this preamble.

The state of Georgia initiated the change being finalized in this action by requesting that EPA relax the 7.8 psi RVP standard to 9.0 psi for the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. See Section V of this preamble for information specific to Georgia's request.

#### **IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas**

As stated in the preamble for EPA's amended Phase II volatility standards (56 FR 64706, December 12, 1991), any change in the gasoline volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi gasoline RVP requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal summertime RVP standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the gasoline volatility standard unless the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for ten years without the need for the more stringent volatility standard. Similarly, a maintenance plan may be revised to relax the gasoline volatility standard if the state requests a

relaxation and the maintenance plan demonstrates that the area will maintain attainment for its duration.

At proposal, EPA considered the applicability of its longstanding policy and practice of approving RVP relaxations in areas that are either designated attainment or have been redesignated to attainment for all relevant ozone NAAQS. Given that a portion of the Atlanta RVP Area is a designated nonattainment area for the 2015 ozone NAAQS, EPA proposed to approve relaxation of the federal 7.8 psi RVP standard in areas that are designated as nonattainment.<sup>2</sup> In doing so, and as explained in the NPRM, EPA considered Agency practices and policy for the approval of requests from states to opt out of reformulated gasoline (RFG) and removal of state fuel regulations from approved SIPs. In these kinds of approvals, EPA typically considers whether a subject state has demonstrated that the relevant area will be able to attain the ozone NAAQS by the attainment date without relying on emissions reductions from either RFG or the state fuel regulation. EPA received no comments on extending this demonstration of non-interference with the timely attainment of the applicable NAAQS to approving requests for federal RVP relaxation in nonattainment areas. Therefore, while EPA continues to believe that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process or in the context of a maintenance plan for an area, EPA will now also evaluate whether the relaxation of the federal RVP standard in a nonattainment area is appropriate by applying similar considerations for the approval of state requests to opt out of RFG and remove state fuel regulations from approved SIPs.

#### **V. Georgia's Request To Relax the Federal Gasoline RVP Requirement for the Atlanta RVP Area**

On August 15, 2018, the Georgia Department of Natural Resources submitted a request to relax the federal gasoline RVP requirement in the Atlanta RVP Area. Georgia did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when it originally submitted the CAA section 175A maintenance plan for the 15-county 2008 ozone NAAQS, which EPA approved on June 2, 2017 (82 FR 25523).<sup>3</sup> Since then, EPA also

designated a portion of the Atlanta RVP Area as nonattainment for the 2015 ozone NAAQS.<sup>4</sup> Therefore, Georgia was required to demonstrate that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi would not interfere with the maintenance of any NAAQS, including a revised maintenance plan for the 15-county 2008 ozone NAAQS area and with the timely attainment of the seven county 2015 ozone NAAQS area, and to submit a CAA section 110(I) non-interference demonstration for the Atlanta RVP Area to support the request to relax the federal summertime RVP standard.

The State's August 15, 2018 submittal included a request to relax the federal RVP requirement in the Atlanta RVP Area, the CAA section 175A maintenance plan revision, and section 110(I) non-interference demonstration. The non-interference demonstration shows that the relaxation would not interfere with the maintenance of the 2008 ozone NAAQS for the 15-county 2008 ozone NAAQS maintenance area or any other applicable CAA requirement, including timely attainment of the 2015 ozone NAAQS. EPA finalized its approval of the maintenance plan revision and demonstration on April 23, 2019 (84 FR 16786). As part of that rulemaking, EPA included an evaluation of Georgia's CAA section 110(I) demonstration for the 15-county 2008 ozone NAAQS maintenance area and the seven-county 2015 ozone NAAQS nonattainment area (including the additional control measures incorporated into the SIP to ensure timely attainment of the 2015 ozone NAAQS).<sup>5</sup> EPA received no adverse comments on our proposed approval of Georgia's CAA section 110(I) demonstration. In addition, our proposed relaxation of the federal summertime RVP standard in the Atlanta RVP Area did not reopen that rulemaking.

#### **VI. Response to Comments**

EPA received the following three comments on its May 14, 2019 proposal to relax the federal summertime RVP standard from 7.8 psi to 9.0 psi for the Atlanta RVP Area. Two of these comments were related to the proposal, and EPA has responded to them below.

Area covered by the federal RVP requirement includes the same counties with the exception of Bartow and Newton Counties.

<sup>4</sup> EPA designated seven counties in the Atlanta RVP Area as nonattainment for the 2015 ozone NAAQS, the seven counties are: Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry. (See 83 FR 25776, June 4, 2018).

<sup>5</sup> For further details, see 84 FR 16786 (April 23, 2019).

<sup>2</sup> 84 FR 21305 (May 14, 2019).

<sup>3</sup> The 15-county 2008 ozone NAAQS maintenance area includes the following counties: Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale. The 13-county Atlanta RVP

EPA also received one comment that was not related to any of the issues addressed in the proposal and EPA's response is provided below.

*Comment:* EPA received two comments that expressed a general concern over whether EPA should establish the effective date (compliance date) for this final rule as the publication date of the final rule in the **Federal Register**. The compliance date is the date that 9.0 psi RVP gasoline may be introduced into commerce in the Atlanta RVP Area. Both commenters noted that a relaxation during the middle of the summer fuel season without adequate notice would subject fuel retailers and marketers to suffer significant financial losses due to the nature of the fuel supply distribution system and in some instances a longer period of time to switch over to the less expensive federal 9.0 psi RVP gasoline. The commenters opined that EPA should provide for market stability by either making the RVP relaxation effective after the end of the federal summertime RVP control period (*i.e.*, September 15th) or 90 days after the final rule is published.

*Response:* EPA acknowledges that a change in a fuel specification may typically take a number of weeks or months to be fully realized or implemented throughout an entire area such as the Atlanta RVP area. EPA also did not receive any public comments that supported an immediate effective or compliance date of the final rule (*e.g.*, the federal RVP relaxation to occur during the 2019 summer high ozone season, which began on June 1, 2019). Although this action provides regulatory flexibility and relief from a more stringent and expensive requirement, EPA believes that regulated parties will not necessarily experience such relief equally, or within the same time period and as a matter of normal business practices as described in the submitted comments. As a result, EPA is setting a compliance date of June 1, 2020, which is when the next federal summertime RVP standard period commences.

*Comment:* EPA received another comment concerning the impact of the 1.0 psi RVP waiver that is provided to gasoline containing 10 percent ethanol and 15 percent ethanol (E10 and E15, respectively). The commenter expressed several concerns with the 1.0 psi waiver, such as an increase in ozone precursor emissions. The commenter states that a uniform RVP cap of 9.0 psi for summer gasoline would simplify fuel markets, result in protective level of emissions over wide geographic areas and avoid competitive issues where different fuels are required.

*Response:* The commenter's general concerns with the national 1.0 psi waiver for gasoline containing 10 to 15 percent ethanol are beyond the scope of this rulemaking.<sup>6</sup> In this rulemaking, EPA is merely revising the federal summertime RVP standard for the Atlanta RVP Area pursuant to a request from the State. In addition, the State supported its request with the demonstration that the area will continue to maintain the 2008 ozone NAAQS, and that the RVP change will not interfere with timely attainment of the 2015 ozone NAAQS or any other CAA requirement.

## VII. Final Action

EPA is taking final action to approve Georgia's request for the Agency to relax the federal summertime RVP standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the Atlanta RVP Area. Specifically, this action revises the applicable federal RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the Georgia counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. This approval is based on Georgia's August 15, 2018 request and EPA's final determination in its April 23, 2019 final rule, that the State, as required by CAA section 110(l), made an adequate demonstration to show that relaxation of this federal requirement would not interfere with maintenance of the 2008 ozone NAAQS in the Atlanta RVP Area, and is consistent with other CAA requirements including timely attainment of the 2015 ozone NAAQS.

## VIII. Statutory and Executive Order Reviews

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

This action is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and therefore was not submitted to the Office of Management and Budget (OMB) for review.

### B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. This rule provides meaningful burden reduction because it relaxes the federal RVP standard for gasoline, and

as a result, fuel suppliers will no longer be required to provide the lower, 7.8 psi RVP gasoline in the Atlanta RVP Area during the summer months. Relaxing the federal volatility requirements is also beneficial because this action can improve the fungibility of gasoline by allowing the gasoline sold in the Atlanta RVP Area to be identical to the fuel sold in the remainder of the state.

### C. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.*, and therefore is not subject to these requirements.

### D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers, or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Georgia, and gasoline distributors and retail stations in Georgia. This action relaxes the federal summertime RVP standard for gasoline sold in Georgia's Atlanta RVP Area during the summertime high ozone season to allow the RVP for gasoline sold in these counties to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) RVP program. Therefore, this action will have no net regulatory burden for all directly regulated small entities.

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

This rule does not contain an unfunded mandate of \$100 million or more as described in the UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates that are specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by EPA.

<sup>6</sup> EPA has revised its interpretation of CAA section 211(h)(4) to apply the 1.0 psi waiver to E15 (see 84 FR 26980 (June 10, 2019)).

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This rule affects only those refiners, importers, or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Atlanta RVP Area and gasoline distributors and retail stations in the Atlanta RVP Area. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. EPA has no reason to believe that this action may disproportionately affect children since Georgia has provided evidence that a relaxation of the federal summertime RVP standard will not interfere with its attainment of the ozone NAAQS for the Atlanta RVP Area, or any other applicable CAA requirement. By separate action, EPA has finalized its approval of Georgia’s revised maintenance plan for the 2008 ozone NAAQS, including the state’s non-interference demonstration that relaxation of the gasoline RVP standard in the Atlanta RVP Area to 9.0 psi RVP

will not interfere with any other NAAQS, including the 2015 ozone NAAQS, or CAA requirement.

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

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

J. National Technology Transfer Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations because it does not affect the applicable ozone NAAQS (i.e., the 2008 and 2015 ozone NAAQS), which establish the level of protection provided to human health or the environment. Georgia has demonstrated in its non-interference demonstration that this action will not interfere with maintenance of the ozone NAAQS in the Atlanta RVP Area for the 15-county 2008 ozone NAAQS maintenance area, or with any other applicable requirement of the CAA including timely attainment of the 2015 ozone NAAQS.

Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in EPA’s rulemaking for Georgia’s non-interference demonstration (84 FR 16786, April 23, 2019). A copy of Georgia’s August 15, 2018 letter

requesting that EPA relax the federal summertime RVP standard, including the technical analysis demonstrating that the less stringent gasoline RVP will not interfere with continued maintenance of the 2008 ozone NAAQS in the Atlanta RVP Area, or with any other applicable CAA requirement, including timely attainment of the 2015 ozone NAAQS, have been placed in the public docket for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: September 9, 2019.

Andrew R. Wheeler,  
Administrator.

For the reasons set forth in the preamble, EPA amends 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. In § 80.27, paragraph (a)(2)(ii) is amended in the table by revising the entry for Georgia and adding footnote 13 to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

- (a) \* \* \*
- (2) \* \* \*
- (ii) \* \* \*

APPLICABLE STANDARDS <sup>1</sup> 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
Georgia <sup>13</sup>	9.0	9.0	9.0	9.0	9.0

<sup>1</sup> Standards are expressed in pounds per square inch (psi).

<sup>13</sup> The federal standard for the Georgia counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale from June 1 until September 15 in 1992 through 2019 was 7.8 psi.

\* \* \* \* \*

[FR Doc. 2019-19986 Filed 9-19-19; 8:45 am]

BILLING CODE 6560-50-P

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

[EPA-HQ-OPP-2018-0424; FRL-9994-82]

**Dinotefuran; Pesticide Tolerances****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of dinotefuran in or on persimmon. Mitsui Chemicals Agro, Inc., c/o Landis International, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective September 20, 2019. Objections and requests for hearings must be received on or before November 19, 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-2018-0424, 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: [RDfRNNotices@epa.gov](mailto:RDfRNNotices@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 Printing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](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-2018-0424 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 19, 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-2018-0424, 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 August 14, 2018 (83 FR 40272) (FRL-9981-10), 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 8E8687) by Mitsui Chemicals Agro, Inc., c/o Landis International, Inc., P.O. Box 5126, Valdosta, GA 31603-5126. The petition requested that 40 CFR part 180.603 be amended by establishing tolerances for residues of the insecticide dinotefuran (N-methyl-N'-nitro-N'-[(tetrahydro-3-furanyl)methyl] guanidine) and metabolites DN (1-methyl-3-(tetrahydro-3-furylmethyl)guanidine) and UF (1-methyl-3-(tetrahydro-3-furylmethyl)-urea), in or on persimmon at 2 parts per million (ppm). That document referenced a summary of the petition prepared by Mitsui Chemicals Agro, Inc., c/o Landis International, Inc., the registrant, which is available in the docket, <http://www.regulations.gov>. Two comments were received on the notice of filing; however, neither comment is relevant to this action.

**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 dinotefuran including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with dinotefuran follows.

#### A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its 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.

Dinotefuran is a neonicotinoid pesticide and acts as an agonist on insect nicotinic acetylcholine receptors. Typically, low to moderate levels of neonicotinoids, such as dinotefuran, activate the nicotinic acetylcholine receptors causing stimulation of the peripheral nervous system (PNS). High levels of neonicotinoids (agonists) can overstimulate the PNS, maintaining cation channels in the open state which blocks the action potential and leads to paralysis.

The main target organ of toxicity for dinotefuran is the nervous system, but effects on the nervous system were only observed at high doses. Nervous system toxicity was manifested as clinical signs and decreased motor activity seen after acute dosing (in both rats and rabbits); changes in motor activity are consistent with effects on the nicotinic cholinergic nervous system seen after repeated dosing. The other significant effects were decreases in body weight and/or body weight gain, but even these effects occurred at or near the limit dose. Changes in spleen and thymus weights were seen in mice, rats, and dogs following subchronic and chronic dietary exposures. However, these weight changes were not corroborated with alterations in hematology parameters, histopathological lesions in these organs, or toxicity to the hematopoietic system. Furthermore, in the immunotoxicity studies in rats and mice, no effects on T-cell dependent antibody response (TDAR) were seen when tested up to the limit dose. There were also no changes in spleen and thymus weight, and there were no

histopathological lesions in these organs. In addition, the developmental immunotoxicity study showed no effects on functionality of the immune system in rats following exposure to dinotefuran at the limit dose during the prenatal, postnatal, and post-weaning periods. Because of the lack of immunotoxicity seen in the immunotoxicity studies in mice, rats, and developing rats, the thymus weight changes seen in dogs and the spleen weight changes seen in mice and rats in the subchronic and chronic oral studies were not considered to be toxicologically relevant.

No systemic or neurotoxic effects were seen following repeated dermal applications at the limit dose to rats in the 28-day dermal toxicity study. Also, no systemic or portal of entry effects were seen following repeated inhalation exposure at the maximum obtainable concentrations to rats in the 28-day inhalation study. In the developmental toxicity study in rats, no maternal or developmental toxicity was seen at the limit dose. In rabbits, maternal toxicity manifested as clinical signs of neurotoxicity, but no developmental toxicity was seen. In the reproduction study in rats, parental, offspring, and reproductive toxicity was seen at the limit dose. Parental toxicity included decreased body weight weights/gains, transient decrease in food consumption, and decreased thyroid weights. Offspring toxicity was characterized as decreased forelimb grip strength or hindlimb grip strength in the F1 pups. There was no adverse effect on reproductive performance at any dose. In the developmental neurotoxicity study, no maternal or offspring toxicity was seen at any dose including the limit dose.

Dinotefuran is classified as “Not Likely to be Carcinogenic to Humans” based on lack of evidence of carcinogenicity in rats and mice in two adequate rodent carcinogenicity studies. There was no evidence of mutagenicity in both the *in vivo* and *in vitro* assays.

Dinotefuran has low acute toxicity by oral, dermal, and inhalation exposure routes. It does not irritate the eye but causes a low level of skin irritation; it is not a dermal sensitizer.

Specific information on the studies received and the nature of the adverse effects caused by dinotefuran 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 Human Health Risk Assessment to Support New Use on Imported

Persimmon on page 18 in docket ID number EPA-HQ-OPP-2018-0424.

#### 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://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides>.

A summary of the toxicological endpoints for dinotefuran used for human risk assessment is discussed in Unit III.B of the final rule published in the **Federal Register** of April 10, 2013 (78 FR 21267) (FRL-9381-5).

#### C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to dinotefuran, EPA considered exposure under the petitioned-for tolerances as well as all existing dinotefuran tolerances in 40 CFR 180.603. EPA assessed dietary exposures from dinotefuran 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.

Such effects were identified for dinotefuran. In estimating acute dietary exposure, EPA used food consumption information from the United States

Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed 100 percent crop treated (PCT) and tolerance-level residues for all current crops.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 NHANES/WWEIA. As to residue levels in food, EPA assumed 100 PCT and tolerance-level residues for all current crops.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that dinotefuran does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for dinotefuran. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for dinotefuran in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of dinotefuran. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www.epa.gov/oppefed1/models/water/index.htm>.

Based on the Pesticide Root Zone Model/Variable Volume Water Model (PRZM/VVWM), Pesticide Flooded Application Model (PFAM), and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of dinotefuran for acute exposures are estimated to be 84 parts per billion (ppb) for surface water and 154 ppb for ground water, and for chronic exposures for non-cancer assessments are estimated to be 19.5 ppb for surface water and 132 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 154 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 132 ppb was used to assess the contribution to 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). Dinotefuran is currently registered for the following uses that could result in residential exposures: Turf, ornamentals, vegetable gardens, roach and ant bait, pet spot-ons, indoor aerosol sprays, crack and crevice sprays, etc. EPA assessed residential exposure using the following assumptions: Because no dermal or inhalation endpoints were chosen for dinotefuran, residential handler and post-application residential dermal and inhalation exposure scenarios were not assessed. As a result, risk assessments were only completed for post-application scenarios in which incidental oral exposures are expected. Children (ages 1 to < 2 years old) may receive short-term hand-to-mouth exposures from post-application exposure to fogger application in indoor rooms or areas. Children (ages 1 to < 2 years old) may receive intermediate- and chronic/long-term hand-to-mouth exposures from post-application exposure to spot-on application to dogs (small). The post-application exposure and risk estimates for all existing residential uses resulted in risk estimates that are not of concern (MOEs ranged from 1,200 to 4,600). Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at <http://www.epa.gov/pesticides/trac/science/trac6a05.pdf>.

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 dinotefuran to share a common mechanism of toxicity with any other substances, and dinotefuran does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that dinotefuran does not have a common mechanism of toxicity with other substances. For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <http://www.epa.gov/pesticides/cumulative>.

#### *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.* In the prenatal studies, no maternal or developmental toxicity was seen at the limit dose in rats. In rabbits, maternal toxicity manifested as clinical signs of neurotoxicity, but no developmental toxicity was seen. In the rat reproduction study, parental, offspring, and reproductive toxicity was seen at the limit dose. Parental toxicity included decreased body weight gain, transient decrease in food consumption, and decreased thyroid weights. Offspring toxicity was characterized as a decreased forelimb grip strength or hindlimb grip strength in the F<sub>1</sub> pups. There was no adverse effect on reproductive performance at any dose. In the developmental neurotoxicity study, no maternal or offspring toxicity was seen at any dose including the limit dose.

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 dinotefuran is complete.

ii. The neurotoxic potential of dinotefuran has been adequately considered. Dinotefuran is a neonicotinoid and has a neurotoxic mode of pesticidal action. Consistent with the mode of action, changes in motor activity were seen in repeat-dose studies, including the subchronic neurotoxicity study. Additionally, decreased grip strength and brain weight were observed in the offspring of a multi-generation reproduction study albeit at doses close to the limit dose. For these reasons, a developmental neurotoxicity (DNT) study was required. The DNT study did not show evidence of a unique sensitivity of the developing nervous system; no effects on

neurobehavioral parameters were seen in the offspring at any dose, including the limit dose.

iii. As discussed in Unit III.D.2., there is no evidence that dinotefuran results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues, corrected for additional residues which are of concern for the risk assessment only. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to dinotefuran in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children. These assessments will not underestimate the exposure and risks posed by dinotefuran.

#### *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.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to dinotefuran will occupy 10% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to dinotefuran from food and water will utilize 4.8% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of dinotefuran is 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).

Dinotefuran 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 dinotefuran.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined food, water, and short-term residential exposures result in aggregate MOEs of 740. Because EPA's level of concern for dinotefuran is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate- and long-term risk.* Intermediate- and long-term aggregate exposure takes into account intermediate- and long-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Dinotefuran is currently registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate- and long-term residential exposures to dinotefuran.

Using the exposure assumptions described in this unit for intermediate- and long-term exposures, EPA has concluded that the combined food, water, and intermediate- and long-term residential exposures result in an aggregate MOE of 1,400 for children 1 to < 2 years old from background dietary exposures and post-application hand-to-mouth exposures from pet spot-on applications to small dogs. Although adults are expected to also have long-term post-application exposures to dinotefuran due to the pet spot-on treatments, quantitative dermal and inhalation assessments are not required since there was no dermal and inhalation hazard identified in the toxicity database and oral exposure is not anticipated for adults. Therefore, the intermediate- and chronic/long-term aggregate assessment for adults is equivalent to the chronic dietary exposure and risk assessment for the most highly exposed adult population subgroup, adults 20–49 years old, and is not of concern. Because EPA's level of concern for dinotefuran is a MOE of 100 or below, these MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, dinotefuran is not expected to pose a cancer risk to humans.

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 dinotefuran residues.

#### **IV. Other Considerations**

##### *A. Analytical Enforcement Methodology*

Adequate enforcement methodology, a high-performance liquid chromatography/tandem mass spectrometry (HPLC/MS/MS) method for the determination of residues of dinotefuran, and the metabolites DN and UF; an HPLC/ultraviolet (UV) detection method for the determination of residues of dinotefuran; and HPLC/MS and HPLC/MS/MS methods for the determination of DN and UF) is available to enforce the tolerance expression.

The method 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](mailto: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 an MRL for residues of dinotefuran on persimmons.

#### **V. Conclusion**

Therefore, tolerances are established for residues of dinotefuran, *N*-methyl-*N'*-nitro-*N*'-[(tetrahydro-3-furanyl)methyl] guanidine and metabolites DN (1-methyl-3-(tetrahydro-3-furmethyl)guanidine) and UF (1-methyl-3-(tetrahydro-3-furmethyl)-urea), in or on persimmon at 2 ppm.

#### **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); Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997); or 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 tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This 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 8, 2019.

**Michael Goodis,**

*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 § 180.603, add alphabetically the entry "Persimmon" to the table in paragraph (a)(1) to read as follows:

### § 180.603 Dinotefuran; tolerances for residues.

(a) \* \* \*

Commodity	Parts per million
* * *	*
Persimmon <sup>1</sup> .....	2
* * *	*

<sup>1</sup> There are no U.S. registrations for use of dinotefuran on this commodity.

\* \* \*

[FR Doc. 2019-18015 Filed 9-19-19; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-1999-0010; FRL-9999-76-Region 8]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Vasquez Boulevard and I-70 Superfund Site

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 8 announces the deletion of the operable unit 1 (OU1) of the Vasquez Boulevard and I-70 Superfund Site (Site) located in the City and County of Denver, CO, 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). This partial deletion pertains only to OU1, the residential portion of the Site. The operable unit 2 (OU2) and operable unit 3 (OU3) will remain on the NPL and are not being considered for deletion as part of this action. The EPA and the State of Colorado, through the Colorado Department of Public Health and Environment (CDPHE), have determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring and five-year reviews, have been completed. However, the deletion of these parcels does not preclude future actions under Superfund.

**DATES:** This action is effective September 20, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1999-0010. 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 electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are: U.S.

Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, CO, Monday to Friday, 9:00 a.m. to 4:00 p.m., and; Valdez-Perry Branch Library, 4690 Vine Street, Denver, CO 80216, (720) 865-0300, Monday and Wednesday 12:00 p.m.–8 p.m., Tuesday, Thursday and Friday 10:00 a.m.–6:00 p.m., Saturday 9:00 a.m.–5:00 p.m., closed on Sunday.

**FOR FURTHER INFORMATION CONTACT:** Jesse Avilés, Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, SEMD-RBS, Denver, CO 80202, email: [aviles.jesse@epa.gov](mailto:aviles.jesse@epa.gov).

**SUPPLEMENTARY INFORMATION:** The portion of the site to be deleted from the NPL is: the residential portion of the site, identified as OU1, of the Vasquez Boulevard and I-70 Superfund Site, Denver CO. A Notice of Intent for Partial Deletion for this Site was published in the **Federal Register** (84 FR 2116) on February 6, 2019.

The closing date for comments on the Notice of Intent for Partial Deletion originally was March 8, 2019; this date was extended to April 8, 2019 on [www.regulations.gov](http://www.regulations.gov), by email to interested community members, at public meetings, and by publication of notices in local newspapers. Twenty-seven public comments were received and expressed concerns about non-

Superfund projects in the area, the extent of the remedy, and the source of the contaminants. The non-Superfund projects in the area are overseen by other agencies. The properties that were remediated under the Superfund process do not have additional restrictions placed on them. EPA investigations identified possible sources of contamination and the residential properties that needed cleanup. The remedy implemented removed the contaminants associated with the site. Institutional controls are in place for those properties that did not provide access to sample or cleanup. A responsiveness summary was prepared and placed in both the docket, EPA-HQ-SFUND-1999-0010, on [www.regulations.gov](http://www.regulations.gov), and in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site 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 portions 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 waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 3, 2019.

**Gregory E. Sopkin,**  
*Regional Administrator, Region 8.*

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.

■ 2. Table 1 of appendix B to part 300 is amended by revising the entry for “CO”, “Vasquez Boulevard and I-70”, “Denver” to read as follows:

**Appendix B to Part 300—National Priorities List**

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes (a)
CO	Vasquez Boulevard and I-70	Denver	P.

(a) Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

P = Sites with partial deletion(s).

\* \* \* \* \*  
[FR Doc. 2019-19994 Filed 9-19-19; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR Part 300**  
**[EPA-HQ-SFUND-2000-0007; FRL-9999-63-Region 8]**  
**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Intermountain Waste Oil Refinery Superfund Site**  
**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.  
**SUMMARY:** The Environmental Protection Agency (EPA) Region 8 announces the

deletion of the Intermountain Waste Oil Refinery Superfund Site (Site) located in Bountiful, Salt Lake County, Utah, 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 Utah, through the Utah Department of Environmental Quality (UDEQ), have determined that all appropriate response actions under CERCLA, other than operation and maintenance, and five-year reviews, have been completed. However, this

deletion does not preclude future actions under Superfund.

**DATES:** This action is effective September 20, 2019.

**ADDRESSES:** *Docket:* EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-2000-0007. 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: Utah Department of Environmental Quality, Salt Lake City, UT 84047; Phone: (801-944-7641); Hours: M-Th: 9 a.m.—9 p.m.; Fri-Sat: 9 a.m.—5:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Erna Waterman, Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, Mailcode: SEM-RB, Denver, CO 80202, (303) 312-6762, email: [waterman.erna@epa.gov](mailto:waterman.erna@epa.gov).

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Intermountain Waste Oil Refinery Superfund Site, Bountiful, Salt Lake County, Utah. A Notice of Intent to Delete for this Site was published in the *Federal Register* (84 FR 35356) on July 23, 2019.

The closing date for comments on the Notice of Intent to Delete was August 22, 2019. One public comment in support of the deletion was received; no adverse comments were received.

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 waste, Hazardous substances, Intergovernmental relations, Penalties,

Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 4, 2019.

**Gregory E. Sopkin,**  
*Regional Administrator, Region 8.*

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—[Amended]

■ 2. Table 1 of appendix B to part 300 is amended by removing the entry “UT, Intermountain Waste Oil Refinery, Bountiful”.

[FR Doc. 2019–19998 Filed 9–19–19; 8:45 am]

**BILLING CODE 6560–50–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[EPA-HQ-SFUND-1990-0011; FRL-9999-68-Region 8]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Mystery Bridge Rd./U.S. Highway 20 Superfund Site

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 8 announces the deletion of the Mystery Bridge Rd./U.S. Highway 20 Superfund Site (Site) located in Evansville, WY, 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 Wyoming, through the Wyoming Department of Environmental Quality, have determined that all appropriate response actions under CERCLA, other than maintenance of institutional controls and five-year reviews, have been completed. However, this deletion does not

preclude future actions under Superfund.

**DATES:** This action is effective September 20, 2019.

**ADDRESSES:** *Docket:* EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1990-001. 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: U.S. EPA Region 8, Superfund Records Center and Technical Library, 1595 Wynkoop Street, Denver, CO 80202, Viewing hours: 8 a.m. to 4 p.m., Monday through Thursday, excluding holidays; contact: Andrew Schmidt; (303) 312-6283, email: [schmidt.andrew@epa.gov](mailto:schmidt.andrew@epa.gov); and Natrona County Public Library, Reference Desk, 307 East 2nd Street, Casper, WY 82601-2593, (307) 777-7323, Hours: Monday through Thursday: 9 a.m. to 7 p.m., Friday and Saturday: 9 a.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Andrew Schmidt, Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, SEM-R8-SA, 1595 Wynkoop St., Denver, CO 80211, (303) 312-6283, email: [schmidt.andrew@epa.gov](mailto:schmidt.andrew@epa.gov).

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Mystery Bridge Rd./U.S. Highway 20 Superfund Site, Evansville, WY. A Notice of Intent to Delete for this Site was published in the *Federal Register* (84 FR 35360) on July 23, 2019.

The closing date for comments on the Notice of Intent to Delete was August 22, 2019. No public comments were received.

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

Dated: September 4, 2019.  
**Gregory E. Sopkin,**  
*Regional Administrator, Region 8.*

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—[Amended]**

- 2. Table 1 of appendix B to part 300 is amended by removing the entry “WY”, “Mystery Bridge Road/U.S. Highway 20”, “Evansville/Natrona”.

[FR Doc. 2019–19993 Filed 9–19–19; 8:45 am]

**BILLING CODE 6560–50–P**

# Proposed Rules

Federal Register

Vol. 84, No. 183

Friday, September 20, 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.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AN93

### Prevailing Rate Systems; Definition of Johnson County, Indiana, to a Nonappropriated Fund Federal Wage System Wage Area Wage Areas

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a proposed rule that would define Johnson County, Indiana, as an area of application county to the Hardin-Jefferson, Kentucky, nonappropriated fund (NAF) Federal Wage System (FWS) wage area. This change is necessary because there is one NAF FWS employee working in Johnson County, and the county is not currently defined to a NAF wage area.

**DATES:** Send comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

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

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Madeline Gonzalez, by telephone at (202) 606-2858 or by email at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov).

**SUPPLEMENTARY INFORMATION:** OPM is issuing a proposed rule that would

define Johnson County, IN, as an area of application to the Hardin-Jefferson, KY, NAF FWS wage area. The Department of Defense notified OPM that the Army and Air Force Exchange Service now has one NAF FWS employee at Camp Atterbury in Johnson County.

Under section 532.219 of title 5, Code of Federal Regulations, each NAF wage area “shall consist of one or more survey areas, along with nonsurvey areas, if any, having nonappropriated fund employees.” Johnson County does not meet the regulatory criteria under 5 CFR 532.219 to be established as a separate NAF wage area; however, nonsurvey counties may be combined with a survey area to form a wage area. Section 532.219 lists the regulatory criteria that OPM considers when defining FWS wage area boundaries. This regulation allows consideration of the following criteria: Proximity of largest activity in each county, transportation facilities and commuting patterns, and similarities of the counties in overall population, private employment in major industry categories, and kinds and sizes of private industrial establishments.

Johnson County, IN, would be defined as an area of application to the Hardin-Jefferson, KY, NAF FWS wage area. The proximity criterion favors the Hardin-Jefferson wage area. The transportation facilities criterion does not favor one wage area more than another. However, there is more direct access from Camp Atterbury to Fort Knox, the host installation in the Hardin-Jefferson wage area, than from Camp Atterbury to Wright Patterson Air Force Base, the host installation in the Greene-Montgomery wage area. The commuting patterns criterion does not favor one wage area more than another. The difference between the resident workforce commuting to work in the Hardin-Jefferson and Greene-Montgomery survey areas is insignificant; however, marginally more people commute into the Hardin-Jefferson survey area (0.05%) than into the Greene-Montgomery survey area (0.02%). The overall population, employment sizes, and kinds and sizes of private industrial establishments criterion does not favor one wage area more than another. While a standard review of regulatory criteria shows mixed results, the proximity criterion favors the Hardin-Jefferson wage area.

Based on this analysis, we propose that Johnson County be defined to the Hardin-Jefferson NAF wage area.

With the definition of Johnson County to the Hardin-Jefferson NAF wage area, the Hardin-Jefferson wage area would consist of two survey counties (Hardin and Jefferson Counties, KY) and six area of application counties (Jefferson, Johnson, and Martin Counties, IN, and Fayette, Madison, and Warren Counties, KY). The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended this change by consensus. This change would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

### Regulatory Impact Analysis

This action is not a “significant regulatory action” under the terms of Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under E.O. 12866 and 13563 (76 FR 3821, January 21, 2011).

### Reducing Regulation and Controlling Regulatory Costs

This rule is not an Executive Order 13771 regulatory action because this rule is not significant under E.O. 12866.

### Regulatory Flexibility Act

OPM certifies that this rule will not have a significant economic impact on a substantial number of small entities.

### Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

### Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

### Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly



or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of nonagency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business “Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages. Office of Personnel Management. Stephen Hickman, Federal Register Liaison.

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

- 1. The authority citation for part 532 continues to read as follows:  
**Authority:** 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.
- 2. In Appendix D to subpart B amend the table by revising the wage area listing for Kentucky to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

DEFINITIONS OF WAGE AREAS AND WAGE AREA SURVEY AREAS				
*	*	*	*	*
KENTUCKY				
Christian-Montgomery				
Survey Area				
Kentucky:				
Christian				
Tennessee:				
Montgomery				
Area of Application. Survey area.				
Hardin-Jefferson				
Survey Area				
Kentucky:				
Hardin				
Jefferson				

DEFINITIONS OF WAGE AREAS AND WAGE AREA SURVEY AREAS—Continued

Area of Application. Survey area plus:

Indiana:				
Jefferson				
Johnson				
Martin				
Kentucky:				
Fayette				
Madison				
Warren				

\* \* \* \* \*

[FR Doc. 2019–20146 Filed 9–19–19; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0526; Product Identifier 2019–NM–023–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.  
ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2015–24–04, which applies to certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2015–24–04 requires repetitive inspections of the cage assembly for damaged or detached window louver panel assemblies (WLPAs) and blowout panels (BOPs), and corrective actions if necessary. Since AD 2015–24–04 was issued, the FAA has determined that new airworthiness limitations, as well as additional actions, are necessary to address the unsafe condition. This proposed AD would require one-time inspections of the WLPAs and BOPs, corrective actions if necessary, and a revision of the existing maintenance or inspection program, as applicable, to incorporate new airworthiness limitations, which would terminate the proposed inspection requirement. 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 November 4, 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 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](mailto:ac.yul@aero.bombardier.com); internet <http://www.bombardier.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–2019–0526; 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: 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](mailto:9-avs-nyaco-cos@faa.gov).

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the ADDRESSES section. Include

“Docket No. FAA–2019–0526; Product Identifier 2019–NM–023–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 2015–24–04, Amendment 39–18336 (80 FR 74673, November 30, 2015) (“AD 2015–24–04”), for certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2015–24–04 requires repetitive inspections of the cage assembly, WLPAs, and BOPs, and corrective actions if necessary. AD 2015–24–04 resulted from reports of damaged decompression WLPAs, and detached BOPs. The FAA issued AD 2015–24–04 to address damaged or detached WLPAs and BOPs. A detached WLPa or BOP could delay smoke detection in the cargo compartment in the event of a fire, and could result in an uncontrolled fire in the cargo compartment.

### Actions Since AD 2015–24–04 Was Issued

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2015–28R2, dated February 4, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet

Series 100 & 440) airplanes, Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. 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–2019–0526.

This proposed AD was prompted by reports of damaged decompression window louver panel assemblies (WLPAs), and detached blowout panels (BOPs). We are proposing this AD to address damaged or detached WLPAs and BOPs, which could delay smoke detection in the cargo compartment in the event of a fire and result in an uncontrolled fire in the cargo compartment. See the MCAI for additional background information.

### Explanation of Retained Requirements

This proposed AD supersedes AD 2015–24–04, and this proposed AD retains all of the requirements of AD 2015–24–04. Those requirements are restated with compliance time changes that are relieving and based on the compliance times referenced in an earlier revision of the Canadian AD (CF–2015–28R1) which, in turn, was revised by Canadian AD CF–2015–28R2. For clarity and to avoid unnecessary differences between this proposed AD and the MCAI, we have not separated the requirements of this proposed AD into restated requirements and new requirements as is our usual practice.

### Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information:

- Bombardier Service Bulletin 601R–25–201, Revision C, dated May 11, 2017.
- Bombardier Service Bulletin 670BA–25–100, Revision C, dated May 11, 2017. This service information describes procedures for repetitive detailed inspections for damage of the cage assembly, WLPAs, and BOPs, and repair or replacement of damaged parts. These documents are unique since they apply to different airplane models.

Bombardier has also issued the following service information:

- Bombardier CRJ Series Regional Jet Maintenance Requirements Manual (MRM), CSP A–053, Part 2, Appendix A, Certification Maintenance Requirements (CMR), Task C26–25–115–01, as specified in CRJ Series Regional Jet Temporary Revision (TR) 2A–69, dated August 30, 2018.
- Bombardier CRJ Series Regional Jet MRM, CSP B–053, Part 1, and Maintenance Review Board Report (MRBR) Task 255000–208, as specified in TR MRB–0079, dated May 29, 2017.

This service information describes an airworthiness limitation task for a detailed inspection of the aft cargo compartment WLPAs and BOPs. These TRs are unique 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.

### 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 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 require accomplishing the actions specified in the service information described previously.

### Costs of Compliance

The FAA estimates that this proposed AD affects 1,008 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 Inspections from AD 2015–24–04 ...	2 work-hours × \$85 per hour = \$170 .....	\$0	\$170	\$171,360

\* Table does not include estimated costs for revising the maintenance or inspection program.

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has received no definitive data that would enable the agency to provide cost estimates for the on-condition actions specified in this proposed AD.

#### 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) 2015–24–04, Amendment 39–18336 (80 FR 74673, November 30, 2015), and adding the following new AD:

**Bombardier, Inc.:** Docket No. FAA–2019–0526; Product Identifier 2019–NM–023–AD.

##### (a) Comments Due Date

The FAA must receive comments by November 4, 2019.

##### (b) Affected ADs

This AD replaces AD 2015–24–04, Amendment 39–18336 (80 FR 74673, November 30, 2015) ("AD 2015–24–04").

##### (c) Applicability

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

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

(2) Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10002 and subsequent.

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

(4) Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 and subsequent.

##### (d) Subject

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

##### (e) Reason

This AD was prompted by reports of damaged decompression window louver panel assemblies (WLPAs), and detached blowout panels (BOPs). The FAA is issuing this AD to address damaged or detached WLPAs and BOPs. A detached WLPAs or BOP could delay smoke detection in the cargo compartment in the event of a fire, and could result in an uncontrolled fire in the cargo compartment.

##### (f) Compliance

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

##### (g) Inspections, Corrective Action, and Terminating Action for Model CL–600–2B19 Airplanes

(1) At the applicable time specified in paragraph (g)(1)(i) or (ii) of this AD: Do detailed inspections for damaged or detached WLPAs, and do all applicable corrective actions before further flight, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–25–201, Revision C, dated May 11, 2017.

(i) For airplanes with the accumulation of 780 total flight hours or more as of December 15, 2015 (the effective date of AD 2015–24–04): Inspect within 100 flight hours after December 15, 2015.

(ii) For airplanes that have accumulated less than 780 total flight hours as of December 15, 2015 (the effective date of AD 2015–24–04): Inspect before accumulating 880 total flight hours after December 15, 2015.

(2) Within 30 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Task C26–25–115–01, "Detailed Inspection of the Window Louver Panel Assembly (WLPAs) in Aft Cabin/Cargo Compartment Bulkhead," provided in Bombardier CRJ Series Regional Jet Temporary Revision (TR) 2A–69, dated August 30, 2018, to Appendix A, Certification Maintenance Requirements (CMR), of Part 2 of the Bombardier CL–600–2B19 Maintenance Requirements Manual (MRM). The initial compliance time for accomplishing the task is within 880 flight hours from the last inspection performed as specified in Bombardier Service Bulletin 601R–25–201, Revision C, dated May 11, 2017. Accomplishing the actions required by this paragraph terminates the inspection requirement in paragraph (g)(1) of this AD.

##### (h) Inspections, Corrective Action, and Terminating Action for Model CL–600–2C10, CL–600–2D15, CL–600–2D24, and CL–600–2E25 Airplanes

(1) At the applicable time specified in paragraph (h)(1)(i) or (ii) of this AD: Do detailed inspections for damaged or detached WLPAs and BOPs, and do all applicable corrective actions before further flight, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin

670BA–25–100, Revision C, dated May 11, 2017.

(i) For airplanes with the accumulation of 780 total flight hours or more as of December 15, 2015 (the effective date of AD 2015–24–04): Inspect within 100 flight hours after December 15, 2015.

(ii) For airplanes that have accumulated less than 780 total flight hours as of December 15, 2015 (the effective date of AD 2015–24–04): Inspect before accumulating 880 total flight hours after December 15, 2015.

(2) Within 30 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Task 255000–208, “Detailed Inspection of the Aft Cargo Compartment Window-Louver Panel Assembly and Blowout Panels Along with Their Respective Cage Assemblies,” as specified in Bombardier CRJ Regional Jet TR MRB–0079, dated May 29, 2017, to Part 1 of the Bombardier CRJ Series Regional Jet MRM, CSP B–053. The initial compliance time for accomplishing the task is within 880 flight hours from the last inspection performed in accordance with Bombardier Service Bulletin 670BA–25–100, Revision C, dated May 11, 2017. Accomplishing the actions required by this paragraph terminates the inspection requirement in paragraph (h)(1) of this AD.

#### (i) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g)(1) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraphs (i)(1)(i) through (iii) of this AD.

(i) Bombardier Service Bulletin 601R–25–201, dated July 21, 2015.

(ii) Bombardier Service Bulletin 601R–25–201, Revision A, dated October 21, 2015.

(iii) Bombardier Service Bulletin 601R–25–201, Revision B, dated February 2, 2016.

(2) This paragraph provides credit for actions required by paragraph (h)(1) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraphs (i)(2)(i) through (iii) of this AD.

(i) Bombardier Service Bulletin 670BA–25–100, dated July 21, 2015.

(ii) Bombardier Service Bulletin 670BA–25–100, Revision A, dated October 21, 2015.

(iii) Bombardier Service Bulletin 670BA–25–100, Revision B, dated February 2, 2016.

#### (j) Other FAA AD Provisions

(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.

(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.

#### (k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2015–28R2, dated February 4, 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–2019–0526.

(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](mailto:9-avs-nyaco-cos@faa.gov).

(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](mailto: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.

Issued in Des Moines, Washington, on September 16, 2019.

**Suzanne Masterson,**

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

[FR Doc. 2019–20333 Filed 9–19–19; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA–2019–0568; Product Identifier 2019–NE–20–AD]**

**RIN 2120–AA64**

### Airworthiness Directives; CFM International S.A. Turboprop Engines

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all CFM International, S.A. (CFM) CFM56–5B and CFM56–7B model turboprop engines with a certain high-pressure turbine (HPT) inner stationary seal installed. This proposed AD was

prompted by cracks found in the rotating air HPT front seal. This proposed AD would require removal, inspection, and replacement of the affected HPT inner stationary seal, and depending on the findings, removal and replacement of the rotating air HPT front seal. 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 November 4, 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 CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877–432–3272; fax: 877–432–3329; email: [aviation.fleetsupport@ge.com](mailto:aviation.fleetsupport@ge.com). You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

#### 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–2019–0568; 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:** Christopher McGuire, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: [chris.mcguire@faa.gov](mailto:chris.mcguire@faa.gov).

#### SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2019–0568; Product Identifier 2019–NE–20–AD” at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments 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 NPRM.

Discussion

The FAA received a report that two cracks were discovered on a CFM CFM56–5B model turbofan engine rotating air HPT front seal during a routine engine shop visit. After investigation, CFM determined that the

HPT inner stationary seal, part number 1808M56G01, may not have received the correct braze heat treat cycle at the time of the honeycomb replacement. As a result, the affected HPT inner stationary seal could lead to a localized separation of the replaced honeycomb, which may affect the life of the rotating air HPT front seal. This condition, if not addressed, could result in an uncontained release of the rotating air HPT front seal, damage to the engine, and damage to the airplane.

Related Service Information Under 1 CFR Part 51

The FAA reviewed CFM Service Bulletin (SB) CFM56–5B S/B 72–0952, dated April 23, 2019, and CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019. CFM SB CFM56–5B S/B 72–0952, dated April 23, 2019, describes procedures for repairing the CFM56–5B turbofan engine HPT inner stationary seal honeycomb. CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019, describes procedures for repairing the CFM56–7B turbofan engine HPT inner stationary seal honeycomb. This service information is reasonably available because the interested parties have

access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

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

Proposed AD Requirements

This proposed AD would require removal, inspection, and replacement of the affected HPT inner stationary seal and, depending on the findings, removal and replacement of the rotating air HPT front seal with a part eligible for installation.

Costs of Compliance

The FAA estimates that this proposed AD affects 210 engines installed on airplanes of U.S. registry. Operators have the option to replace or repair the affected HPT inner stationary seal. The part cost is for replacement with a repaired HPT inner stationary seal.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace HPT inner stationary seal .....	1 work-hour × \$85 per hour = \$85 .....	\$7,910	\$7,995	\$1,678,950
Inspect HPT inner stationary seal .....	1 work-hour × \$85 per hour = \$85 .....	0	85	17,850

The FAA estimates the following costs to do any necessary replacements that would be required based on the

results of the proposed inspection. The FAA has no way of determining the

number of engines that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace rotating air HPT front seal .....	1 work-hour × \$85 per hour = \$85 .....	\$344,600	\$344,685
Inspect HPT rotor blade internal cavities .....	1 work-hour × \$85 per hour = \$85 .....	0	85
Replace HPT rotor blade (pair) .....	1 work-hour × \$85 per hour = \$85 .....	31,000	31,085
Replace No. 3 ball bearing .....	1 work-hour × \$85 per hour = \$85 .....	30,000	30,085

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 engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

## Regulatory Findings

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

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

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**CFM International, S.A.:** Docket No. FAA–2019–0568; Product Identifier 2019–NE–20–AD.

### (a) Comments Due Date

The FAA must receive comments by November 4, 2019.

### (b) Affected ADs

None.

### (c) Applicability

(1) This AD applies to all CFM International, S.A. (CFM) CFM56–5B1, –5B1/2P, –5B1/3, –5B1/P, –5B2, –5B2/2P, –5B2/3, –5B2/P, –5B3/2P, –5B3/2P1, –5B3/3, –5B3/3B1, –5B3/P, –5B3/P1, –5B4, –5B4/2P, –5B4/2P1, –5B4/3, –5B4/3B1, –5B4/P, –5B4/P1, –5B5, –5B5/3, –5B5/P, –5B6, –5B6/2P, –5B6/3, –5B6/P, –5B7, –5B7/3, –5B7/P, –5B8/3, –5B8/P, –5B9/2P, –5B9/3, –5B9/P, CFM56–7B20, –7B20/2, –7B20/3, –7B20E, –7B22, –7B22/2, –7B22/3, –7B22/3B1, –7B22/B1, –7B22E, –7B22E/B1, –7B24, –7B24/2, –7B24/3, –7B24/3B1, –7B24/B1, –7B24E, –7B24E/B1, –7B26, –7B26/2, –7B26/3, –7B26/3B1,

–7B26/3B2, –7B26/3B2F, –7B26/3F, –7B26/B1, –7B26/B2, –7B26E, –7B26E/B1, –7B26E/B2, –7B26E/B2F, –7B26E/F, –7B27, –7B27/2, –7B27/3, –7B27/3B1, –7B27/3B1F, –7B27/3B3, –7B27/3F, –7B27/B1, –7B27/B3, –7B27A, –7B27A/3, –7B27AE, –7B27E, –7B27E/B1, –7B27E/B1F, –7B27E/B3, and –7B27E/F model turbofan engines with a high-pressure turbine (HPT) inner stationary seal, part number (P/N) 1808M56G01 installed that has a serial number (S/N) listed in Planning Information, Paragraph 1.A., Table 1, of CFM Service Bulletin (SB) CFM56–5B S/B 72–0952, dated April 23, 2019, or in Planning Information, Paragraph 1.A., Table 1, CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019, installed.

(2) This AD does not apply to affected CFM CFM56–5B and CFM56–7B model turbofan engines with the affected HPT inner stationary seal installed if the seal has been repaired as specified in CFM56–5B Engine Shop Manual (ESM), 72–41–03, REPAIR 003, or CFM56–7B ESM, 72–41–03, REPAIR 003, after the year listed in Paragraph 1.A., Table 1, of CFM SB CFM56–5B S/B 72–0952 dated April 23, 2019, or Paragraph 1.A., Table 1, CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019.

### (d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

### (e) Unsafe Condition

This AD was prompted by cracks found in the rotating air HPT front seal. The FAA is issuing this AD to prevent failure of the HPT inner stationary seal and the rotating air HPT front seal. The unsafe condition, if not addressed, could result in uncontained release of the rotating air HPT front seal, damage to the engine, and damage to the airplane.

### (f) Compliance

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

### (g) Required Actions

(1) At the next engine shop visit after the effective date of this AD, remove the affected HPT inner stationary seal from service and replace with a HPT inner stationary seal (that is not listed in Planning Information, Paragraph 1.A., Table 1, of CFM SB CFM56–5B S/B 72–0952, dated April 23, 2019, or in Planning Information, Paragraph 1.A., Table 1, CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019) or a repaired HPT inner stationary seal that is eligible for installation per the definition in paragraph (h)(2) of this AD.

(2) After removing the affected HPT inner stationary seal required by paragraph (g)(1), inspect the removed HPT inner stationary seal for honeycomb separation, as defined in the Accomplishment Instructions, paragraph 3.C.(1), in CFM SB CFM56–5B S/B 72–0952, dated April 23, 2019, or in CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019.

(3) If honeycomb separation is found during the inspection required by paragraph (g)(2) of this AD, before further flight:

(i) Remove the rotating air HPT front seal from service and replace with a part eligible for installation.

(ii) Inspect the HPT rotor blade internal cavities for honeycomb metal debris per the Accomplishment Instructions, paragraph 3.C.(1)(a)(4), of CFM SB CFM56–5B S/B 72–0952, dated April 23, 2019, or CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019. If honeycomb metal debris is found, remove the HPT rotor blade from service and replace with a part eligible for installation.

(iii) Remove the No. 3 ball bearing from service and replace with a part eligible for installation.

### (h) Definition

(1) For the purpose of this AD, an “engine shop visit” is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent maintenance does not constitute an engine shop visit.

(2) For the purpose of this AD, a repaired HPT inner stationary seal that is eligible for installation is any HPT inner stationary seal, P/N 1808M56G01 and with a S/N listed in Paragraph 1.A., Table 1, of CFM SB CFM56–5B S/B 72–0952, dated April 23, 2019, or Paragraph 1.A., Table 1, CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019 that has been repaired per CFM56–5B ESM, 72–41–03, REPAIR 003, or CFM56–7B ESM, 72–41–03, REPAIR 003, after the year listed in Paragraph 1.A., Table 1, of CFM SB CFM56–5B S/B 72–0952, dated April 23, 2019, or Paragraph 1.A., Table 1, CFM SB CFM56–7B S/B 72–1054, dated April 23, 2019.

### (i) No Reporting Requirement

The reporting requirements contained within the SBs referenced in paragraph (g) of this AD are not required by this AD.

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

(1) The Manager, ECO 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 (k)(1) of this AD. You may email your request to: [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-AMOC@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.

### (k) Related Information

(1) For more information about this AD, contact Christopher McGuire, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: [chris.mcguire@faa.gov](mailto:chris.mcguire@faa.gov).

(2) For service information identified in this AD, contact CFM International Inc., Aviation Operations Center, 1 Neumann

Way, M/D Room 285, Cincinnati, OH 45125; phone: 877-432-3272; fax: 877-432-3329; email: [aviation.fleetsupport@ge.com](mailto:aviation.fleetsupport@ge.com). You may view this referenced service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7759.

Issued in Burlington, Massachusetts, on September 11, 2019.

**Robert J. Ganley,**

*Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.*

[FR Doc. 2019-20054 Filed 9-19-19; 8:45 am]

**BILLING CODE 4910-13-P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 13

**RIN Number 3038-AE90**

#### Public Rulemaking Procedures

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commodity Futures Trading Commission (the “Commission”) is proposing to amend part 13 of its regulations to eliminate the provisions that set forth the procedure for the formulation, amendment, or repeal of rules or regulations. Because the Administrative Procedure Act (“APA”) governs the Commission’s rulemaking process, the Commission believes that it is unnecessary to codify the rulemaking process in a Commission regulation. Part 13, as amended, will be comprised solely of the procedure for filing petitions for rulemakings as the APA does not address this process.

**DATES:** Comments must be received on or before October 21, 2019.

**ADDRESSES:** You may submit comments, identified by RIN number 3038-AE90, by any of the following methods:

- *Agency Website:* <http://comments.cftc.gov>;
- *Mail:* Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581;
- *Hand Delivery/Courier:* Same as Mail, above.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow instructions for submitting comments.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make

available publicly. If you wish the Commission to consider information that may be exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in CFTC regulations at 17 CFR part 145.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

#### FOR FURTHER INFORMATION CONTACT:

Hermínio Castro, Senior Special Counsel, (202) 418-6705, [hcastro@cftc.gov](mailto:hcastro@cftc.gov); Dhaval Patel, Counsel, (202) 418-5125, [dpatel@cftc.gov](mailto:dpatel@cftc.gov); Office of the General Counsel, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

Part 13 sets forth procedures for the formulation, amendment, or repeal of rules or regulations insofar as those procedures directly affect the public.<sup>1</sup> The Commission promulgated part 13 pursuant to former section 4a(j) of the Commodity Exchange Act (“CEA”),<sup>2</sup> which is currently section 2(a)(12) of the CEA.<sup>3</sup> Section 2(a)(12) states that the Commission is authorized to promulgate such rules and regulations as it deems necessary to govern the operating procedures and conduct of business of the Commission. This section authorizes, but does not require, the Commission to promulgate regulations governing its rulemaking process. The Commission first adopted part 13 in 1976 and has not revised part 13 since.

The Commission would eliminate the provisions in part 13 that set forth the process for rulemakings.<sup>4</sup> As originally adopted, part 13 was intended to track the APA rulemaking process. However, in its current form, part 13 does not fully conform to the APA, which may

create ambiguity and confusion about the procedures to be followed by the Commission in rulemakings.<sup>5</sup> To be clear, the APA governs Commission rulemakings. Specifically, section 553 of the APA provides for the procedures to be followed by the Commission when promulgating formal and informal rulemakings.<sup>6</sup> Because the APA governs the Commission’s rulemaking process, the Commission believes that it is unnecessary to codify the rulemaking process in a Commission regulation that would be duplicative of the APA.

The Commission would retain regulation 13.2, which is supplemental to the APA. Regulation 13.2 describes the procedures by which anyone who wishes the Commission to consider the issuance, amendment, or repeal of a rule may petition the Commission. Specifically, regulation 13.2 provides instructions as to where the petition should be sent, what information should be included in the petition, and prescribes the manner in which the Commission must respond to such petition. The Commission believes that retaining this provision is necessary as the APA does not address this process. Furthermore, a formalized process for petitions would promote consistency and transparency in the way that the Commission handles petitions for rulemakings.

Accordingly, this proposed rulemaking would remove regulations 13.1, 13.3, 13.4, 13.5, and 13.6 from part 13 and retain and renumber regulation 13.2 as regulation 13.1. In addition, the Commission would revise the authority citation for part 13. The current authority cited for part 13, 7 U.S.C. 4a(j), is incorrect due to subsequent renumbering and is being changed to 7 U.S.C. 2(a)(12).

##### II. Related Matters

###### A. Regulatory Flexibility Act

The Regulatory Flexibility Act<sup>7</sup> requires federal agencies to consider whether the rules they propose will have a significant economic impact on a substantial number of small entities and, if so, to provide a regulatory flexibility analysis regarding the economic impact on those entities. This rule would remove unnecessary and potentially confusing provisions of part 13 and update the authority cited. As

<sup>5</sup> For example, section 13.4(b) allows formal rulemakings to be conducted through oral presentation or written submissions; in contrast, APA sections 556 and 557 require a trial-like process to be followed for formal rulemakings.

<sup>6</sup> See 5 U.S.C. 551 *et seq.*; Attorney General’s Manual on the Administrative Procedure Act 9 (1947).

<sup>7</sup> 5 U.S.C. 601 *et seq.*

<sup>1</sup> 17 CFR part 13.

<sup>2</sup> See 41 FR 17536 (Apr. 27, 1976); Public Law 93-463, Sec. 101(a)(11), 88 Stat. 1391, 7 U.S.C. 4a(j).

<sup>3</sup> 7 U.S.C. 2(a)(12).

<sup>4</sup> The provisions being eliminated are 17 CFR 13.1, 13.3, 13.4, 13.5, and 13.6. 17 CFR 13.2 is being retained and renumbered as 17 CFR 13.1.



stated above, section 553 of the APA provides for the procedures to be followed by the Commission when promulgating formal and informal rulemakings.<sup>8</sup> Because the APA governs the Commission's rulemaking process, the proposed changes would not change how the Commission's rulemaking process is conducted. Likewise, the proposed rule would not have a significant economic impact on how small entities would conduct themselves in the promulgation of the Commission's rules. The amendments being proposed would not affect how entities participate in the rulemaking process to submit data, views or arguments. Moreover, the proposal would retain the current process for submitting petition for rulemakings to the Commission. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

#### *B. Paperwork Reduction Act*

The Paperwork Reduction Act ("PRA")<sup>9</sup> imposes certain requirements on federal agencies in connection with their conducting or sponsoring any collection of information. This proposed rule does not contain any new collection of information requirements within the meaning of the PRA. Accordingly, the requirements imposed by the PRA are not applicable to this rule.

#### *C. Cost-Benefit Considerations*

Section 15(a) of the CEA<sup>10</sup> requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of the futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

As discussed above, the proposed rule removes redundant and potentially confusing provisions. The proposal is a

procedural rule that would not make any substantive change to the Commission rulemaking process. By simplifying the rules setting forth the procedures to be followed in rulemaking proceedings, the Commission will eliminate any confusion about the rulemaking procedures that apply, and thus make them more efficient and understandable to the public and market participants. Further, the proposed rule should impose no costs on the public since the amendments being proposed should not alter how the public participates in the rulemaking process to submit data, views or arguments.

Because the APA governs the Commission's rulemaking process, the proposed changes would not affect the protection of market participants and the public as they would continue to enjoy the ability to petition for rulemaking and otherwise participate in the Commission's rulemaking process. Further, as a procedural rule, the proposal would not impact the efficiency, competitiveness, and financial integrity of the futures markets, price discovery, or sound risk management practices. Finally, it is in the public interest to make the Commission's rulemaking procedures more efficient and understandable to the public and market participants.

#### *D. Antitrust Considerations*

Section 15(b) of the CEA requires the Commission to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of the CEA, in issuing any order or adopting any Commission rule or regulation. The Commission does not anticipate that the proposed amendments to part 13 will result in anticompetitive behavior as the Commission would simply be updating part 13 to remove unnecessary and potentially confusing provisions and making technical changes.

#### **List of Subjects in 17 CFR Part 13**

Administrative practice and procedure, Rulemaking procedures.

For the reasons stated in the preamble, the Commodity Futures Trading Commission proposes to amend 17 CFR part 13 as set forth below.

#### **■ 1. Revise part 13 to read as follows:**

#### **PART 13—RULEMAKING PROCEDURES**

Sec.

13.1 Petition for issuance, amendment, or repeal of a rule.

**Authority:** 7 U.S.C. 2(a)(12).

#### **§ 13.1 Petition for issuance, amendment, or repeal of a rule.**

Any person may file a petition with the Secretariat of the Commission for the issuance, amendment or repeal of a rule of general application. The petition shall be directed to Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, and shall set forth the text of any proposed rule or amendment or shall specify the rule the repeal of which is sought. The petition shall further state the nature of the petitioner's interest and may state arguments in support of the issuance, amendment or repeal of the rule. The Secretariat shall acknowledge receipt of the petition, refer it to the Commission for such action as the Commission deems appropriate, and notify the petitioner of the action taken by the Commission. Except in affirming a prior denial or when the denial is self-explanatory, notice of a denial in whole or in part of a petition shall be accompanied by a brief statement of the grounds of denial.

Issued in Washington, DC, on September 16, 2019, by the Commission.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

**NOTE:** The following appendices will not appear in the Code of Federal Regulations.

#### **Appendices to Public Rulemaking Procedures—Commission Voting Summary and Commissioner's Statement**

##### **Appendix 1—Commission Voting Summary**

On this matter, Chairman Tarbert and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

##### **Appendix 2—Concurring Statement of Commissioner Rostin Behnam**

I respectfully concur with the Commodity Futures Trading Commission's (the "Commission" or "CFTC") proposal to amend part 13 of the Commission's Regulations (the "Proposal"). The Proposal aims to succinctly and unambiguously confirm that the Commission's rulemaking process is governed by the Administrative Procedure Act ("APA").

As explained in the Proposal, the provisions of part 13 were originally adopted in 1976 as a replacement for the Rules of Practice of the CFTC's predecessor agency, the Commodity Exchange Authority, which would remain in effect "unless and until" terminated, modified, or suspended by the CFTC. In condensing the APA framework into part 13, the CFTC<sup>1</sup> perhaps went further

<sup>8</sup> See 5 U.S.C. 551 *et seq.*; Attorney General's Manual on the Administrative Procedure Act 9 (1947).

<sup>9</sup> 5 U.S.C. 3501 *et seq.*

<sup>10</sup> 7 U.S.C. 19(a).

<sup>1</sup> Commodity Futures Trading Commission Act of 1974, Public Law 93-463, 411, 88 Stat. 1389, 1414 (1974).



than needed to both ensure the public's awareness of the new agency's purview and to provide it the clearest understanding of the means to initiate and participate in the rulemaking process. However unnecessary it may seem at today's point in the digital age, directly providing interested persons a truncated version of the applicable operating rules so that they may exercise their rights to participate in the rulemaking process and hold their regulators accountable was laudable. Eager to effectuate its mandate and build its regulatory footprint, the Commission clearly understood the value in ensuring the barriers to participation were few.

I am pleased today that the Commission has chosen to publish the Proposal for public comment. The removal of the part 13 regulations viewed as duplicative of the APA's statutorily prescribed procedures for agency rulemakings and adjudications—which is almost part 13 in its entirety—could be accomplished without engaging the public in notice-and-comment on grounds that such regulations are strictly technical and administrative in nature. However, the Commission has recognized the importance of ensuring that as we move forward in improving the efficacy of our regulations, they remain current and reflective of our statutory mandate, which includes adhering to process and providing transparency. Whereas here we are preparing to remove the rules setting forth the Commission's interpretation as to the application of the requirements of the APA with regard to information rulemaking<sup>2</sup>—with the intent to rely exclusively and unambiguously on the APA, it will be useful to hear from the public as to whether there remain matters of importance that ought to be considered before we move forward.

This Proposal is consistent with the Department of Treasury's October 2017 Report on Capital Markets in which it encouraged the CFTC to make full use of its ability to solicit public comment in order to better signal to the public what information may be relevant.<sup>3</sup> To say that the various provisions of part 13 are unnecessary does not mean they are useless. To the extent part 13 may in some instances accord more elaborate procedures than the APA sets as the minimum, I hope that the Commission is alerted thereto.

While I have some concerns about the guidance and plainly written information to be lost upon the almost wholesale elimination of part 13, I am pleased that the Chairman and the Commission staff will be publishing a primer on the Commission's rulemaking process to ensure that our governing procedures remain accessible to all interested persons.

[FR Doc. 2019–20361 Filed 9–19–19; 8:45 am]

**BILLING CODE 6351–01–P**

<sup>2</sup> See 5 U.S.C. 553.

<sup>3</sup> U.S. Department of the Treasury, *A Financial System That Creates Economic Opportunities: Capital Markets* at 218 (Oct 2017), <https://www.treasury.gov/press-center/press-releases/Documents/A-Financial-System-Capital-Markets-FINAL-FINAL.pdf>.

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R09–OAR–2019–0272; FRL–9997–15–Region 9]

#### Air Plan Approval; California; South Coast Air Quality Management District; Stationary Source Permits

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the South Coast Air Quality Management District (SCAQMD or “the District”) portion of the California State Implementation Plan (SIP). This revision concerns a rule used to issue permits for stationary sources, including review and permitting of major sources and major modifications under part D of title I of the Clean Air Act (CAA or “the Act”). Specifically, the revision pertains to SCAQMD Rule 1325 “Federal PM<sub>2.5</sub> New Source Review Program.”

**DATES:** Any comments on this proposal must arrive by October 21, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R09–OAR–2019–0272 at <https://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Laura Yannayon, EPA Region IX, 75 Hawthorne St., San Francisco, CA

94105. By phone: (415) 972–3534 or by email at [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to the EPA. This proposal addresses the following local rule: SCAQMD Rule 1325 “Federal PM<sub>2.5</sub> New Source Review Program.” In the Rules and Regulations section of this **Federal Register**, we are approving this local rule in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive one or more adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comment(s) in subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

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

Dated: July 16, 2019.

**Deborah Jordan,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2019–20000 Filed 9–19–19; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA–R05–OAR–2019–0394; FRL–9999–96–Region 5]

#### Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Ohio Portion of the Steubenville Sulfur Dioxide Nonattainment Area

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

**ACTION:** Proposed rule.

**SUMMARY:** In accordance with the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to redesignate the Ohio portion of the Steubenville Ohio-West Virginia interstate sulfur dioxide (SO<sub>2</sub>) nonattainment area (Steubenville nonattainment area) from nonattainment to attainment. EPA is also proposing to approve Ohio's maintenance plan. Emissions of SO<sub>2</sub> in the area have been reduced and the air quality in the nonattainment area is currently well below the SO<sub>2</sub> national ambient air quality standard (NAAQS).

**DATES:** Comments must be received on or before October 21, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2019–0394 at <http://www.regulations.gov> or via email to [Blakley.pamela@epa.gov](mailto:Blakley.pamela@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Mary Portanova, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–5954, [portanova.mary@epa.gov](mailto:portanova.mary@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

- I. Background and Redesignation Requirements
- II. Relationship Between This Rulemaking and the Nonattainment Plan Rulemaking
- III. Determination of Attainment
- IV. Approval of Ohio’s SIP
- V. Permanent and Enforceable Emission Reductions
- VI. Requirements for the Area Under Section 110 and Part D
- VII. Maintenance Plan
- VIII. What action is EPA taking?
- IX. Statutory and Executive Order Reviews

**I. Background and Redesignation Requirements**

In 2010, EPA established a revised primary SO<sub>2</sub> NAAQS of 75 parts per billion (ppb) (75 FR 35520, June 22, 2010). EPA designated the Steubenville

nonattainment area as nonattainment for the 2010 SO<sub>2</sub> NAAQS on August 5, 2013 (78 FR 47191), based upon air quality monitoring data for calendar years 2009–2011. The Steubenville nonattainment area is comprised of a portion of Jefferson County, Ohio and a portion of Brooke County, West Virginia. The Ohio portion of the nonattainment area includes Cross Creek Township, Steubenville Township, Warren Township, Wells Township, and Steubenville City in Jefferson County. The West Virginia portion of the nonattainment area is the Cross Creek Tax District in Brooke County.

Ohio and West Virginia were required to prepare nonattainment State Implementation Plans (SIPs) that would provide for attainment of the SO<sub>2</sub> NAAQS in the Steubenville nonattainment area by the SO<sub>2</sub> attainment date of October 4, 2018. The plans must also meet the additional requirements of sections 172(c) and 191–192 of the CAA. Ohio submitted its nonattainment SIP on April 3, 2015, and supplemented it on October 13, 2015, March 13, 2017, March 25, 2019, and June 25, 2019. EPA proposed to approve the nonattainment plans from Ohio and West Virginia on June 24, 2019 (84 FR 29456). Ohio submitted its request to redesignate the Ohio portion of the Steubenville nonattainment area on June 25, 2019.

Under CAA section 107(d)(3)(E), five criteria must be met before a nonattainment area may be redesignated to attainment. Although the Steubenville nonattainment area includes portions in two states, today’s action only proposes to redesignate the Ohio portion of this area.

The following identifies the interpretation EPA is applying as to the extent to which these criteria must be met in the full two-state area or only in Ohio. EPA anticipates a separate redesignation request from West Virginia, addressing the West Virginia portion of the area, which EPA anticipates evaluating using similar criteria. The criteria are that:

1. EPA has determined that the relevant NAAQS has been attained in the area. In this rulemaking, EPA is evaluating whether the entire two-state area is attaining the SO<sub>2</sub> NAAQS.

2. The applicable implementation plan has been fully approved by EPA under section 110(k). In this rulemaking, EPA is evaluating redesignation for the Ohio portion of the area on the basis of whether Ohio’s applicable implementation plan has been fully approved.

3. EPA has determined that improvement in air quality is due to permanent and enforceable reductions in emissions resulting from the SIP, Federal regulations, and other permanent and enforceable reductions. In this rulemaking, EPA is evaluating this criterion on a two-state area-wide basis.

4. EPA has determined that the state has met all applicable requirements for the area under section 110 and part D. In this rulemaking, EPA is evaluating redesignation for the Ohio portion of the area on the basis of whether Ohio has met all applicable requirements.

5. EPA has fully approved a maintenance plan, including a contingency plan, for the area under section 175A of the CAA. In this rulemaking, EPA is evaluating whether Ohio’s maintenance plan provides for its share of actions to assure maintenance in the two-state area.

**II. Relationship Between This Rulemaking and the Nonattainment Plan Rulemaking**

Some of the criteria for today’s proposed redesignation are met by elements of the Ohio and West Virginia nonattainment plans. In particular, part of the evidence that the area is attaining the SO<sub>2</sub> NAAQS is based on modeling included in the two states’ nonattainment plans; the limits that assure the permanence and enforceability of the air quality improvement in the area were submitted as part of the nonattainment plans; and EPA’s evaluations of whether the applicable Ohio implementation plan is fully approved and whether Ohio has met the applicable planning requirements are predicated on completion of the proposed rulemaking on Ohio’s nonattainment plan.

As noted above, EPA proposed to approve the Ohio and West Virginia nonattainment plans on June 24, 2019, at 84 FR 29456. Today’s rulemaking does not reevaluate any portion of that rulemaking. Thus, for example, today’s rulemaking does not solicit any additional comments on the modeling in the two states’ nonattainment plans, on the adequacy of the limits in those plans for assuring attainment, or generally on whether those plans warrant being approved. Comments on these topics are germane to the nonattainment plan rulemaking and were solicited in that rulemaking. EPA received no such comments, and EPA is addressing these topics in the context of that rulemaking. EPA’s proposed rulemaking on Ohio’s redesignation request is based on a premise that EPA will issue final rulemaking approving

the Ohio and West Virginia plans, as proposed on June 24, 2019. EPA will finalize this proposed redesignation of the Ohio portion of the Steubenville nonattainment area only if and only after EPA has published final approval of the Ohio and West Virginia nonattainment plans.

III. Determination of Attainment

The first requirement for redesignation is to demonstrate that the NAAQS has been attained in the area. As stated in EPA’s April 2014 “Guidance for 1-Hour SO<sub>2</sub> Nonattainment Area SIP Submissions,” for SO<sub>2</sub>, there are two components needed to support an attainment determination: A review of representative air quality monitoring data and a further analysis, generally requiring air quality modeling, to demonstrate that the entire area is attaining the applicable NAAQS, based on current actual emissions or the fully implemented control strategy. Ohio has addressed both components.

Under EPA regulations at 40 CFR 50.17, the SO<sub>2</sub> NAAQS is met at an ambient air quality monitoring site when the three-year average of the annual 99th percentile of one-hour daily maximum concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR part 50 at all relevant monitoring sites in the subject area. EPA has reviewed the ambient air monitoring data for the Steubenville nonattainment area. Monitoring data for the area includes three SO<sub>2</sub> monitoring sites in Jefferson County, Ohio and three SO<sub>2</sub> monitoring sites in Brooke County, West Virginia. The data from these monitors have been certified and recorded in EPA’s Air Quality System database. Ohio and West Virginia have committed to continue monitoring for SO<sub>2</sub> at these locations. EPA’s review addresses air quality data collected through 2018, which includes the most recent three years of complete, quality-assured data.

Table 1 shows the 99th percentile results and three-year average design values for the Steubenville nonattainment area monitors for 2016–2018, which are the most recent three years of complete, quality-assured data. The overall 2016–2018 design value for the Steubenville nonattainment area is 37 ppb, which is below the 2010 SO<sub>2</sub> NAAQS of 75 ppb. This design value, which was measured at the Weirton-Marland Heights monitor 54–009–0011, in Brooke County, West Virginia, represents the highest monitored design value in the Steubenville nonattainment area. Therefore, Ohio has demonstrated that the Steubenville nonattainment area’s SO<sub>2</sub> monitors currently show attainment of the 2010 SO<sub>2</sub> NAAQS. For every 3-year period since the 2013–2015 design value period, all six monitors have had design values below the 2010 SO<sub>2</sub> NAAQS. Preliminary monitoring data for 2019 indicate that the area is continuing to attain the 2010 SO<sub>2</sub> NAAQS.

TABLE 1—MONITORING DATA FOR THE STEUBENVILLE NONATTAINMENT AREA FOR 2016–2018

Site ID	Location	Year and 99th percentile value (ppb)			Design value: average 2016–2018 (ppb)
		2016	2017	2018	
39–081–0017 .....	Jefferson County, OH .....	27	18	34	26
39–081–0018 .....	Jefferson County, OH .....	31	34	9	25
39–081–0020 .....	Jefferson County, OH .....	20	13	8	14
54–009–0005 .....	Brooke County, WV .....	33	28	48	36
54–009–0007 .....	Brooke County, WV .....	39	23	24	29
54–009–0011 .....	Brooke County, WV .....	49	27	35	37

The states also submitted an analysis demonstrating that the area’s control strategy will provide for attainment of the SO<sub>2</sub> NAAQS in the entire area. Ohio and West Virginia developed a joint attainment demonstration using a dispersion modeling analysis. Ohio provided this attainment demonstration in its March 25, 2019 submittal. The March 25, 2019 analysis showed that revised SO<sub>2</sub> emission limits at four SO<sub>2</sub> sources in the Steubenville nonattainment area will provide for attainment. Ohio has confirmed that the modeled facilities are currently in full compliance with their emission limits. Current actual emissions at these facilities are therefore at or below the levels Ohio used in its modeling analysis. The modeling analysis was discussed in detail in the June 24, 2019 (84 FR 29456) notice of proposed rulemaking for the Steubenville SO<sub>2</sub> nonattainment SIPs. Since this modeling shows that compliance with the emission limits in the states’ plans yields attainment in the entire

nonattainment area, and since the sources are complying with these limits, this modeling supports EPA’s proposed conclusion that the two-state area is attaining the SO<sub>2</sub> NAAQS. EPA’s proposed conclusion is based on the premise that EPA will issue final rulemaking approving the Ohio and West Virginia plans, including the associated modeling analysis, as proposed on June 24, 2019.

IV. Approval of Ohio’s SIP

On June 24, 2019, EPA proposed to approve Ohio’s nonattainment SIP for Jefferson County, including emission limits which were demonstrated to provide for attainment in Jefferson County. In that action, EPA also proposed to find that Ohio had satisfied requirements for providing for attainment of the SO<sub>2</sub> NAAQS in the Steubenville nonattainment area. Ohio has adopted its SO<sub>2</sub> SIP regulations, including those which cover Jefferson County, at Ohio Administrative Code 3745–18, and Ohio has shown that it

maintains an active enforcement program to ensure ongoing compliance. Ohio’s new source review/prevention of significant deterioration program will address emissions from new sources. Therefore, EPA proposes to conclude that this redesignation criterion has been met by Ohio. EPA’s proposed conclusion is based on the premise that EPA will issue final rulemaking approving Ohio’s plan and emission limits as proposed on June 24, 2019.

V. Permanent and Enforceable Emission Reductions

For an area to be redesignated, the state must be able to reasonably attribute the improvement in air quality to emission reductions which are permanent and enforceable. The primary sources in the Steubenville nonattainment area are the Cardinal Power Plant (Cardinal), located in Brilliant, Ohio; the JSW Steel USA Ohio facility, formerly Wheeling-Pittsburgh Steel, formerly Mingo Junction Steel Works (JSW Steel), in Mingo Junction,

Ohio; the Mingo Junction Energy Center, also in Mingo Junction, Ohio; and Mountain State Carbon, in Follansbee, West Virginia.

These facilities have all significantly reduced emissions since the time the area was monitoring violations, and these emission reductions have been made permanent and enforceable by the limits that Ohio and West Virginia adopted and submitted in their respective SIP submittals. Cardinal implemented flue gas desulfurization (FGD) between 2010 and 2012, resulting in a reduction of SO<sub>2</sub> emissions from 32,500 tons in 2010 to 9,700 tons in 2018, a reduction that Ohio's limit requires to be maintained. The JSW Steel facility has been closed for several years. Ohio considered its previous allowable emissions in developing revised emission limits for the facility which would still provide for attainment in the Steubenville nonattainment area. In 2018, JSW Steel began to resume some operations, but Ohio's revised emission limits require that SO<sub>2</sub> emissions from this facility must remain at levels which were set to provide for attainment and maintenance of the SO<sub>2</sub> NAAQS. Mingo Junction Energy Center has also shut down, but Ohio considered that facility's previous allowable emissions in developing revised emission limits and fuel restrictions for the facility which would still provide for attainment. If the Mingo Junction Energy Center restarts, it must meet Ohio's revised emission limits which were set to provide for attainment and maintenance of the SO<sub>2</sub> NAAQS. Mountain State Carbon has improved its coke oven gas desulfurization equipment to reduce its emissions, as mandated by West Virginia's emission limits and work practice requirements.

At the time of Steubenville's nonattainment designation, the monitored design values (2009–2011) in the area were 109 ppb at the Jefferson County monitor 39–081–0017 and 174 ppb at the Brooke County, West Virginia monitor 54–009–0011. More recent monitoring data indicate that ambient SO<sub>2</sub> levels have improved significantly. The highest monitored design value for the Steubenville nonattainment area for 2016–2018 is 37 ppb. This value was measured at monitor 54–009–0011 in Brooke County, West Virginia. The highest monitored design value for 2016–2018 in the Ohio portion of the Steubenville nonattainment area was 26 ppb, at the Jefferson County monitor 39–081–0017. These monitored values are well below the SO<sub>2</sub> NAAQS of 75 ppb. This air quality improvement is attributable to the substantial emission

reductions noted above, which the Ohio and West Virginia nonattainment plans require to be permanent and enforceable. Thus, EPA proposes to find that the improvement in air quality in the Steubenville nonattainment area can be attributed to permanent and enforceable emission reductions at facilities in Ohio and West Virginia.

#### **VI. Requirements for the Area Under Section 110 and Part D**

Ohio has submitted information demonstrating that it meets the requirements of the CAA for the Steubenville nonattainment area. EPA approved Ohio's June 7, 2013 infrastructure SIP for SO<sub>2</sub> on August 14, 2015 (80 FR 48733). This infrastructure SIP approval confirms that Ohio's SIP meets the requirements of CAA section 110(a)(1) and 110(a)(2) to contain the basic program elements, such as an active enforcement program and permitting program.

Section 191 of the CAA requires Ohio to submit a part D SIP for the its portion of the Steubenville nonattainment area by April 4, 2015. Ohio submitted its part D SIP on April 3, 2015, and supplemented it on October 13, 2015, March 13, 2017, March 25, 2019, and June 25, 2019. The SIP included a demonstration of attainment and revised SO<sub>2</sub> emission limits. EPA proposed to approve the Steubenville nonattainment area SO<sub>2</sub> nonattainment plans from Ohio and West Virginia on June 24, 2019 (84 FR 29456). In its proposed rulemaking, EPA proposed to find that Ohio satisfied the various requirements under CAA section 110 and part D for the Steubenville nonattainment area, such as the requirements for an attainment inventory of the SO<sub>2</sub> emissions from sources in the nonattainment area (required under section 173(c)(3)), reasonably available control measures (required under section 173(c)(1)), and reasonable further progress (required under section 173(c)(2)).

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects that are developed, funded, or approved under title 23 of the United States Code and the Federal Transit Act (transportation conformity) as well as to all other federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to

consultation, enforcement, and enforceability that EPA promulgated pursuant to its authority under the CAA. On August 20, 2014, Ohio submitted documentation establishing transportation conformity procedures in its SIP. EPA approved these procedures on March 2, 2015 (80 FR 11133).

Based on the above, EPA is proposing to find that Ohio has satisfied the applicable requirements for the redesignation of its portion of the Steubenville nonattainment area under section 110 and part D of title I of the CAA.

#### **VII. Maintenance Plan**

CAA section 175A sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the nonattainment area is redesignated to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the ten years following the initial ten-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures as EPA deems necessary to assure prompt correction of any future one-hour violations. Specifically, the maintenance plan should address five requirements: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. Ohio's June 25, 2019 redesignation request contains its maintenance plan, which Ohio has committed to review eight years after redesignation.

Ohio submitted an attainment emission inventory which addresses the Steubenville nonattainment area's 2011 base year emissions of 26,289 tons per year (tpy) and projections of future emissions, for point, area, and mobile sources. While the attainment date for the Steubenville nonattainment area was October 4, 2018, Ohio selected 2014 as the attainment year for its June 25, 2019 maintenance plan emission inventory, because 2014 was one of the years contributing to the 2014–2016 and 2015–2017 design values which demonstrated the achievement of attainment of the SO<sub>2</sub> NAAQS in the Steubenville nonattainment area. The 2014 attainment year also corresponds to the year when the improvement in air quality leading to attainment (subsequently made permanent and enforceable by the Ohio and West

Virginia plans) occurred due to Cardinal's installation of the FGD system for its only remaining uncontrolled unit (operating beginning in 2012), the ceasing of operations at the Mingo Junction Energy Center (last operated in 2012), and the enforceable emission reduction measures at Mountain State Carbon (discussed in greater detail in West Virginia's SIP submittal). Total SO<sub>2</sub> emissions in the Steubenville nonattainment area for the attainment year were 11,336 tpy (10,722 tpy from Ohio sources).

Ohio projected SO<sub>2</sub> emissions for an interim future year, 2023, and for the maintenance year, 2030. Ohio projected that total SO<sub>2</sub> emissions in the Steubenville nonattainment area in the maintenance year would drop to 10,382 tpy, with 9,858 tpy from Ohio sources.

Ohio's maintenance demonstration consists of the nonattainment SIP air quality analysis which demonstrated that the emission reductions in effect in the Steubenville nonattainment area will provide for attainment of the SO<sub>2</sub> NAAQS. The permanent and enforceable SO<sub>2</sub> emission reductions described above ensure that Jefferson County emissions will be equal to or less than the emission levels which were evaluated in the air quality analysis, and Ohio's enforcement program will ensure that the Jefferson County SO<sub>2</sub> emission limits are met continuously.

For continuing verification, Ohio has committed to track the SO<sub>2</sub> emissions and compliance status of the facilities in Jefferson County so that future emissions will not exceed the attainment inventory. All major sources in Ohio are required to submit annual emissions data, which the state uses to update its emission inventories as required by the CAA. Ohio has also committed to continue ambient SO<sub>2</sub> monitoring in Jefferson County to verify attainment of the SO<sub>2</sub> NAAQS.

The requirement to submit contingency measures in accordance with section 172(c)(9) can be adequately addressed for SO<sub>2</sub> by the operation of a comprehensive enforcement program which can quickly identify and address sources that might be causing exceedances of the NAAQS level. Ohio's enforcement program is active and capable of prompt action to remedy compliance issues or NAAQS exceedances. Ohio's June 25, 2019 redesignation request submittal discusses the state's plan to respond to increasing SO<sub>2</sub> concentrations or new exceedances of the SO<sub>2</sub> NAAQS in the maintenance area. Ohio commits to study SO<sub>2</sub> emission trends and identify areas of concern and potential

additional measures, particularly if an annual average 99th percentile maximum daily one-hour SO<sub>2</sub> concentration of 79 ppb or greater occurs. In the case of a two-year average greater than 75 ppb occurring in the maintenance area, Ohio will consider additional control measures which can be implemented quickly. Ohio has the authority to expeditiously adopt, implement and enforce any subsequent emissions control measures deemed necessary to correct any future SO<sub>2</sub> violations. Ohio commits to adopt and implement such corrective actions as necessary to address trends of increasing emissions or ambient impacts. The public will have the opportunity to participate in the contingency measure implementation process.

Based on the above, EPA proposes to find that Ohio has addressed the contingency measure requirement. Further, EPA proposes to find that Ohio's maintenance plan adequately addresses the five basic components necessary to maintain the SO<sub>2</sub> NAAQS in the Steubenville nonattainment area.

#### VIII. What action is EPA taking?

In accordance with Ohio's June 25, 2019 request, EPA is proposing to redesignate the Ohio portion of the Steubenville nonattainment area from nonattainment to attainment of the SO<sub>2</sub> NAAQS. The Ohio portion of the nonattainment area includes Cross Creek Township, Steubenville Township, Warren Township, Wells Township, and Steubenville City in Jefferson County. Ohio has demonstrated that this area is attaining the SO<sub>2</sub> NAAQS, and that the improvement in air quality is due to permanent and enforceable SO<sub>2</sub> emission reductions in the nonattainment area. EPA is also proposing to approve Ohio's maintenance plan, which is designed to ensure that the Steubenville nonattainment area will continue to maintain the SO<sub>2</sub> NAAQS.

As noted previously, EPA is conducting separate rulemaking on whether the Ohio and West Virginia nonattainment plans provide for attainment and meet other applicable planning requirements. That rulemaking addresses, for example, the merits of modeling indicating that compliance with emission limits in the plans yields attainment of the SO<sub>2</sub> NAAQS throughout the area. The public comment period for that rulemaking has closed, and EPA is evaluating the comments it received. Thus, EPA plans to determine the adequacy of the nonattainment plan in the context of the

nonattainment plan rulemaking and not in the context of today's rulemaking. Today's rulemaking does not prejudice the outcome of that separate rulemaking. Nevertheless, today's rulemaking is premised on completion of the nonattainment plan rulemaking, approving the states' plans.

EPA will publish final action on today's proposed redesignation only if, and only after, it publishes final approval of the nonattainment plans, and EPA will reevaluate action on Ohio's redesignation request if EPA concludes either that the Ohio and West Virginia plans cannot be approved or that reevaluation of these plans is necessary.

#### IX. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, 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), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

## List of Subjects

### 40 CFR Part 52

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

### 40 CFR Part 81

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

Dated: September 5, 2019.

**Cheryl L. Newton,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 2019–20196 Filed 9–19–19; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[EPA–HQ–OAR–2017–0757; FRL–10000–05–OAR]

RIN 2060–AT90

### Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review

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

**ACTION:** Proposed rule; notice of public hearing.

**SUMMARY:** On August 28, 2019, the Administrator of the U.S. Environmental Protection Agency (EPA) signed the proposed rulemaking, “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review.” The EPA also requested public comment on the proposed action. The EPA is announcing that it will hold a public hearing to provide interested parties the opportunity to present data, views, or arguments concerning the proposed action.

**DATES:** The EPA will hold a public hearing on October 17, 2019, in Dallas, Texas. Please refer to the

**SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

**ADDRESSES:** The hearing will be held at the Earle Cabell Federal Courthouse, 1100 Commerce Street, Dallas, Texas 75242 in the Red River and Live Oak conference rooms on the 7th floor. Because this hearing is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. For purposes of the REAL ID Act, the EPA will accept government-issued IDs, including driver’s licenses from the District of Columbia and all states and territories. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver’s licenses, and military identification cards. Additional information on the REAL ID Act is available at: <https://www.dhs.gov/real-id>. Any objects brought into the building need to fit through the security screening system, such as a purse, laptop bag, or small backpack. Demonstrations will not be allowed on federal property for security reasons.

**FOR FURTHER INFORMATION CONTACT:** The EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the October 17, 2019, hearing, please use the online registration form available at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/proposed-policy-amendments-2012-and-2016-new> or contact Virginia Hunt at (919) 541–0832 to register to speak at the hearing. The last day to pre-register to speak at the hearing will be October 14, 2019. If the EPA receives a high volume of requests, we may continue the public hearing on October 18, 2019, at the location described above. We encourage the public to register to speak as soon as possible after this document publishes in order to inform that decision. The EPA does not intend to publish a document in the **Federal Register** announcing the potential addition of a second day for the public hearing or any updates to the information on the hearing described in this document. Please monitor <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/proposed-policy-amendments-2012-and-2016-new> or contact Virginia Hunt at (919) 541–0832 to determine if there are any updates to the information on the hearing. If a second day of the public hearing is scheduled, we will update the website with this information by October 10, 2019.

On October 15, 2019, the EPA will post at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/proposed-policy-amendments-2012-and-2016-new> a general agenda for the hearing that will list pre-registered speakers in approximate order. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk. The EPA will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be able to be fulfilled.

**SUPPLEMENTARY INFORMATION:** The hearing will convene at 8:00 a.m. local time and will conclude at 6:00 p.m. local time on October 17, 2019. Lunch breaks will be scheduled as time will allow depending on the number of registered speakers.

Each commenter will have 5 minutes to provide oral testimony. If there are no additional registered speakers, the EPA will end the hearing 2 hours after the

last registered speaker has concluded their comments.

The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Verbatim transcripts of the hearings and written statements will be included in the docket for the rulemaking. The EPA also encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) or in hard copy form.

If you require the service of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by October 14, 2019. We may not be able to arrange accommodations without advanced notice.

The EPA will not provide audiovisual equipment for presentations. Any media presentations should be submitted to the public docket at <https://www.regulations.gov/>, identified by Docket ID No. EPA-HQ-OAR-2017-0757. The EPA must receive comments on the proposed action no later than 60 days after it publishes in the **Federal Register**.

Dated: September 13, 2019.

**Panagiotis Tsirigotis,**

*Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2019-20242 Filed 9-19-19; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 1, 12, 25, 29, and 52

[FAR Case 2016-013; Docket No. FAR-2016-0013, Sequence No. 1]

RIN 9000-AN38

#### Federal Acquisition Regulation: Tax on Certain Foreign Procurement

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** DoD, GSA, and NASA are proposing to amend the Federal

Acquisition Regulation (FAR) to withhold a 2 percent tax on contract payments made by the United States Government to foreign persons pursuant to certain contracts. This rule applies to Federal government contracts for goods or services that are awarded to foreign persons.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before November 19, 2019 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FAR Case 2016-013 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for “FAR Case 2016-013”. Select the link “Comment Now” that corresponds with “FAR Case 2016-013”. Follow the instructions provided on the screen. Please include your name, company name (if any), and “FAR Case 2016-013” on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

*Instructions:* Please submit comments only and cite “FAR Case 2016-013” in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check <http://www.regulations.gov>, approximately 2 to 3 days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Ms. Zenaída Delgado, Procurement Analyst, at 202-969-7207 or [zenaida.delgado@gsa.gov](mailto:zenaida.delgado@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755. Please cite “FAR Case 2016-013”.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD, GSA, and NASA are proposing to amend the FAR to implement the Department of the Treasury final regulations published in the **Federal Register** at 81 FR 55133 on August 18, 2016, under section 5000C of the Internal Revenue Code relating to the 2 percent tax on payments made by the United States (U.S.) Government to

foreign entities pursuant to certain contracts. This proposed rule only addresses the collection of the section 5000C tax from contract payments on certain foreign contracts by withholding up to 2 percent of the payment. The agency merely withholds the tax for the Internal Revenue Service (IRS). All substantive issues regarding the underlying section 5000C tax, e.g., the imposition of, and exemption from the tax, are matters under the jurisdiction of the IRS. FAR 29.204 and 29.402-3 give more information on the contracts that are covered, and exemptions or exceptions that might apply.

On January 2, 2011, section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111-347 (the Act), added section 5000C to the Internal Revenue Code (Code). 26 U.S.C. 5000C, Imposition of tax on certain foreign procurement, and its implementing regulations at 26 CFR 1.5000C-1 through 1.5000C-7, imposed, unless exempted, a 2 percent excise tax of the amount of a specified Federal procurement payment on any foreign person receiving such payment. 26 CFR 1.5000C-1(c) defines the term *specified Federal procurement payment* as any payment made pursuant to a contract with the U.S. Government for goods or services if the goods are manufactured or produced, or the services are provided, in any country that is not a party to an international procurement agreement with the United States (see FAR 25.003 for the definitions of “World Trade Organization Government Procurement Agreement (WTO GPA) country” and “Free Trade Agreement country”, per the IRS definition at 1.5000C-1(a)(8)). Section 301(a)(3) of the Act provides that section 5000C applies to payments received pursuant to contracts entered into on and after the date of enactment of the Act, January 2, 2011. Additionally, section 301(c) of the Act states that this section must be applied in a manner consistent with U.S. obligations under international agreements. Section 5000C(d)(1) provides that the amount deducted and withheld under chapter 3 shall be increased by the amount of tax imposed under 26 U.S.C. 5000C.

DoD, GSA, and NASA issued a final rule under FAR Case 2011-011, Unallowability of Costs Associated With Foreign Contractor Excise Tax, amending the FAR to disallow the cost associated with the 2 percent excise tax on certain foreign procurements. The final rule was published in the **Federal Register** at 78 FR 6189 on January 29, 2013.



## II. Discussion and Analysis

As required by the Code, DoD, GSA, and NASA are proposing to implement the withholding of a 2 percent tax on payments made by the U.S. Government to foreign persons pursuant to certain contracts.

A. The following summarizes the proposed changes to FAR parts 1, 12, 25, and 29:

1. Adds segments for the new provision FAR 52.229–WW, Tax on Certain Foreign Procurements—Notice and Representation, and the new clause at FAR 52.229–XX, Tax on Certain Foreign Procurements, at FAR 1.106, OMB approval under the Paperwork Reduction Act.

2. Adds the new provision FAR 52.229–WW, Tax on Certain Foreign Procurements—Notice and Representation, to paragraph (d) in FAR 12.301, Solicitation provisions and contract clauses for the acquisition of commercial items.

3. Adds a new section 25.1003, Tax on certain foreign procurements, under subpart 25.10, Additional Foreign Acquisition Regulations, that provides a reference to a new FAR section at FAR 29.204.

4. Adds a new section at FAR 29.204, Federal excise tax on specific foreign contract payments, explaining the excise tax requirements to contracting officers.

5. Adds a new section 29.402–3, Tax on certain foreign procurements, under 29.402, Foreign contracts, to prescribe the use of the new provision FAR 52.229–WW, Tax on Certain Foreign Procurements—Notice and Representation, and the new clause at FAR 52.229–XX, Tax on Certain Foreign Procurements.

B. The following summarizes proposed changes to FAR part 52.

1. Amends paragraph (b) of the clause at FAR 52.212–5, Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items, to add the new clause 52.229–XX, Tax on Certain Foreign Procurements.

2. Adds a new provision at FAR 52.229–WW, Tax on Certain Foreign Procurements—Notice and Representation, to notify offerors of the excise tax withholding requirements and to have them represent whether they are a foreign person; and whether they would claim an exemption on the Department of the Treasury Internal Revenue Service Form W–14, Certificate of Foreign Contracting Party Receiving Federal Procurement Payments. This form is available at [www.irs.gov/w14](http://www.irs.gov/w14).

3. Adds a new clause at FAR 52.229–XX, Tax on Certain Foreign

Procurements, to establish the excise tax withholding requirements in the FAR.

## III. Expected Impact of the Rule

Acquiring agencies are required to withhold the excise tax under 26 U.S.C. 5000C. The exemptions from the withholding in the IRS regulations at 26 CFR 1.5000C–1(d)(1) through (d)(4) are captured under the new provision prescription at FAR 29.402–3(a). If any of the conditions listed at FAR 29.402–3(a) are met, the payments under the contract will not be subject to the withholding. The other exemptions at 26 CFR 1.5000C–1(d), (d)(5) through (d)(7), must be claimed by the offeror by submitting an IRS Form W–14 with the offer. If no exemption applies or is claimed, contractors will be subject to the tax and will be required to complete IRS Form W–14, and submit this form with each voucher or invoice for the agency to withhold the tax as appropriate.

Federal Procurement Data System (FPDS) data for Fiscal Year (FY) 2018 was obtained for contracts valued over \$150,000 awarded to foreign vendors. There were 8,395 total awards made to a total of 1,595 unique foreign entities. The IRS regulations defined the term “international procurement agreement” as the World Trade Organization GPA (WTO GPA) within the meaning of FAR 25.400(a)(1) and any free trade agreement to which the United States is a party that includes government procurement obligations that provide appropriate competitive government procurement opportunities to U.S. goods, services, and suppliers. Excluding the countries listed in the definitions of “World Trade Organization Government Procurement Agreement (WTO GPA) country” and “Free Trade Agreement country” in FAR 25.003 (see exemption at 26 CFR 1.5000C–1(d)(7)), a more accurate number of impacted entities may be estimated to be 461 unique foreign vendors. This number is minimal when compared to the total number of unique vendors for FY 2018 of 142,051, or approximately 0.32 percent. The FAR regulation covers withholding, not the imposition of the tax, which was implemented in the IRS regulation. Any monies which the contractor thinks a contracting agency has wrongfully withheld can be reclaimed by the contractor when it files its U.S. tax return.

## IV. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

Pursuant to 41 U.S.C. 1905–1907, a provision of law is not applicable to: contracts or subcontracts in amounts not greater than the simplified acquisition threshold (SAT) (as defined in FAR 2.101); and the acquisition of commercial items, including COTS items. However, the provision of law is applicable when the law (i) contains criminal or civil penalties; (ii) specifically refers to 41 U.S.C. 1905–1907 and states that the law applies to contracts or subcontracts in amounts not greater than the SAT, or the acquisition of commercial items including COTS items; (iii) the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt contracts or subcontracts at or below the SAT and for acquisition of commercial items; or the Administrator for Federal Procurement Policy makes a written determination that it would not be in the best interest of the Federal Government to exempt contracts for the procurement of COTS items from this law. United States tax laws contain criminal and civil penalties; thus, commercial items, including commercially available off-the-shelf items, are subject to the new provision and clause unless otherwise exempted.

The new provision and clause are not applicable to acquisitions using simplified acquisition procedures that do not exceed the simplified acquisition threshold because the IRS regulations at 26 CFR 1.5000C–1(d)(1) exempted them from the tax—see the prescriptions at FAR 29.402–3(a)(1) and (b)(1).

## V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.



VI. Executive Order 13771

This proposed rule is not expected to be an E.O. 13771 regulatory action, because this rule imposes de minimis costs on the public as explained in section III, Expected Impact of the Rule, of this preamble. The FAR Council invites comments from the regulated community on the analysis provided in this rule.

VII. Regulatory Flexibility Act

The Treasury final rule concluded that a Regulatory Flexibility Analysis was not required and that the rule will not have a significant economic impact on a substantial number of small entities. The Treasury final rule stated that because section 5000C(a) of the Internal Revenue Code applies to foreign persons, regardless of the size of the entity, only a limited number of small foreign entities that received specified Federal procurement payments are affected by the regulation. FPDS data for FY 2018 shows only 59 unique small foreign entities were awarded contracts valued over \$150,000. This rule is not expected to have a significant economic impact on a substantial number of small entities based in the United States because this only applies to Federal government contracts for goods or services that are awarded to foreign persons. The FAR regulation covers withholding, not the imposition of the tax, which was implemented in the IRS regulation. Any monies which the contractor thinks a contracting agency has wrongfully withheld can be reclaimed by the contractor when it files its U.S. tax return. DoD, GSA, and NASA have, however, prepared an Initial Regulatory Flexibility Analysis (IRFA) of the FAR rule consistent with 5 U.S.C. 603, which is summarized as follows:

DoD, GSA, and NASA are proposing to amend the FAR to withhold a 2 percent tax on payments made by the U.S. Government to foreign persons pursuant to certain contracts.

The objective is to implement a final rule issued by the Department of the Treasury (published at 81 FR 55133) that implements section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (the Act), adding section 5000C to the Internal Revenue Code (Code). 26 U.S.C. 5000C, Imposition of tax on certain foreign procurement, and its implementing regulations at 26 CFR 1.5000C–1 through 1.5000C–7, imposed, unless exempted, a 2 percent excise tax of the amount of a specified Federal procurement payment on any foreign person receiving such payment.

The rule would apply to Federal government contracts that are awarded to foreign persons for goods or services, if the goods are manufactured or produced or the

services are provided in any country that is not a party to an international procurement agreement with the United States (see FAR 25.003 for the definitions of “World Trade Organization Government Procurement Agreement (WTO GPA) country” and “Free Trade Agreement country”). FPDS data for FY 2018 was obtained for contracts valued over \$150,000 awarded to foreign vendors. There were 8,395 total awards, 8,178 were to large vendors; 217 were to small vendors. Of these, 1,536 were unique large foreign entities while 59 were unique small foreign entities for a total of 1,595 unique foreign entities. Accordingly, the proposed rule is not expected to have a significant economic impact on a substantial number of small entities based in the United States.

The rule does not duplicate, overlap, or conflict with any other Federal rules. There are no available alternatives to the proposed rule to accomplish the desired objective of the statute.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2016–013), in correspondence.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) does apply. However, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved for the IRS, Department of the Treasury regulations under the Office of Management and Budget (OMB) Control Number 1545–2263, Tax on Certain Foreign Procurement (see 80 FR 22449, April 22, 2015 and 82 FR 41310 at 41312, August 30, 2017).

List of Subjects in 48 CFR Parts 1, 12, 25, 29, and 52

Government procurement.

William F. Clark,  
Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

Therefore, DoD, GSA, and NASA are proposing to amend 48 CFR parts 1, 12, 25, 29, and 52 as set forth below:

- 1. The authority citation for 48 CFR parts 1, 12, 25, 29, and 52 continues to read as follows:  
**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

- 2. In section 1.106 amend the table by adding entries for “52.229–WW” and “52.229–XX” in numerical order to read as follows:

FAR segment	OMB control No.
* * *	* * *
52.229–WW .....	1545–2263
52.229–XX .....	1545–2263
* * *	* * *

PART 12—ACQUISITION OF COMMERCIAL ITEMS

- 3. Amend section 12.301, by redesignating paragraph (d)(12) as (d)(13) and adding a new paragraph (d)(12) to read as follows:  
**12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.**  
\* \* \* \* \*  
(d) \* \* \*  
(12) Insert the provision at 52.229–WW, Tax on Certain Foreign Procurements—Notice and Representation, in solicitations as prescribed in 29.402–3(a). The representation in this provision is not in the System for Award Management.  
\* \* \* \* \*

PART 25—FOREIGN ACQUISITION

- 4. Add section 25.1003 to read as follows:  
**25.1003 Tax on certain foreign procurements.**  
See 29.204 for the imposition of the tax on certain foreign procurements pursuant to the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347), 26 U.S.C. 5000C, Imposition of tax on certain foreign procurement, and its implementing regulations at 26 CFR 1.5000C–1 through 1.5000C–7.

PART 29—TAXES

- 5. Add sections 29.204 and 29.402–3 to read as follows:  
**29.204 Federal excise tax on specific foreign contract payments.**  
(a) 26 U.S.C. 5000C, Imposition of tax on certain foreign procurement, and its

implementing regulations at 26 CFR 1.5000C-1 through 1.5000C-7 require acquiring agencies to collect this excise tax via withholding on applicable contract payments (see 29.402-3, 31.205-41(b)(8)). Agencies merely withhold the tax (section 5000C tax) for the Internal Revenue Service (IRS). All substantive issues regarding the underlying section 5000C tax, *e.g.*, the imposition of, and exemption from the tax, are matters under the jurisdiction of the IRS. The contracting officer will refer all questions relating to the interpretation of the IRS regulations to <https://www.irs.gov/help/tax-law-questions>.

(b) In accordance with the clause 52.229-XX, Tax on Certain Foreign Procurements, contractors that are subject to the section 5000C tax will complete IRS Form W-14, Certificate of Foreign Contracting Party Receiving Federal Procurement Payments, and submit this form with each voucher or invoice. In the absence of a completed IRS Form W-14 accompanying a payment request, the default withholding percentage is 2 percent for the section 5000C withholding for that payment request. Information about IRS Form W-14 is available via the internet at [www.irs.gov/w14](http://www.irs.gov/w14).

(c)(1) Exemptions from the withholding in the IRS regulations at 26 CFR 1.5000C-1(d)(1) through (d)(4) are captured under the provision prescription at 29.402-3(a) (*i.e.*, the contracting officer will not include the provision when one of the 29.402-3(a) exceptions applies).

(2) The exemptions at 26 CFR 1.5000C-1(d)(5) through (d)(7) must be claimed by the offeror when it submits an IRS Form W-14 with the offer. If not submitted with the offer, exemptions will not be applied to the contract.

(3) Any exemption claimed and self-certified on the IRS Form W-14 is subject to audit by the IRS. Any disputes regarding the imposition and collection of the section 5000C tax are adjudicated by the IRS as the section 5000C tax is a tax matter, not a contract issue.

(d) The exemptions in 29.201 through 29.302 do not apply to this section 5000C tax.

(e) Additional information about this excise tax on specific foreign contract payments is available via the internet at <https://www.irs.gov/government-entities/excise-tax-on-specified-federal-foreign-procurement-payments>.

#### 29.402-3 Tax on certain foreign procurements.

(a) Insert the provision at 52.229-WW, Tax on Certain Foreign

Procurements—Notice and Representation, in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, unless one of the following exceptions applies:

(1) Acquisitions using simplified acquisition procedures that do not exceed the simplified acquisition threshold (as defined in 2.101).

(2) Emergency acquisitions using the emergency acquisition flexibilities defined in part 18.

(3) Acquisitions using the unusual and compelling urgency authority per 6.302-2.

(4) Contracts with a single individual for personal services that will not exceed the simplified acquisition threshold on an annual calendar year basis for all years of the contract.

(5) Acquisitions if the requiring activity identifies that the requirement is for certain foreign humanitarian assistance contracts which are payments made by the U.S. Government agencies pursuant to a contract with a foreign contracting party to obtain goods or services described in or authorized under 7 U.S.C. 1691, *et seq.*, 22 U.S.C. 2151, *et seq.*, 22 U.S.C. 2601 *et seq.*, 22 U.S.C. 5801 *et seq.*, 22 U.S.C. 5401 *et seq.*, 10 U.S.C. 402, 10 U.S.C. 404, 10 U.S.C. 407, 10 U.S.C. 2557, and 10 U.S.C. 2561.

(b) Insert the clause at 52.229-XX, Tax on Certain Foreign Procurements, in—

(1) Solicitations that contain the provision at 52.229-WW, Tax on Certain Foreign Procurements—Notice and Representation; and

(2) Resultant contracts in which the contractor has indicated that it was a foreign person in solicitation provision 52.229-WW, Tax on Certain Foreign Procurements—Notice and Representation.

#### PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 6. Amend section 52.212-5 by—

- a. Revising the date of the clause;
- b. Redesignating paragraphs (b)(53) through (60) as paragraphs (b)(54) through (61) and adding a new paragraph (b)(53) to read as follows:

##### 52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

\* \* \* \* \*

##### Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items ([DATE])

\* \* \* \* \*

(b) \* \* \*

\_\_\_\_(53) 52.229-XX, Tax on Certain Foreign Procurements ([DATE]).

\* \* \* \* \*

■ 7. Add sections 52.229-WW and 52.229-XX to read as follows:

##### 52.229-WW Tax on Certain Foreign Procurements—Notice and Representation.

As prescribed in 29.402-3(a), insert the following provision:

##### Tax on Certain Foreign Procurements—Notice and Representation ([DATE])

(a) *Definitions.* As used in this provision—  
*Foreign person* means any person other than a United States person.

*Specified Federal procurement payment* means any payment made pursuant to a contract with a foreign contracting party that is for goods, manufactured or produced, or services provided in a foreign country that is not a party to an international procurement agreement with the United States. For purposes of the prior sentence, a foreign country does not include an outlying area.

*United States person* as defined in 26 U.S.C. 7701(a)(30) means—

(1) A citizen or resident of the United States,

(2) A domestic partnership,

(3) A domestic corporation,

(4) Any estate (other than a foreign estate, within the meaning of paragraph (31)), and

(5) Any trust if—

(i) A court within the United States is able to exercise primary supervision over the administration of the trust, and

(ii) One or more United States persons have the authority to control all substantial decisions of the trust.

(b) Unless exempted, there is a 2 percent tax of the amount of a specified Federal procurement payment on any foreign person receiving such payment. See 26 U.S.C. 5000C, Imposition of tax on certain foreign procurement, and its implementing regulations at 26 CFR 1.5000C-1 through 1.5000C-7.

(c) Exemptions from withholding under this provision are described at 26 CFR 1.5000C-1(d)(5) through (d)(7). The Offeror would claim an exemption from the withholding by using the Department of the Treasury Internal Revenue Service Form W-14, Certificate of Foreign Contracting Party Receiving Federal Procurement Payments, available via the internet at [www.irs.gov/w14](http://www.irs.gov/w14). Any exemption claimed and self-certified on the IRS Form W-14 is subject to audit by the IRS. Any disputes regarding the imposition and collection of the section 5000C tax are adjudicated by the IRS as the section 5000C tax is a tax matter, not a contract issue. The IRS Form W-14 is provided to the acquiring agency rather than to the IRS.

(d) For purposes of withholding under 26 U.S.C. 5000C, Imposition of tax on certain foreign procurement, the Offeror represents that—

(1) It [ ] is [ ] is not a foreign person; and

(2) If the Offeror indicates “is” in paragraph (d)(1) of this provision, then the Offeror represents that—I am claiming on the IRS Form W-14 [ ] a full exemption, or [ ] partial or no exemption [Offeror shall select one] from the excise tax.

(e) If the Offeror represents it is a foreign person in paragraph (d)(1) of this provision, then—

(1) The clause at FAR 52.229–XX, Tax on Certain Foreign Procurements, will be included in any resulting contract; and

(2) The Offeror shall submit with its offer the IRS Form W–14. If the IRS Form W–14 is not submitted with the offer, exemptions will not be applied to any resulting contract and the Government will withhold a full 2 percent of each payment.

(f) If the Offeror selects “is” in paragraph (d)(1) and “partial or no exemption” in paragraph (d)(2) of this provision, the Offeror will be subject to withholding in accordance with the clause at FAR 52.229–XX, Tax on Certain Foreign Procurements, in any resulting contract.

(g) A taxpayer may, for a fee, seek advice from the Internal Revenue Service (IRS) as to the proper tax treatment of a transaction. This is called a private letter ruling. Also, the IRS may publish a revenue ruling, which is an official interpretation by the IRS of the Internal Revenue Code, related statutes, tax treaties, and regulations. A revenue ruling is the conclusion of the IRS on how the law is applied to a specific set of facts. For questions relating to the interpretation of the IRS regulations go to <https://www.irs.gov/help/tax-law-questions>.

(End of provision)

#### **52.229–XX Tax on Certain Foreign Procurements.**

As prescribed in 29.402–3(b), insert the following clause:

#### **Tax on Certain Foreign Procurements ([DATE])**

##### *(a) Definitions.*

*Foreign person* means any person other than a United States person.

*United States person*, as defined in 26 U.S.C. 7701(a)(30), means—

(1) A citizen or resident of the United States,

(2) A domestic partnership,

(3) A domestic corporation,

(4) Any estate (other than a foreign estate, within the meaning of paragraph (31)), and

(5) Any trust if—

(i) A trust within the United States is able to exercise primary supervision over the administration of the trust; and

(ii) One or more United States persons have the authority to control all substantial decisions of the trust.

(b) This clause applies to foreign persons. It implements 26 U.S.C. 5000C, Imposition of tax on certain foreign procurement, and its implementing regulations at 26 CFR 1.5000C–1 through 1.5000C–7.

(c)(1) If the Contractor is a foreign person and has only a partial or no exemption to the withholding, the Contractor shall include the Department of the Treasury Internal Revenue Service Form W–14, Certificate of Foreign Contracting Party Receiving Federal Procurement Payments, with each voucher or invoice submitted under this contract throughout the period in which this status is applicable. The excise tax withholding is applied at the payment level, not at the

contract level. The Contractor should revise each IRS Form W–14 submission to reflect the exemption (if any) that applies to that particular invoice, such as a different exemption applying. In the absence of a completed IRS Form W–14 accompanying a payment request, the default withholding percentage is 2 percent for the section 5000C withholding for that payment request. Information about IRS Form W–14 and its separate instructions is available via the internet at [www.irs.gov/w14](http://www.irs.gov/w14).

(2) If the Contractor is a foreign person and has indicated in its offer in the provision 52.229–WW, Tax on Certain Foreign Procurements—Notice and Representation, that it is fully exempt from the withholding, and certified the full exemption on the IRS Form W–14, and if that full exemption no longer applies due to a change in circumstances during the performance of the contract that causes the Contractor to become subject to the withholding for the 2 percent excise tax then the Contractor shall—

(i) Notify the Contracting Officer within 30 days of a change in circumstances that causes the Contractor to be subject to the excise tax withholding under 26 U.S.C. 5000C, Imposition of tax on certain foreign procurement; and

(ii) Comply with paragraph (c)(1) of this clause.

(d) The Government will withhold a full 2 percent of each payment unless the Contractor claims an exemption. If the Contractor enters a ratio in Line 12 of the IRS Form W–14, the result of Line 11 divided by Line 10, the Government will withhold from each payment an amount equal to 2 percent multiplied by the contract ratio. If the Contractor marks box 9 of the IRS Form W–14 (rather than completes Lines 10 through 12), the Contractor must identify and enter the specific exempt and nonexempt amounts in Line 15 of the IRS Form W–14; the Government will then withhold 2 percent only from the nonexempt amount. See the IRS Form W–14 and its instructions.

(e) Exemptions from the withholding under this clause are described at 26 CFR 1.5000C–1(d)(5) through (d)(7). Any exemption claimed and self-certified on the IRS Form W–14 is subject to audit by the IRS. Any disputes regarding the imposition and collection of the section 5000C tax are adjudicated by the IRS as the section 5000C tax is a tax matter, not a contract issue.

(f) Taxes imposed under 26 U.S.C. 5000C may not be—

(1) Included in the contract price; nor

(2) Reimbursed.

(g) A taxpayer may, for a fee, seek advice from the Internal Revenue Service (IRS) as to the proper tax treatment of a transaction. This is called a private letter ruling. Also, the IRS may publish a revenue ruling, which is an official interpretation by the IRS of the Internal Revenue Code, related statutes, tax treaties, and regulations. A revenue ruling is the conclusion of the IRS on how the law is applied to a specific set of facts. For questions relating to the interpretation of the IRS regulations go to <https://www.irs.gov/help/tax-law-questions>.

(End of clause)

[FR Doc. 2019–20227 Filed 9–19–19; 8:45 am]

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## **DEPARTMENT OF DEFENSE**

### **GENERAL SERVICES ADMINISTRATION**

### **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

#### **48 CFR Parts 12, 29, and 52**

[FAR Case 2018–023; Docket No. FAR–2018–0023, Sequence No. 1]

RIN 9000–AN68

#### **Federal Acquisition Regulation: Taxes—Foreign Contracts in Afghanistan**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to add two new clauses that notify contractors of requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before November 19, 2019 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FAR Case 2018–023 using any of the following methods:

- *Regulations.gov:* <https://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by entering “FAR Case 2018–023” under the heading “Enter Keyword or ID” and selecting “Search”. Select the link “Submit a Comment” that corresponds with “FAR Case 2018–023”. Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “FAR Case 2018–023” on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

*Instructions:* Please submit comments only and cite “FAR Case 2018–023” in all correspondence related to this case. All comments received will be posted without change to <https://www.regulations.gov>, including any

personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kevin Funk, Procurement Analyst, at 202-357-5805 or [kevin.funk@gsa.gov](mailto:kevin.funk@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202-501-4755. Please cite “FAR Case 2018-023.”

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Agreements established with the Islamic Republic of Afghanistan exempt the United States Government and the North Atlantic Treaty Organization (NATO) Forces, and their contractors from liability for Afghanistan taxes and similar charges (e.g. customs, duties, fees).

The Security and Defense Cooperation Agreement (the Agreement) between the Islamic Republic of Afghanistan and the United States of America was signed on September 30, 2014, and entered into force on January 1, 2015. The Agreement exempts the United States Government, and its contractors and subcontractors (other than those that are Afghan legal entities or residents), from paying any tax or similar charge assessed on activities associated with contracts performed within Afghanistan. The Agreement also exempts the acquisition, importation, exportation, reexportation, transportation, and use of supplies and services in Afghanistan, by or on behalf of the United States Government, from any taxes, customs, duties, fees, or similar charges in Afghanistan.

The Status of Forces Agreement (SOFA) between NATO and the Islamic Republic of Afghanistan was issued on September 30, 2014, and entered into force on January 1, 2015. The SOFA exempts NATO Forces and its contractors and subcontractors (other than those that are Afghan legal entities or residents) from paying any tax or similar charge assessed within Afghanistan. The SOFA also exempts the acquisition, importation, exportation, reexportation, transportation and use of supplies and services in Afghanistan from all Afghan taxes, customs, duties, fees, or similar charges.

DoD, GSA, and NASA are proposing to add two new FAR clauses to notify contractors of the exemptions under the Agreement and the SOFA.

This FAR rule was opened at the request of DoD's Regulatory Reform Task Force (RRTF). The RRTF was established under Executive Order 13777, titled “Enforcing the Regulatory

Reform Agenda,” which requires agencies to evaluate existing regulations on whether they should be repealed, replaced, modified, or retained. The focus of the DoD RRTF was to reduce regulatory burden on the public. The DoD RRTF recommended this case be opened, since these policies apply to multiple federal agencies identified in this rule as a “covered agency.” Some covered agencies have developed agency-level clauses. Therefore, the recommendation was made to elevate and include this policy in the FAR. This measure eliminates the need for agency-unique supplemental regulations and ensures unified guidance among the affected agencies, consistent with the purpose of the FAR system.

**II. Discussion and Analysis**

This proposed rule would notify contractors about the tax exemptions described in Section I of this preamble by adding the following two clauses:

- FAR 52.229-XX, Taxes—Foreign Contracts in Afghanistan, is proposed for inclusion in all solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, with performance in Afghanistan, unless the clause at 52.229-YY is used. The Agreement incorporated by this clause exempts: (1) The United States Government, and its contractors and subcontractors, (other than those that are Afghan legal entities or residents), from paying any tax or similar charge assessed on activities associated with contracts within Afghanistan; and (2) the acquisition, importation, exportation, reexportation, transportation, and use of supplies and services in Afghanistan, by or on behalf of the United States Government, from any taxes, customs, duties, or similar charges in Afghanistan. Contractors are required to exclude any Afghan taxes, customs, duties, or similar charges from contract prices, other than those charged to Afghan legal entities or residents.

- FAR 52.229-YY, Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement) is proposed for inclusion, instead of clause 52.229-XX, Taxes—Foreign Contracts in Afghanistan, in all solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, with performance in Afghanistan awarded on behalf of NATO. The SOFA incorporated by this clause exempts: (1) NATO Forces and its contractors and subcontractors (other than those that are Afghan legal entities or residents) from paying any tax or similar charge assessed within

Afghanistan; and (2) the acquisition, importation, exportation, transportation, and use of supplies and services in Afghanistan, by or on behalf of the U.S. Government, from all Afghan taxes, customs, duties, or similar charges.

Since both agreements are currently effective for contractors operating in Afghanistan, this rule is only notifying contractors about the exemptions from liability for Afghanistan taxes, customs, duties, fees or similar charges. The rule is not adding any new requirements for contractors; however, it is providing unified guidance for contractors performing in Afghanistan. DoD issued a final rule on December 30, 2015, at 80 FR 81467 that added similar clauses for applicable DoD contracts.

**III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items**

This rule creates two new clauses: (1) FAR 52.229-XX, Taxes—Foreign Contracts in Afghanistan, and (2) FAR 52.229-YY, Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement). The objective of the rule is to notify U.S. Government contractors that contracts performed in Afghanistan are exempt from payment liability for Afghan taxes, customs, duties, fees or similar charges pursuant to the Agreement and SOFA.

DoD, GSA, and NASA are applying these two clauses to applicable solicitations and contracts below the SAT and to the acquisition of commercial items, including COTS items, as defined at FAR 2.101. This rule clarifies the application of requirements relating to treatment of Afghan taxes, customs, duties, fees or similar charges for contracts performed in Afghanistan. Not applying these clauses to contracts below the SAT and for the acquisition of commercial items, including COTS items, would exclude contracts intended to be covered by this rule and undermine the overarching purpose of the rule for providing guidance to all applicable contractors. Consequently, DoD, GSA, and NASA are applying the rule to applicable contracts below the SAT and for the acquisition of applicable commercial items, including COTS items.

**IV. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits

(including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is a not significant regulatory action and, therefore, is not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### V. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

#### VI. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this rule only clarifies contractor exemptions from Afghan taxes, customs, duties, fees or similar charges on contracts performed in Afghanistan. However, an Initial Regulatory Flexibility Analysis has been performed, and is summarized as follows:

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to add two new clauses that notify contractors of requirements relating to Afghanistan taxes, customs, duties, fees, or similar charges when contracts are being performed in Afghanistan.

The Agreement between the Islamic Republic of Afghanistan and the U.S. Government exempts the Government, and its contractors and subcontractors (other than those that are Afghan legal entities or residents), from paying any tax or similar charge assessed on activities associated with contracts performed within Afghanistan.

The SOFA between NATO and the Islamic Republic of Afghanistan exempts NATO Forces and its contractors and subcontractors (other than those that are Afghan legal entities or residents) from paying any tax or similar charge assessed within Afghanistan.

The objective is to notify contractors of both the Agreement and SOFA to clarify how they apply to contracts performed in Afghanistan.

According to data in the Federal Procurement Data System, the Government awarded an annual average of 4,277 contracts for fiscal years 2017 and 2018 with the principal place of performance in Afghanistan to 444 unique contractors annually, of which 488 contracts were awarded annually to 110 unique small businesses (23 percent). There was an average of 488 contracts with the principal place of performance in Afghanistan awarded annually to small businesses in fiscal years 2017 and 2018. There was an average of

3,789 contracts with the principal place of performance in Afghanistan awarded annually to large businesses. The number of potential subcontractors to which the clause would flow down was calculated by using a ratio of 1:3, subcontractors per prime contract (4,277 annual prime contracts). This equates to 1,426 subcontractors, of which DoD, GSA, and NASA estimate that 75 percent would be small entities (*i.e.*, 1,069). The total number of prime contractor and subcontractor small businesses impacted annually is 1,577.

The proposed rule does not include additional reporting, record keeping requirements, or other compliance requirements. The proposed rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no available alternatives to the proposed rule to accomplish the desired objective of the statute. We do not expect this proposed rule to have a significant economic impact on a substantial number of small entities, because the rule is not implementing any new requirements with which small entities must comply. Also, small entities will benefit from having one governmentwide clause that identifies the current requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 610 (FAR Case 2018–023), in correspondence.

#### VII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

#### List of Subjects in 48 CFR parts 12, 29, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 12, 29, and 52 to read as follows:

■ 1. The authority citation for 48 CFR parts 12, 29, and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

#### PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Amend section 12.301 by redesignating paragraph (d)(12) as paragraph (d)(14), and adding new paragraphs (d)(12) and (d)(13) to read as follows:

##### 12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

\* \* \* \* \*

(d) \* \* \*  
(12) Insert the clause at 52.229–XX, Taxes—Foreign Contracts in Afghanistan, as prescribed in 29.402–3(a).

(13) Insert the clause at 52.229–YY, Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement), as prescribed in 29.402–3(b).

\* \* \* \* \*

##### 29.001 [Added]

■ 3. Add section 29.001 to read as follows:

##### 29.001 Definitions.

As used in this part—  
“North Atlantic Treaty Organization (NATO) Forces” means the Members of the Force, Members of the Civilian Component, NATO Personnel and all property, equipment, and materiel of NATO, NATO Member States, and Operational Partners present in the territory of Afghanistan.

“U.S. Forces” means the entity comprising the members of the force and of the civilian component, and all property, equipment, and materiel of the United States Armed Forces present in the territory of Afghanistan.

##### 29.402–3 [Added]

■ 4. Add section 29.402–3 to read as follows:

##### 29.402–3 Taxes—Foreign Contracts in Afghanistan.

(a) Use the clause at 52.229–XX, Taxes—Foreign Contracts in Afghanistan, in solicitations and contracts with performance in Afghanistan awarded by or on behalf of U.S. Forces, unless the clause at 52.229–YY is used.

(b) Use the clause at 52.229–YY, Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces

Agreement), instead of the clause at 52.229–XX, Taxes—Foreign Contracts in Afghanistan, in solicitations and contracts with performance in Afghanistan awarded on behalf of or in support of the North Atlantic Treaty Organization (NATO), which are governed by the NATO Status of Forces Agreement (SOFA).

## **PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

### **52.229–XX and 52.229–YY [Added]**

■ 5. Add sections 52.229–XX and 52.229–YY to read as follows:

#### **52.229–XX Taxes—Foreign Contracts in Afghanistan.**

As prescribed in 29.402–3(a), use the following clause:

#### **Taxes—Foreign Contracts in Afghanistan (Date)**

(a) *Definition*. “U.S. Forces,” as used in this clause, means the entity comprising the members of the force and of the civilian component, and all property, equipment, and materiel of the United States Armed Forces present in the territory of Afghanistan.

(b) *Tax exemption*. This acquisition is covered by the Security and Defense Cooperation Agreement (the Agreement) between the Islamic Republic of Afghanistan (Afghanistan) and the United States of America signed on September 30, 2014, and entered into force on January 1, 2015.

(1) The Agreement exempts the United States Government, and its contractors and subcontractors (other than those that are Afghan legal entities or residents), from paying any tax or similar charge assessed on activities associated with this contract within

Afghanistan if the activities are on behalf of or in support of U.S. Forces. The Agreement also exempts the acquisition, importation, exportation, reexportation, transportation, and use of supplies and services in Afghanistan, on behalf of or in support of U.S. Forces, from any taxes, customs, duties, fees, or similar charges imposed by the Government of Afghanistan.

(2) The Contractor shall exclude any Afghan taxes, customs, duties, fees, or similar charges from the contract price, other than those charged to Afghan legal entities or residents.

(3) The Agreement does not exempt Afghan employees of Government contractors and subcontractors from Afghan tax laws. To the extent required by Afghan law, the Contractor shall withhold tax from the wages of these employees and remit those payments to the appropriate Afghan taxing authority. These withholdings are an individual's liability, not a tax against the Contractor.

(c) *Subcontracts*. The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts, including subcontracts for commercial items.

(End of clause)

#### **52.229–YY Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement).**

As prescribed in 29.402–3(b), use the following clause:

#### **TAXES—FOREIGN CONTRACTS IN AFGHANISTAN (NORTH ATLANTIC TREATY ORGANIZATION STATUS OF FORCES AGREEMENT) (DATE)**

(a) *Definition*. “North Atlantic Treaty Organization (NATO) Forces,” as used in this clause, means the Members of the Force, Members of the Civilian Component, NATO Personnel and all property, equipment, and

materiel of NATO, NATO Member States, and Operational Partners present in the territory of Afghanistan.

(b) *Tax exemption*. This acquisition is covered by the Status of Forces Agreement (SOFA) entered into between NATO and the Islamic Republic of Afghanistan (Afghanistan) issued on September 30, 2014, and entered into force on January 1, 2015.

(1) The SOFA exempts NATO Forces and its contractors and subcontractors (other than those that are Afghan legal entities or residents) from paying any tax or similar charge assessed within Afghanistan if the activities are on behalf of or in support of NATO Forces. The SOFA also exempts the acquisition, importation, exportation, reexportation, transportation and use of supplies and services in Afghanistan on behalf of or in support of NATO Forces from all Afghan taxes, customs, duties, fees, or similar charges.

(2) The Contractor shall exclude any Afghan taxes, customs, duties, fees or similar charges from the contract price, other than those charged to Afghan legal entities or residents.

(3) Afghan citizens employed by NATO contractors and subcontractors are subject to Afghan tax laws. To the extent required by Afghan law, the Contractor shall withhold tax from the wages of these employees and remit those withholdings to the appropriate Afghan taxing authority. These withholdings are an individual's liability, not a tax against the Contractor.

(c) *Subcontracts*. The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts including subcontracts for commercial items.

(End of clause)

[FR Doc. 2019–20046 Filed 9–19–19; 8:45 am]

**BILLING CODE 6820–EP–P**

# Notices

Federal Register

Vol. 84, No. 183

Friday, September 20, 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

### Forest Service

#### Notice of Proposed New Fee Sites for the Daniel Boone National Forest

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of proposed new fee sites.

**SUMMARY:** The Daniel Boone National Forest in Kentucky is proposing to charge new fees at nine recreation sites. These sites currently have amenities that are typically associated with fee areas. Fees are assessed based on the level of amenities and services provided, cost of operation and maintenance, market assessment, and public comment. Funds from fees would be used for the continued operation and maintenance of these recreation sites.

**DATES:** Send any comments on the proposed new fees by October 21, 2019. The comments will be compiled, analyzed, and shared with the Southern Region Recreation Resource Advisory Committee. New fee charges would begin after January 2020.

**ADDRESSES:** Written comments concerning this notice should be addressed to the Supervisor's Office: Dan Olsen, Forest Supervisor, Daniel Boone National Forest, 1700 Bypass Road, Winchester, KY 40391.

**FOR FURTHER INFORMATION CONTACT:** Tom Fouts, Recreation Fee Coordinator, 859-745-3100 or email [tom.fouts@usda.gov](mailto:tom.fouts@usda.gov). Information about proposed fee changes can be found on the Daniel Boone National Forest website at <https://www.fs.usda.gov/dbnf/>.

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. New fee sites proposed at \$5 daily, \$7 for three days, and \$50 annually includes

Bangor, Leatherwood, Clear Creek, Bee Rock and Craigs Creek boat ramps, Whitman Branch Shooting Range, and Billy Branch Group Picnic Site. Great Meadows Campground and S-Tree Campground are proposed at \$15/night for a single site and \$20/night for a double site. These sites will accept the suite of America the Beautiful, the National Parks and Federal Recreational Lands' (interagency) passes. Once public involvement is complete, these new fees will be reviewed by the Recreation Resource Advisory Committee prior to final decision and implementation.

Dated: August 22, 2019.

**Richard A. Cooksey,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2019-20341 Filed 9-19-19; 8:45 am]

**BILLING CODE 3411-15-P**

## COMMISSION ON CIVIL RIGHTS

#### Notice of Public Meeting of the Michigan Advisory Committee

**AGENCY:** U.S. 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 that the Michigan Advisory Committee (Committee) will hold a meeting on Friday, October 18, 2019, at 1:00 p.m. EST the purpose of the meeting will be to nominate and vote on a vice-chair and continue reviewing a draft of the voting rights report.

**DATES:** The meeting will be held on Friday, October 18, 2019, at 1:00 p.m. EST.

*Public Call Information:* Dial: 800-635-7637; Conference ID: 8726995.

**FOR FURTHER INFORMATION CONTACT:** Ana Victoria Fortes, DFO, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or 213-894-3437.

**SUPPLEMENTARY INFORMATION:** Members of the public can listen to the discussion. This meeting is available to the public through the above toll-free call-in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a

statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. 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 also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 230 S Dearborn St., Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353-8324 or emailed to Carolyn Allen at [callen@usccr.gov](mailto:callen@usccr.gov). Persons who desire additional information may contact the Regional Programs Office at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Michigan Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Office at the above email or street address.

#### Agenda:

- I. Welcome and Roll Call
- II. Approval of August 30, 2019 Minutes
- III. Review Report Draft
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: September 17, 2019.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2019-20429 Filed 9-19-19; 8:45 am]

**BILLING CODE P**



**DEPARTMENT OF COMMERCE****Bureau of the Census****National Advisory Committee**

**AGENCY:** Bureau of the Census, Department of Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Bureau of the Census (Census Bureau) gives notice of a meeting of the National Advisory Committee on Racial, Ethnic, and Other Populations (NAC). The NAC addresses policy, research, and technical issues relating to Census Bureau programs and activities, including the Decennial Census Program. The NAC is scheduled to meet in a plenary session on November 7–8, 2019. Please visit the Census Advisory Committees website for the most current meeting agenda at: <https://www.census.gov/about/cac/nac.html>. The meeting will be available live via webcast at: <http://www.census.gov/newsroom/census-live.html>.

**DATES:** November 7–8, 2019. On Thursday, November 7, the meeting will begin at 8:30 a.m. EST and end at 5:00 p.m. EST. On Friday, November 8, the meeting will begin at 8:30 a.m. EST and end at 2:00 p.m. EST.

**ADDRESSES:** The meeting will be held at the U.S. Census Bureau Auditorium, 4600 Silver Hill Road, Suitland, Maryland 20746.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Leonard, External Stakeholder Program Manager, Office of Program, Performance and Stakeholder Integrations, at [census.national.advisory.committee@census.gov](mailto:census.national.advisory.committee@census.gov), Department of Commerce, U.S. Census Bureau, Room 8H216A, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–7281. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** The NAC was established in March 2012 and operates in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10). NAC members are appointed by the Director of the Census Bureau and provide recommendations to the Director on statistical and data collection issues on topics such as hard-to-reach populations, race and ethnicity, language, aging populations, American Indian and Alaska Native tribal considerations, new immigrant populations, populations affected by natural disasters, highly mobile and migrant populations, complex households, rural populations, and

population segments with limited access to technology. The Committee also advises on data privacy and confidentiality, among other issues. Planned topics of discussion include the following items:

- Update on the 2020 Census
  - Operations and Systems Readiness Program
  - Partnerships Program
  - Disclosure Avoidance and Administrative Data
- 2020 Census Data Products Plan
- Plans to Evaluate the Census 2020
- Measuring Coverage in the 2020 Census: Demographic Analysis and the Post Enumeration Survey
- Dissemination Plans for the 2017 Economic Census

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on Friday, November 8. However, individuals with extensive questions or statements must submit them in writing to: [census.national.advisory.committee@census.gov](mailto:census.national.advisory.committee@census.gov) (subject line “November 2019 NAC Meeting Public Comment”), or by letter submission to Kimberly L. Leonard, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H216A, 4600 Silver Hill Road, Washington, DC 20233.

If you plan to attend the meeting, please register by Monday, April 29, 2019. You may access the online registration from the following link: <https://nacnov2019.eventbrite.com>.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer as soon as known, and preferably two weeks prior to the meeting.

Due to security protocols and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor’s badge. Visitors are not allowed beyond the first floor.

Dated: September 13, 2019.

**Steven D. Dillingham,**  
*Director, Bureau of the Census.*

[FR Doc. 2019–20373 Filed 9–19–19; 8:45 am]

**BILLING CODE 3510–07–P**

**DEPARTMENT OF COMMERCE****U.S. Census Bureau****Submission for OMB Review; Comment Request; Correction**

The Department of Commerce will submit to the Office of Management and

Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

The U.S. Census Bureau published a document in the **Federal Register** on September 9, 2019, concerning a request for comments on the 2020 Census—Evaluations and Experiments revision. This notice contained an error in the stated response rate. The response rate that is used in the burden calculation is 60.5 percent.

**FOR FURTHER INFORMATION CONTACT:**  
*Robin.A.Pennington@census.gov*, (301) 763–8132.

**Correction**

In the **Federal Register** of September 9, 2019, Vol. 84, Number 174, pp. 47233–47239, FR Doc No.: 2019–19312, in the section describing the updates to the burden calculation, correct the “predicted response rate” to read: The predicted response rate within the self-response area is 60.5 percent and within the Update Leave area is 51 percent.

**Sheleen Dumas,**

*Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2019–20334 Filed 9–19–19; 8:45 am]

**BILLING CODE 3510–07–P**

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board**

[S–149–2019]

**Approval of Subzone Expansion, Abbott Laboratories, Elk Grove Village, Illinois**

On July 29, 2019, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Illinois International Port District, grantee of FTZ 22, requesting an expansion of Subzone 22F subject to the existing activation limit of FTZ 22, on behalf of Abbott Laboratories, in Elk Grove Village, Illinois.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (84 FR 37832, August 2, 2019). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 22F was approved on September 16, 2019, subject to the FTZ Act and the Board’s regulations,



including Section 400.13, and further subject to FTZ 22's 2,000-acre activation limit.

Dated: September 16, 2019.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. 2019-20396 Filed 9-19-19; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-909]

#### **Certain Steel Nails From the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On September 17, 2018, the Department of Commerce (Commerce) published a notice of initiation and the preliminary results of the changed circumstances review (CCR) of the antidumping duty (AD) order on certain steel nails (nails) from the People's Republic of China (China) in the **Federal Register** regarding certain scope exclusion language. Commerce has adopted the revised scope exclusion language in these final results.

**DATES:** Applicable September 20, 2019.

**FOR FURTHER INFORMATION CONTACT:** Matthew Renkey, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2312.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 1, 2008, Commerce published the AD order on nails from China.<sup>1</sup> On April 21, 2011, in response to a request submitted by the petitioner,<sup>2</sup> Commerce published an initiation and preliminary results of a CCR, in which Commerce preliminarily revoked the *Order* with respect to four types of steel nails based on the petitioner's expressed lack of interest in antidumping duty relief with respect to such imports.<sup>3</sup> On May 24, 2011,

Commerce published its final results for the CCR revoking the *Order* with respect to the aforementioned four types of steel nails, unchanged from the preliminary results.<sup>4</sup>

On March 22, 2017, the petitioner requested that Commerce initiate another CCR to clarify language regarding the four types of steel nails that were excluded from the scope of the *Order* in the *2011 CCR Final Results*.<sup>5</sup> On September 17, 2018, Commerce published a notice of initiation and preliminary results of the CCR, and preliminarily determined it appropriate to revise the scope exclusion language which was adopted in the *2011 CCR Final Results* to align the exclusion language with the intent of the *2011 CCR Final Results*.<sup>6</sup>

In accordance with 19 CFR 351.309, we invited parties to comment on our *Initiation and Preliminary Results*. On September 27, 2018, PrimeSource Building Products, Inc. (PrimeSource) submitted a timely filed case brief. On October 4, 2018, the petitioner submitted a timely rebuttal brief pursuant to our regulations.

##### **Scope of the Order**

The merchandise covered by the *Order* includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the *Order* are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55, 7317.00.65, 7317.00.75, and 7907.00.6000.<sup>7</sup> While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.<sup>8</sup>

##### **Analysis of Comments Received**

We addressed all issues raised in the case and rebuttal briefs by parties to this review in the Issues and Decision Memorandum (I&D Memo).<sup>9</sup> Attached to

<sup>4</sup> See *Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review*, 76 FR 30101 (May 24, 2011) (*2011 CCR Final Results*).

<sup>5</sup> See Petitioner's Letter, "Request for Changed Circumstances Review," dated March 22, 2017.

<sup>6</sup> See *Certain Steel Nails from the People's Republic of China: Initiation and Expedited Preliminary Results of Antidumping Duty Changed Circumstances Review*, 83 FR 46916 (September 17, 2018) (*Initiation and Preliminary Results*).

<sup>7</sup> Commerce added the Harmonized Tariff Schedule category 7907.00.6000, "Other articles of zinc: Other," to the language of the *Order*. See Memorandum, "Certain Steel Nails from the People's Republic of China: Cobra Anchors Co. Ltd. Final Scope Ruling," dated September 19, 2013.

<sup>8</sup> For a full description of the scope of the *Order*, see Attachment I.

<sup>9</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of Changed

this notice, in Appendix II, is a list of the issues which parties raised. The I&D Memo is a public document and on file in the Central Records Unit (CRU), Room B8024 of the main Commerce building, as well as 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 CRU. In addition, a complete version of the I&D Memo can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed I&D Memo and the electronic versions of the I&D Memo are identical in content.

##### **Final Results of Changed Circumstances Review**

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216, Commerce determines that changed circumstances exist sufficient to warrant revisions to the scope exclusion language adopted in the *2011 CCR Final Results* to align with the intent of the *2011 CCR Final Results*. The full description of the scope of the *Order*, including the revised exclusion language, is at Attachment I.

##### **Cash Deposit Requirements and Assessment**

Effective upon publication of the final results of this changed circumstances review, the revised exclusion language will apply to all shipments of the subject merchandise from China, entered, or withdrawn from warehouse, for consumption on or after the publication date of the *Initiation and Preliminary Results*, September 17, 2018, and that remain unliquidated as of the date of publication of the final results of this determination. For any entries which are not subject to the *Order*, Commerce will instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to applicable antidumping duties, all unliquidated entries of nails that meet the revised exclusion language, and to refund any estimated antidumping duties collected on such merchandise entered, or withdrawn from warehouse, for consumption on or after September 17, 2018, the publication of the *Initiation and Preliminary Results* in accordance with section 778 of the Act. For all entries of merchandise subject to the *Order* pursuant to the revised exclusions, Commerce will instruct CBP to suspend liquidation and require

Circumstances Review: Certain Steel Nails from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice.

<sup>1</sup> See *Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China*, 73 FR 44961 (August 1, 2008) (*Order*).

<sup>2</sup> The petitioner is Mid Continent Steel & Wire, Inc. (Mid Continent).

<sup>3</sup> See *Certain Steel Nails from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 76 FR 22369 (April 21, 2011).

estimated cash deposits at the applicable rate. These deposit requirements, when imposed, shall remain in effect until further notice.

Commerce intends to issue appropriate instructions directly to CBP within 15 days of publication of these final results of review.

### Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclose under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of APO is a sanctionable violation.

### Notification to Interested Parties

We are issuing and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i) of the Act, and 19 CFR 351.216 and 19 CFR 351.222.

Dated: September 13, 2019.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### Attachment I

#### Revised Scope of the Order

The merchandise covered by this order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails include, but are not limited to, nails made of round wire and nails that are cut. Certain steel nails may be of one-piece construction or constructed of two or more pieces. Certain steel nails may be produced from any type of steel, and have a variety of finishes, heads, shanks, point types, shaft lengths and shaft diameters. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, whether by electroplating or hot dipping one or more times), phosphate cement, and paint. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted shank styles. Screw-threaded nails subject to this order are driven using direct force and not by turning the fastener using a tool that engages with the head. Point styles include, but are not limited to, diamond, blunt, needle, chisel and no point. Finished nails may be sold in bulk, or they may be collated into strips or coils using materials such as plastic, paper, or wire. Certain steel nails subject to this order are currently classified under the Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 7317.00.55, 7317.00.65, 7317.00.75, and 7907.00.6000.<sup>10</sup>

Excluded from the scope are steel roofing nails of all lengths and diameter, whether collated or in bulk, and whether or not galvanized. Steel roofing nails are specifically enumerated and identified in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, inclusive of the following modifications: (1) Non-collated (*i.e.*, hand-driven or bulk), steel nails as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: Having a bright or galvanized finish, a smooth, barbed or ringed shank, an actual length of 0.500" to 4", inclusive; an actual shank diameter of 0.1015" to 0.166", inclusive; and an actual head diameter of 0.3375" to 0.500", inclusive; (2) Wire collated steel nails, in coils, as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: having a galvanized finish, a smooth, barbed or ringed shank, an actual length of 0.500" to 1.75", inclusive, an actual shank diameter of 0.116" to 0.166", inclusive; and an actual head diameter of 0.3375" to 0.500", inclusive; and (3) Non-collated (*i.e.*, hand-driven or bulk), as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: Steel nails having a convex head (commonly known as an umbrella head), a smooth or spiral shank, a galvanized finish, an actual length of 1.75" to 3", inclusive; an actual shank diameter of 0.131" to 0.152", inclusive; and an actual head diameter of 0.450" to 0.813", inclusive.

Also excluded from the scope are the following steel nails: Non-collated (*i.e.*, hand-driven or bulk), two-piece steel nails having plastic or steel washers (caps) already assembled to the nail, having a bright or galvanized finish, a ring, fluted or spiral shank, an actual length of 0.500" to 8", inclusive; and an actual shank diameter of 0.1015" to 0.166", inclusive; and an actual washer or cap diameter of 0.900" to 1.10", inclusive.

Also excluded from the scope of this order are corrugated nails. A corrugated nail is made of a small strip of corrugated steel with sharp points on one side. Also excluded from the scope of this order are fasteners suitable for use in powder-actuated hand tools, not threaded and threaded, which are currently classified under HTSUS 7317.00.20 and 7317.00.30. Also excluded from the scope of this order are thumb tacks, which are currently classified under HTSUS 7317.00.10.00.

Also excluded from the scope of this order are certain brads and finish nails that are equal to or less than 0.0720 inches in shank diameter, round or rectangular in cross section, between 0.375 inches and 2.5 inches in length, and that are collated with adhesive or polyester film tape backed with a heat seal adhesive. Also excluded from the scope of this order are fasteners having a case hardness greater than or equal to 50 HRC, a carbon content greater than or equal to 0.5

zinc: Other," to the language of the AD order on Nails from China. *See Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*; 2012–2013, 80 FR 18816, 18816 n.5 (April 5, 2018).

percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point, suitable for use in gas-actuated hand tools. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

### Attachment II

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Effective Date
- IV. Discussion of the Issues
  - Comment 1: Whether CCR is an Unlawful Expansion of the Scope
  - Comment 2: Whether the Scope Language Resulting from the 2011 CCR Needs to Be Revised to Prevent the Misuse of the Exclusion Language
  - Comment 3: Policy Considerations
- V. Recommendation

[FR Doc. 2019–20397 Filed 9–19–19; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XV074

### 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's (Council) will hold a meeting of its Habitat Protection and Ecosystem-Based Management Advisory Panel (AP).

**DATES:** The Habitat Protection and Ecosystem-Based Management AP meeting will take place October 22, 2019, from 9 a.m. to 4:30 p.m.; October 23, 2019, from 9 a.m. until 4:30 p.m.; and October 24, 2019, from 9 a.m. until 12 p.m.

#### ADDRESSES:

**Meeting address:** The meeting will be held at Florida Fish and Wildlife Research Institute, 100 8th Avenue SE, St. Petersburg, FL 33701; phone: (727) 896–8626.

**Council address:** South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

<sup>10</sup> Commerce added the Harmonized Tariff Schedule category 7907.00.6000, "Other articles of

**SUPPLEMENTARY INFORMATION:** The Habitat Protection and Ecosystem-Based Management AP meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information 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.

The AP meeting agenda includes the following items: South Atlantic Deep Water Ecosystem Mapping/ Characterization—2019 Activities; ecosystem considerations—prey supporting Dolphin Wahoo fisheries; The Florida Keys National Marine Sanctuary Draft Environmental Impact Statement (DEIS) Marine Zoning and Regulatory Review; the Council's Citizen Science Program; the Southeast Connectivity and Adaptation Strategy; State activities addressing climate resiliency; documenting occurrence and impacts of extreme weather events; energy development activities in the South Atlantic; regional fishery independent research update; NOAA Fisheries Ecosystem-Based Fishery Management activities for the South Atlantic region; Status and timelines for completion of deliverables supporting the Council's Fishery Ecosystem Plan (FEP) II; and the FEP II Implementation Plan—Two Year Roadmap. The AP will also discuss the Southeast Coastal Ocean Observing Regional Association (SECOORA) Regional Coastal Ocean Observing Plan; and the South Atlantic Ecopath with Ecosim Model. The AP will develop recommendations as necessary for consideration by the Council's Habitat Protection and Ecosystem-Based Management Committee.

### Special Accommodations

These meetings are 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 17, 2019.

**Rey Israel Marquez,**

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

[FR Doc. 2019-20401 Filed 9-19-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XV076**

### Fisheries of the Atlantic and Gulf of Mexico; 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 65 Data Workshop for Highly Migratory Species (HMS) Blacktip Shark.

**SUMMARY:** The SEDAR 65 assessment of HMS Blacktip Shark will consist of a series of workshops and webinars: A Data Workshop; Assessment Webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR 65 Data Workshop will be held October 29 to November 1, 2019. The workshop will be held from 9 a.m. until 6 p.m. on October 29, from 8 a.m. to 6 p.m. October 30 and 31, and from 8 a.m. until 1 p.m. November 1, 2019. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from, or completed prior to the time established by this notice. Additional SEDAR 65 workshops and webinar dates and times will publish in a subsequent issue in the **Federal Register**.

### ADDRESSES:

**Meeting address:** The SEDAR 65 Data Workshop will be held at the Crown Plaza Hotel, 4831 Tanger Outlet Blvd., North Charleston, SC 29418; phone: (843) 744-4422.

**SEDAR address:** South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; [www.sedarweb.org](http://www.sedarweb.org).

### FOR FURTHER INFORMATION CONTACT:

Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571-4366; email: [Kathleen.howington@safmc.net](mailto:Kathleen.howington@safmc.net).

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in

the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Data Workshop are as follows:

Participants will evaluate all available data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery independent and fishery dependent measures of stock abundance, as specified in the Terms of Reference for the workshop, to develop an assessment data set and associated documentation.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

### Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary

aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 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 17, 2019.

**Key Israel Marquez,**

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

[FR Doc. 2019-20403 Filed 9-19-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XV075**

#### Western Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting and hearing.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold a meeting of its Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

**DATES:** The Hawaii Archipelago FEP AP will meet on Friday, October 11, 2019, between 1 p.m. and 4 p.m. All times listed are local island times. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The Hawaii Archipelago FEP AP will meet at the Council Office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

#### Schedule and Agenda for the Hawaii Archipelago FEP AP Meeting

*Friday, October 11, 2019, 1 p.m.–4 p.m.*

1. Welcome and Introductions
2. Review of the last AP meeting and recommendations
3. Council Issues

- A. Electronic Reporting in the Hawaii Longline Fishery
- B. Terms of Reference for Uku Stock Assessment
4. Hawaii Reports
  - A. Community Report
  - B. Education Report
  - C. Island Report
  - D. Legislative Report
5. Report on Hawaii Archipelago FEP Advisory Panel Plan Activities
6. Hawaii AP Fishery Issues and Activities
7. Public Comment
8. Discussion and Recommendations
9. Other Business

#### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date.

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

Dated: September 17, 2019.

**Key Israel Marquez,**

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

[FR Doc. 2019-20402 Filed 9-19-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XV079**

#### Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

**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 Executive Finance Committee via webinar.

**DATES:** The meeting will be held October 15, 2019, from 9 a.m. until 12 p.m.

**ADDRESSES:** The meeting will be held via webinar. The meeting is open to the public. Registration for the webinar is required. Additional information, including the meeting agenda, overview, briefing book materials, public comment form, and a link for webinar registration will be posted on the Council's website at: <https://safmc.net/safmc-meetings/council-meetings/> as it becomes available.

#### FOR FURTHER INFORMATION CONTACT:

Gregg Waugh, Executive Director, SAFMC; phone: (843) 302-8433 or toll free (866) SAFMC-10; fax: (843) 769-4520; email: [Gregg.Waugh@safmc.net](mailto:Gregg.Waugh@safmc.net).

**SUPPLEMENTARY INFORMATION:** The Council's Executive Finance Committee will meet via webinar to receive an update on the 2019 budget and review the new 5-year Grant (Calendar Year 2020–24), 2020 Activities Schedules, and the draft Calendar Year 2020 Operational Budget. The committee will also receive an overview of the No-Cost Budget Extension. Committee members will take action as needed and provide guidance to staff.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to the webinar.

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

Dated: September 17, 2019.

**Key Israel Marquez,**

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

[FR Doc. 2019-20406 Filed 9-19-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XV077**

#### 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 64 Assessment Webinar II for Southeastern U.S. yellowtail snapper.

**SUMMARY:** The SEDAR 64 stock assessment process for Southeastern U.S. yellowtail snapper will consist of a Data Workshop, a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR 64 Assessment Webinar II will be held Friday, October 11, 2019, from 10 a.m. to 12 p.m., Eastern Time.

**ADDRESSES:** The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an

invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

**SEDAR address:** 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: [Julie.neer@safinc.net](mailto:Julie.neer@safinc.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) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a 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 product of the Review Workshop is an Assessment 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 during the Assessment Webinar are as follows:

1. Using datasets and initial assessment analysis recommended from the data workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

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 webinar.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: September 17, 2019.

**Rey Israel Marquez,**

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

[FR Doc. 2019-20404 Filed 9-19-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Evaluation of State Coastal Management Program

**AGENCY:** Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of public meeting and opportunity to comment.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments on the performance evaluation of the Pennsylvania Coastal Management Program.

**DATES:** *Pennsylvania Coastal Management Program Evaluation:* The public meeting will be held on November 12, 2019, and written comments must be received on or before November 22, 2019.

For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** You may submit comments on the coastal program NOAA intends

to evaluate by any of the following methods:

**Public Meeting and Oral Comments:** A public meeting will be held in Ridley Park, Pennsylvania. For the specific location, see **SUPPLEMENTARY INFORMATION**.

**Written Comments:** Please submit written comments to Ralph Cantral, Senior Advisor, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405 or email comments to [Ralph.Cantral@noaa.gov](mailto:Ralph.Cantral@noaa.gov). Comments that the Office for Coastal Management receives are considered part of the public record and may be publicly accessible. Any personal identifying information (e.g., name, address) submitted voluntarily by the sender may also be publicly accessible. NOAA will accept anonymous comments.

**FOR FURTHER INFORMATION CONTACT:** Ralph Cantral, Senior Advisor, NOAA Office for Coastal Management, NOS/NOAA, 2234 South Hobson Avenue, Charleston, South Carolina 29405, by phone at (843) 740-1143 or email [Ralph.Cantral@noaa.gov](mailto:Ralph.Cantral@noaa.gov). Copies of the previous evaluation findings and 2016-2020 Assessment and Strategy may be viewed and downloaded on the internet at <http://coast.noaa.gov/czm/evaluations>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved state coastal programs. The process includes one or more public meetings, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the state has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

You may participate or submit oral comments at the public meeting scheduled as follows:

**Date:** November 12, 2019.

**Time:** 6:30 p.m., local time.

**Location:** Water's Edge Banquet Hall, 500 North Land, Ridley Park, PA 19078.

Written public comments must be received on or before November 22, 2019.

Federal Domestic Assistance Catalog 11.419  
Coastal Zone Management Program  
Administration

**Keelin Kuipers,**

*Deputy Director, Office for Coastal  
Management, National Ocean Service,  
National Oceanic and Atmospheric  
Administration.*

[FR Doc. 2019–20340 Filed 9–19–19; 8:45 am]

**BILLING CODE 3510–08–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric  
Administration**

**RIN 0648–XV078**

**Fisheries of the South Atlantic; South  
Atlantic Fishery Management Council;  
Public Meeting**

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

**ACTION:** Notice of a public meeting of the  
(SSC).

**SUMMARY:** The South Atlantic Fishery  
Management Council's (Council) will  
hold a meeting of its Scientific and  
Statistical Committee (SSC) in  
Charleston, SC. See **SUPPLEMENTARY  
INFORMATION**.

**DATES:** The SSC will meet from 1 p.m.  
to 5:30 p.m. on Tuesday, October 15,  
2019; from 8:30 a.m. to 5:30 p.m. on  
Wednesday, October 16, 2019; and from  
8:30 a.m. to 3 p.m. on Thursday,  
October 17, 2019.

**ADDRESSES:**

*Meeting address:* The meeting will be  
held at the Crowne Plaza, 4831 Tanger  
Outlet Blvd., North Charleston, SC  
29418; phone: (866) 358–6255 or (843)  
744–4422; fax: (843) 744–4472.

*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,  
4055 Faber Place Drive, Suite 201, North  
Charleston, SC 29405; phone: (843) 571–  
4366 or toll free (866) SAFMC–10; fax:  
(843) 769–4520; email: [kim.iverson@  
safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** The  
following agenda items will be  
addressed by the SSC during the  
meeting:

1. Review the recommendations of the  
SSC's Acceptable Biological Catch  
(ABC) Workgroup regarding ABCs for  
unassessed stocks, make catch level  
recommendations for all unassessed  
stocks, and discuss the use of Monroe  
County, Florida data in both calculating  
the ABC and tracking the landings for  
Dolphin and Wahoo.

2. Updates on Southeast Data,  
Assessment and Review (SEDAR)  
projects; and approve the terms of  
reference, schedule, and identify  
participants for the SEDAR 71 stock  
assessment for Gag.

3. Review the draft National Standard  
1 Guidelines on Carryovers and Phase-  
In Provisions and make any  
recommendations for additions,  
deletions, or edits to the draft language.

4. Review the draft Modernizing  
Recreational Fisheries Act—Report to  
Congress and make any  
recommendations for additions,  
deletions, or edits to the draft language.

5. Review a coral habitat distribution  
model; review the model assumptions  
and methods for predicting coral habitat  
distribution and discuss uncertainties;  
and determine whether this model is  
best scientific information available and  
useful for making management  
decisions.

6. Update on the Southeast Reef Fish  
Survey results from the 2018 sampling  
year.

7. Clarify the SSC's intent of adding  
the Over Fishing Levels (OFL) and ABCs  
for Blueline Tilefish from the areas  
north and south of Cape Hatteras to  
produce a single OFL and ABC for the  
entire stock in the South Atlantic.

8. Update on the progress of the South  
Atlantic Ecosystem Model Workgroup  
and approval of timing moving forward.

9. Review Dolphin Wahoo  
Amendment 12 addressing Bullet and  
Frigate Mackerel; provide any  
comments or recommendations as  
necessary.

10. Updates and progress reports on  
ongoing Council amendments and  
activities; make comments or  
recommendations on any Council  
amendments or activities as necessary.

The meeting is open to the public and  
will also be available via webinar as it  
occurs. Webinar registration is required.  
Information regarding webinar  
registration will be posted to the  
Council's website at: [http://safmc.net/  
safmc-meetings/scientific-and-  
statistical-committee-meetings/](http://safmc.net/safmc-meetings/scientific-and-statistical-committee-meetings/) as it  
becomes available. The meeting agenda,  
briefing book materials, and online  
comment form will be posted to the  
Council's website two weeks prior to the

meeting. Written comment on SSC  
agenda topics is to be distributed to the  
Committee through the Council office,  
similar to all other briefing materials.  
Written comment to be considered by  
the SSC shall be provided to the Council  
office no later than one week prior to an  
SSC meeting. For this meeting, the  
deadline for submission of written  
comment is 12 p.m., Tuesday, October  
8, 2019.

Multiple opportunities for comment  
on agenda items will be provided during  
SSC meetings. Open comment periods  
will be provided at the start of the  
meeting and near the conclusion. Those  
interested in providing comment should  
indicate such in the manner requested  
by the Chair, who will then recognize  
individuals to provide comment.  
Additional opportunities for comment  
on specific agenda items will be  
provided, as each item is discussed,  
between initial presentations and SSC  
discussion. Those interested in  
providing comment should indicate  
such in the manner requested by the  
Chair, who will then recognize  
individuals to provide comment. All  
comments are part of the record of the  
meeting.

Although non-emergency issues not  
contained in the meeting agenda may  
come before this group for discussion,  
those issues may not be the subject of  
formal action during this meeting.  
Action will be restricted to those issues  
specifically identified in this notice and  
any issues arising after publication of  
this notice that require emergency  
action under section 305(c) of the  
Magnuson-Stevens Fishery  
Conservation and Management Act,  
provided the public has been notified of  
the intent to take final action to address  
the emergency

**Special Accommodations**

This meeting is accessible to people  
with disabilities. Requests for auxiliary  
aids should be directed to the SAFMC  
office (see **ADDRESSES**) at least 5  
business days prior to the meeting.

**Note:** The times and sequence specified in  
this agenda are subject to change.

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

Dated: September 17, 2019.

**Key Israel Marquez,**

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

[FR Doc. 2019–20405 Filed 9–19–19; 8:45 am]

**BILLING CODE 3510–22–P**

# **COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

## **Procurement List; Deletions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Deletions from the procurement list.

**SUMMARY:** This action deletes products and services from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** Date deleted from the Procurement List: October 20, 2019.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** Michael R. Jurkowski, Telephone: (703) 603-2117, Fax: (703) 603-0655, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

## **SUPPLEMENTARY INFORMATION:**

### **Deletions**

On 8/16/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

### **Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the products and services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the products and services deleted from the Procurement List.

### **End of Certification**

Accordingly, the following products and services are deleted from the Procurement List:

### **Products**

#### **NSN(s)—Product Name(s):**

MR 1103—Heavy Duty Laundry Bag  
MR 1116—Duster, Flexible, Multi Microfiber, Red  
MR 11012—Grocery Shopping Tote Bag, Laminated, Commissary 150th Anniversary, Interior Scene  
MR 11060—Grocery Shopping Tote Bag, Laminated, Summer, Yellow, Small  
MR 11059—Grocery Shopping Tote Bag, Laminated, Summer, Pink, Small  
MR 11064—Grocery Shopping Tote Bag, Laminated, Halloween, Ghost, Small  
MR 381—Gift Box, Sweet Treat, Christmas  
**Mandatory Source of Supply:** Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC  
**Contracting Activity:** Military Resale-Defense Commissary Agency

#### **NSN(s)—Product Name(s):**

7530-01-600-2022—Notebook, Spiral Bound, Biobased Bagasse Paper, 5 x 7 1/2", 80 sheets, College Rule, White  
7530-01-600-2024—Notebook, Spiral Bound, Biobased Bagasse Paper, 8 1/2 x 11", 100 sheets, College Rule, White  
**Mandatory Source of Supply:** Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC  
7045-01-599-9347—USB Flash Drive, 256-Bit AES Encryption, Level 3 Encrypted, 4GB

**Mandatory Source of Supply:** North Central Sight Services, Inc., Williamsport, PA  
6645-01-456-5011—Clock, Wall, Slimline, White, Custom Logo, 9 1/4" Quartz  
6645-01-456-5009—Clock, Wall, Slimline, Stone Gray, Custom Logo, 9 1/4" Quartz  
6645-01-389-7961—Clock, Wall, Slimline, White, 9 1/4" Quartz  
6645-01-491-9828—Clock, Wall, Atomic, Bronze, Custom Logo, 9 1/4" Diameter  
6645-01-491-9822—Clock, Wall, Atomic, Walnut, Custom Logo, 16" Diameter  
**Mandatory Source of Supply:** Chicago Lighthouse Industries, Chicago, IL  
**Contracting Activity:** GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

#### **NSN(s)—Product Name(s):**

7045-01-570-8902—Privacy Filter, Notebook, 15.4" Widescreen  
**Mandatory Source of Supply:** Wiscraft, Inc., Milwaukee, WI

**Contracting Activity:** STRATEGIC ACQUISITION CENTER, FREDERICKSBURG, VA

#### **NSN(s)—Product Name(s):**

5340-01-630-4191—Desktop/Notebook Security Cable, Master-Coded Combination Lock Kit, 20 Lock Kits  
**Mandatory Source of Supply:** Alphapointe, Kansas City, MO  
6520-00-926-9041—Bag, Dental Prosthesis  
**Mandatory Source of Supply:** Envision, Inc., Wichita, KS  
**Contracting Activity:** DLA TROOP SUPPORT, PHILADELPHIA, PA

### **Services**

**Service Type:** Administrative Services  
**Mandatory for:** USDA, Animal and Plant Health Inspection Service, Raleigh, NC

**Mandatory Source of Supply:** Employment Source, Inc., Fayetteville, NC

**Contracting Activity:** ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPT OF AGRI/ANIMAL & PLANT HLTH INSPECT SVC

**Service Type:** Photocopying

**Mandatory for:** Government Printing Office: 710 North Capitol & H Street NW, Washington, DC

**Mandatory Source of Supply:** Alliance, Inc., Baltimore, MD

**Contracting Activity:** Government Printing Office

**Service Type:** Operation of Self Service Supply Store

**Mandatory for:** Environmental Protection Agency: Waterside Mall Complex, Washington, DC

**Mandatory Source of Supply:** ServiceSource, Inc., Oakton, VA

**Contracting Activity:** ENVIRONMENTAL PROTECTION AGENCY

**Service Type:** Janitorial/Custodial

**Mandatory for:** Waco Distribution Center: 1801 Exchange Park, Waco, TX

**Contracting Activity:** DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

**Service Type:** Appliance Cleaning Service

**Mandatory for:** Department of Homeland Security/National Records Center: 150 Space Center Loop, Lee's Summit, MO

**Mandatory Source of Supply:** JobOne, Independence, MO

**Contracting Activity:** U.S. CITIZENSHIP AND IMMIGRATION SERVICES, USCIS CONTRACTING OFFICE

**Service Type:** Janitorial/Custodial

**Mandatory for:** Umpqua National Forest: 2900 NW Stewart Parkway, Supervisor's Office, Roseburg, OR

**Mandatory Source of Supply:** Sunrise Enterprises of Roseburg, Inc., Roseburg, OR

**Contracting Activity:** FOREST SERVICE, UMPQUA NATIONAL FOREST

**Service Type:** Grounds Maintenance

**Mandatory for:** U.S. Post Office: Mission Gorge Station, San Diego, CA

**Mandatory Source of Supply:** Job Options, Inc., San Diego, CA

**Contracting Activity:** U.S. Postal Service, Washington, DC

**Service Type:** Grounds Maintenance

**Mandatory for:** U.S. Post Office: 16960 Bernardo Center Drive, Rancho Bernardo Station, San Diego, CA

**Mandatory Source of Supply:** Job Options, Inc., San Diego, CA

**Contracting Activity:** U.S. Postal Service, Washington, DC

**Service Type:** Custodial Services

**Mandatory for:** USDA, Forest Service—District Office: 4000 I-75 Business Spur, Sault Sainte Marie, MI

**Mandatory Source of Supply:** Northern Transitions, Inc., Sault Ste. Marie, MI

**Contracting Activity:** FOREST SERVICE, HIAWATHA NATIONAL FOREST

**Service Type:** Janitorial/Custodial

**Mandatory for:** Fort Hood: Building 50004, Post Exchange, Fort Hood, TX

**Contracting Activity:** DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA



*Service Type:* Janitorial/Custodial  
*Mandatory for:* Mount Weather Emergency Assistance Center: Bldgs. 400, 401, 403, 405, 409, 411 (offices and restrooms only), 413, 431 and Walkway, Bluemont, VA  
*Mandatory Source of Supply:* NW Works, Inc., Winchester, VA  
*Contracting Activity:* FEDERAL EMERGENCY MANAGEMENT AGENCY, NETC ACQUISITION SECTION  
*Service Type:* Janitorial/Custodial  
*Mandatory for:* Umpqua National Forest: 2691 NE Diamond Lake Boulevard—Radio Shop, Roseburg, OR  
*Mandatory Source of Supply:* Sunrise Enterprises of Roseburg, Inc., Roseburg, OR  
*Contracting Activity:* AGRICULTURE, DEPARTMENT OF, PROCUREMENT OPERATIONS DIVISION  
*Service Type:* Janitorial/Custodial  
*Mandatory for:* O'Hare Air Reserve Forces Facility: Building #4, Chicago, IL  
*Mandatory Source of Supply:* Jewish Vocational Service and Employment Center, Chicago, IL  
*Contracting Activity:* DEFENSE LOGISTICS AGENCY, DLA SUPPORT SERVICES—DSS  
*Service Type:* Janitorial/Custodial  
*Mandatory for:* Army Air Force Exchange Service—Stoneridge Bldg Park: 8901 Autobahn Dr, Dallas, TX  
*Mandatory Source of Supply:* On Our Own Services, Inc., Houston, TX  
*Contracting Activity:* AAFES-Army & Air Force Exchange Service  
*Service Type:* Grounds Maintenance  
*Mandatory for:* U.S. Post Office: Linda Vista Station, San Diego, CA  
*Mandatory Source of Supply:* Job Options, Inc., San Diego, CA  
*Contracting Activity:* U.S. Postal Service, Washington, DC  
*Service Type:* Janitorial/Custodial  
*Mandatory for:* Fernan Ranger Station, 2502 Sherman Avenue, Coeur d'Alene, ID  
*Mandatory Source of Supply:* Skils'kin, Spokane, WA  
*Contracting Activity:* FOREST SERVICE, IDAHO PANHANDLE NF  
*Service Type:* Printer Toner Cartridge & Ribbons Management  
*Mandatory for:* Veterans Affairs Medical Center, Danville, IL  
*Mandatory Source of Supply:* TRI Industries NFP, Vernon Hills, IL  
*Contracting Activity:* VETERANS AFFAIRS, DEPARTMENT OF, NAC  
*Service Type:* Mailroom Operation  
*Mandatory for:* Federal Highway Administration: 555 Zang Street (Lakewood County), Denver, CO  
*Mandatory Source of Supply:* Bayaud Industries, Inc., Denver, CO  
*Contracting Activity:* TRANSPORTATION, DEPARTMENT OF, DEPT OF TRANS  
*Service Type:* Medical Transcription  
*Mandatory for:* VHA, VISN 3, VA NY/NJ Veterans Healthcare Network, Northport VA Medical Center, Northport, NY  
*Mandatory Source of Supply:* Goodwill

Industries of San Antonio Contract Services, San Antonio, TX  
*Contracting Activity:* VETERANS AFFAIRS, DEPARTMENT OF, 243-NETWORK CONTRACTING OFFICE 03  
*Service Type:* Medical Transcription  
*Mandatory for:* VHA, VISN 3, VA NY/NJ Veterans Healthcare Network, VA Hudson Valley Healthcare System, Montrose and Castle Point Campuses-ONLY, Bronx, NY  
*Mandatory Source of Supply:* Goodwill Industries of San Antonio Contract Services, San Antonio, TX  
*Contracting Activity:* VETERANS AFFAIRS, DEPARTMENT OF, 243-NETWORK CONTRACTING OFFICE 03  
*Service Type:* Janitorial/Custodial  
*Mandatory for:* O'Hare International Airport/Air Reserve Station: 928th Airlift Group (AFRES), Chicago, IL  
*Mandatory Source of Supply:* Jewish Vocational Service and Employment Center, Chicago, IL  
*Contracting Activity:* DEPT OF THE AIR FORCE, FA7014 AFDW PK  
*Service Type:* Mailing Services  
*Mandatory for:* Theodore Levin U.S. Courthouse: U.S. District Court, Eastern District of Michigan, Detroit, MI  
*Mandatory Source of Supply:* Jewish Vocational Service and Community Workshop, Southfield, MI  
*Contracting Activity:* U.S. District Court  
*Service Type:* Janitorial/Custodial  
*Mandatory for:* Scott AFB: 126th Air Refueling Wing, Scott Air Force Base, IL  
*Mandatory Source of Supply:* Challenge Unlimited, Inc., Alton, IL  
*Contracting Activity:* DEPT OF THE AIR FORCE, FA7014 AFDW PK  
*Service Type:* Custodial service  
*Mandatory for:* Department of Homeland Security, Assistant Special Agent in Charge (ASAC), San Angelo Homeland Security Investigations, 5575 Stewart Lane, San Angelo, TX  
*Mandatory Source of Supply:* Mavagi Enterprises, Inc., San Antonio, TX  
*Contracting Activity:* U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, MISSION SUPPORT DALLAS  
*Service Type:* Parts Sorting  
*Mandatory for:* Defense Reutilization and Marketing Office, Barstow, CA  
*Contracting Activity:* DEFENSE LOGISTICS AGENCY, DLA SUPPORT SERVICES—DSS  
*Service Type:* Disposal Support Services  
*Mandatory for:* Defense Reutilization and Marketing Office, Stockton, CA  
*Contracting Activity:* DEFENSE LOGISTICS AGENCY, DLA SUPPORT SERVICES—DSS  
*Service Type:* Janitorial/Custodial  
*Mandatory for:* U.S. Coast Guard: MSO/Group Portland, Portland, OR  
*Mandatory Source of Supply:* Relay Resources, Portland, OR  
*Contracting Activity:* U.S. COAST GUARD,

SILC WEST

**Patricia Briscoe,***Deputy Director, Business Operations (Pricing and Information Management).*

[FR Doc. 2019-20382 Filed 9-19-19; 8:45 am]

**BILLING CODE 6353-01-P**

## **COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

### **Procurement List; Proposed deletions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed deletions from the procurement list.

**SUMMARY:** The Committee is proposing to delete services from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** Comments must be received on or before: October 20, 2019.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603-2117, Fax: (703) 603-0655, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

### **Deletions**

The following services are proposed for deletion from the Procurement List:

#### *Services*

*Service Type:* Bursting/Packaging Commemorative Stamps  
*Mandatory for:* Department of the Interior: 1849 C Street NW, Washington, DC  
*Mandatory Source of Supply:* Allied Community Services, Inc., Enfield, CT  
*Contracting Activity:* OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION  
*Service Type:* Janitorial/Custodial  
*Mandatory for:* U.S. Army Reserve Center, Fort Hamilton, NY  
*Mandatory Source of Supply:* Fedcap Rehabilitation Services, Inc., New York, NY  
*Contracting Activity:* DEPT OF THE ARMY, W6QM MICC CTR—FT DIX (RC)  
*Service Type:* Mailroom Operation  
*Mandatory for:* Food and Drug Administration: 5630 Fishers Lane, Rockville, MD



**Mandatory Source of Supply:** Lt. Joseph P. Kennedy Institute, Washington, DC  
**Contracting Activity:** FOOD AND DRUG ADMINISTRATION, DEPT OF HHS/ FOOD AND DRUG ADMINISTRATION  
**Service Type:** Laundry Service  
**Mandatory for:** Immigration & Naturalization Service, 201 Varick Building, New York, NY  
**Contracting Activity:** OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION  
**Service Type:** Janitorial/Custodial  
**Mandatory for:** VA Outpatient Clinic, Winston-Salem, NC  
**Mandatory Source of Supply:** OE Enterprises, Inc., Hillsborough, NC  
**Contracting Activity:** VETERANS AFFAIRS, DEPARTMENT OF, 246—NETWORK CONTRACTING OFFICE 6  
**Service Type:** Janitorial/Custodial  
**Mandatory for:** Eugene Outpatient Clinic: Department of Veteran Affairs, Eugene, OR  
**Mandatory Source of Supply:** Garten Services, Inc., Salem, OR  
**Contracting Activity:** VETERANS AFFAIRS, DEPARTMENT OF, NAC  
**Service Type:** Janitorial/Custodial  
**Mandatory for:** West LA VA Community Base Clinic, Los Angeles, CA  
**Mandatory for:** San Diego Vet Center: 2900 Sixth Avenue, San Diego, CA  
**Mandatory Source of Supply:** Job Options, Inc., San Diego, CA  
**Mandatory for:** Veterans Outreach Center, Vista, CA  
**Contracting Activity:** VETERANS AFFAIRS, DEPARTMENT OF, NAC  
**Service Type:** Janitorial/Custodial  
**Mandatory for:** Veterans Affairs Medical Center: 7305 N Military Trail, West Palm Beach, FL  
**Mandatory Source of Supply:** Gulfstream Goodwill Industries, Inc., West Palm Beach, FL  
**Contracting Activity:** VETERANS AFFAIRS, DEPARTMENT OF, 548P—WEST PALM PROSTHETICS

**Patricia Briscoe,**  
*Deputy Director, Business Operations (Pricing and Information Management).*

[FR Doc. 2019-20383 Filed 9-19-19; 8:45 am]

**BILLING CODE 6353-01-P**

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 1:00 p.m., Monday, September 30, 2019.

**PLACE:** Three Lafayette Centre, 1155 21st Street NW, Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

Examinations and enforcement matters. In the event that the time, date, or location of this meeting changes, an

announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.cftc.gov/>.

**CONTACT PERSON FOR MORE INFORMATION:** Christopher Kirkpatrick, 202-418-5964.

**Authority:** 5 U.S.C. 552b.

Dated: September 18, 2019.

**Christopher Kirkpatrick,**  
*Secretary of the Commission.*

[FR Doc. 2019-20509 Filed 9-18-19; 11:15 am]

**BILLING CODE 6351-01-P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2019-0052]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is proposing to reinstate without change a previously approved collection, titled "Generic Information Collection Plan to Conduct Cognitive and Pilot Testing of Research Methods, Instruments, and Forms."

**DATES:** Written comments are encouraged and must be received on or before October 21, 2019 to be assured of consideration.

**ADDRESSES:** Comments in response to this notice are to be directed towards OMB and to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection. You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- **Electronic:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Email:** [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).
- **Fax:** (202) 395-5806.
- **Mail:** Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

### FOR FURTHER INFORMATION CONTACT:

Documentation prepared in support of this information collection request is available at [www.reginfo.gov](http://www.reginfo.gov) (this link becomes active on the day following publication of this notice). Select "Information Collection Review," under "Currently under Review," use the dropdown menu "Select Agency" and select "Consumer Financial Protection Bureau" (recent submissions to OMB will be at the top of the list). The same documentation is also available at <http://www.regulations.gov>. Requests for additional information should be directed to Darrin King, PRA Officer, at (202) 435-9575, or email: [CFPB\\_PRA@cfpb.gov](mailto:CFPB_PRA@cfpb.gov). If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov). Please do not submit comments to these email boxes.

### SUPPLEMENTARY INFORMATION:

**Title of Collection:** Generic Information Collection Plan to Conduct Cognitive and Pilot Testing of Research Methods, Instruments, and Forms.

**OMB Control Number:** 3170-0055.

**Type of Review:** Reinstatement without change of an existing information collection.

**Affected Public:** Individuals and households.

**Estimated Number of Annual Respondents:** 1,730.

**Estimated Total Annual Burden Hours:** 1,820.

**Abstract:** Under the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Bureau is charged with researching, analyzing, and reporting on topics relating to the Bureau's mission, including developments in markets for consumer financial products and services, consumer awareness, and consumer behavior. In order to improve its understanding of how consumers engage with financial markets, the Bureau seeks to obtain approval for a generic information collection plan to conduct research to improve the quality of data collection by examining the effectiveness of data-collection procedures and processes, including potential psychological and cognitive issues.

**Request for Comments:** The Bureau issued a 60-day **Federal Register** notice on June 14, 2019, 84 FR 27770, Docket Number: CFPB-2019-0033. Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection

of information, including the validity of the methods and the 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. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

Dated: September 11, 2019.

**Darrin A. King,**

*Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.*

[FR Doc. 2019-20368 Filed 9-19-19; 8:45 am]

**BILLING CODE 4810-AM-P**

## **BUREAU OF CONSUMER FINANCIAL PROTECTION**

[Docket No. CFPB-2019-0051]

### **Agency Information Collection Activities: Submission for OMB Review; Comment Request**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is proposing to reinstate with change a previously approved collection, titled "Generic Information Collection Plan for the Development and Testing of Disclosures and Related Materials."

**DATES:** Written comments are encouraged and must be received on or before October 21, 2019 to be assured of consideration.

**ADDRESSES:** Comments in response to this notice are to be directed towards OMB and to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection. You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).
- *Fax:* (202) 395-5806.
- *Mail:* Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

In general, all comments received will become public records, including any

personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

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

Documentation prepared in support of this information collection request is available at [www.reginfo.gov](http://www.reginfo.gov) (this link becomes active on the day following publication of this notice). Select "Information Collection Review," under "Currently under Review," use the dropdown menu "Select Agency" and select "Consumer Financial Protection Bureau" (recent submissions to OMB will be at the top of the list). The same documentation is also available at <http://www.regulations.gov>. Requests for additional information should be directed to Darrin King, PRA Officer, at (202) 435-9575, or email: [CFPB\\_PRA@cfpb.gov](mailto:CFPB_PRA@cfpb.gov). If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov). Please do not submit comments to these email boxes.

#### **SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Generic Information Collection Plan for the Development and Testing of Disclosures and Related Materials.

*OMB Control Number:* 3170-0022.

*Type of Review:* Reinstatement with change of a previously approved information collection.

*Affected Public:* Individuals and Households.

*Estimated Number of Annual Respondents:* 16,400.

*Estimated Total Annual Burden Hours:* 8,488.

*Abstract:* This is a request for a generic clearance for the Bureau for the development and testing of consumer financial disclosures and related materials. The research will result in recommendations for the development of and revisions to such disclosures and related materials. The research activities may be conducted by the Bureau or its contractors, and will include cognitive psychological testing methods or rigorous quantitative evaluations. This approach has been demonstrated to be feasible and valuable by the Bureau and other agencies in developing disclosures and related materials. The planned research activities will be conducted with the goal of creating effective disclosures and related materials that will help consumers understand the features of consumer financial products and services. The Bureau is modifying this generic information collection plan to provide for enhanced public notice and opportunity to comment to OMB for each request submitted under this generic.

*Request for Comments:* The Bureau issued a 60-day **Federal Register** notice on June 14, 2019, 84 FR 27771, Docket Number: CFPB-2019-0034. Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the 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. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

Dated: September 11, 2019.

**Darrin A. King,**

*Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.*

[FR Doc. 2019-20367 Filed 9-19-19; 8:45 am]

**BILLING CODE 4810-AM-P**

## **DEPARTMENT OF ENERGY**

### **Notice of Recurring Public Meetings of the Supercritical CO<sub>2</sub> Oxy-Combustion Technology Group: Correction**

**AGENCY:** National Energy Technology Laboratory, Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of recurring public meetings: Correction.

**SUMMARY:** The Department of Energy (DOE) published in the **Federal Register** on August 12, 2019 a notice of recurring public meetings for the Supercritical CO<sub>2</sub> Oxy-Combustion Technology Group. The notice is being corrected to change the date of the next meeting.

*Correction:* In the **Federal Register** of August 12, 2019, in FR Doc. 2019-17206, on pages 39827-39828, please make the following corrections:

In the **DATES** heading, third column, second line, please remove October 8, 2019; and replace with: November 12, 2019.

In the **SUPPLEMENTARY INFORMATION, Instructions and Information on Public Meetings** heading, page 39828, first column, second line, please remove 10/8/2019; and replace with: November 12, 2019.

Dated: September 4, 2019.

**Heather Quendenfeld,**

Associate Director, Coal Technology  
Development & Integration Center, National  
Energy Technology Laboratory.

[FR Doc. 2019-20398 Filed 9-19-19; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### DOE/NSF Nuclear Science Advisory Committee

**AGENCY:** Department of Energy, Office of Science.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Friday, October 18, 2019, 9:00 a.m.–4:30 p.m.

**ADDRESSES:** Doubletree/Washington DC/ Crystal City, 300 Army Navy Drive, Washington Ballroom, Arlington, Virginia 22202, 703-416-4100.

#### FOR FURTHER INFORMATION CONTACT:

Brenda L. May, Department of Energy; SC-26/Germantown Building, 1000 Independence Avenue SW, Washington, DC 20585-1290; Telephone: (301) 903-0536 or email: [brenda.may@science.doe.gov](mailto:brenda.may@science.doe.gov). The most current information concerning this meeting can be found on the website: <https://science.osti.gov/np/nsac/meetings>.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Board:* To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

*Tentative Agenda:* Agenda will include discussions of the following:  
Friday, October 18, 2019.

- Perspectives from Department of Energy and National Science Foundation.
- Update from the Department of Energy and National Science Foundation's Nuclear Physics Offices.
- Presentation and Discussion of the QIS Report.
- Presentation on the sPHENIX Project.
- Presentation on the Double Beta Decay Topical Collaboration.
- Presentation on the Beam Energy Scan Theory Topical Collaboration.
- NSAC Business/Discussions.

*Note:* The NSAC Meeting will be broadcast live on the internet. You may find out how to access this broadcast by

going to the Office of Science website at <https://science.osti.gov/np/nsac/meetings> prior to the start of the meeting. A video record of meeting, including the presentations that are made, will be archived at this site after the meeting.

*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 oral statements regarding any of these items on the agenda, you should contact Brenda L. May, (301) 903-0536 (phone) or [Brenda.May@science.doe.gov](mailto:Brenda.May@science.doe.gov) (email). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements 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.

The minutes of the meeting will be available for review on the Department of Energy's Office of Nuclear Physics website at <https://science.osti.gov/np/nsac/meetings>.

Signed in Washington, DC, on September 16, 2019.

**LaTanya Butler,**

Deputy Committee Management Officer.

[FR Doc. 2019-20348 Filed 9-19-19; 8:45 am]

**BILLING CODE 6450-01-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:* ER16-372-008.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Compliance filing: Compliance Filing Pursuant to Commission's August 30, 2019 Order on Rehearing to be effective 8/30/2019.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5075.

*Comments Due:* 5 p.m. ET 10/7/19.

*Docket Numbers:* ER18-2270-001.

*Applicants:* Paulding Wind Farm III LLC.

*Description:* Report Filing: Refund Report Filing to be effective N/A.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5012.

*Comments Due:* 5 p.m. ET 10/7/19.

*Docket Numbers:* ER18-2317-001.

*Applicants:* Meadow Lake Wind Farm V LLC.

*Description:* Report Filing: Refund Report Filing to be effective N/A.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5013.

*Comments Due:* 5 p.m. ET 10/7/19.

*Docket Numbers:* ER18-2370-000.

*Applicants:* Lackawanna Energy Center LLC.

*Description:* Report Filing: Refund Report in Docket Nos. ER18-2370 and EL19-7 to be effective N/A.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5086.

*Comments Due:* 5 p.m. ET 10/7/19.

*Docket Numbers:* ER19-266-000.

*Applicants:* Invenergy Nelson LLC.

*Description:* Report Filing: Refund Report to be effective N/A.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5089.

*Comments Due:* 5 p.m. ET 10/7/19.

*Docket Numbers:* ER19-2813-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 3597 Chilocco Wind Farm GIA to be effective 9/6/2019.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5009.

*Comments Due:* 5 p.m. ET 10/7/19.

*Docket Numbers:* ER19-2814-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original Cost Responsibility Agreement, Service Agreement No. 5483, NQ165 to be effective 8/16/2019.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5057.

*Comments Due:* 5 p.m. ET 10/7/19.

*Docket Numbers:* ER19-2815-000.

*Applicants:* ISO New England Inc.

*Description:* § 205(d) Rate Filing: Ministerial Filing to Conform ISO-NE Financial Assurance Policy to be effective 9/17/2019.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5078.

*Comments Due:* 5 p.m. ET 10/7/19.

*Docket Numbers:* ER19-2816-000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2019-09-16\_SA 3348 ITC-Isabella-Isabella II-Consumers MPFCA (J717 J728 J752) to be effective 8/30/2019.

*Filed Date:* 9/16/19.

*Accession Number:* 20190916-5087.

*Comments Due:* 5 p.m. ET 10/7/19.

Take notice that the Commission received the following qualifying facility filings:

*Docket Numbers:* QF19-1315-000; QF19-1299-000; QF19-1302-000; QF19-1300-000; QF19-1311-000; QF19-1314-000; QF19-1301-000.

*Applicants:* Bluestone Solar, LLC, Chisago Holdco LLC, CMR Solar, LLC, Frontenac Holdco LLC, Montevideo Solar LLC, Sartell Solar LLC, Underhill Solar, LLC.

*Description:* Refund Report of Bluestone Solar, LLC, et al.

*Filed Date:* 9/13/19.

*Accession Number:* 20190913–5172.

*Comments Due:* 5 p.m. ET 10/4/19.

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 16, 2019.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2019–20386 Filed 9–19–19; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 1394–080]

#### Southern California Edison; Notice of Request To Expedite Study Plan Determination Process Through Waiver of Pre-Filing Requirements

a. *Type of Filing:* Request to Expedite Study Plan Determination Process through Waiver of Pre-Filing Requirements.

b. *Project No.:* 1394–080.

c. *Dated Filed:* September 4, 2019.

d. *Submitted By:* Southern California Edison (SCE).

e. *Name of Project:* Bishop Creek Hydroelectric Project.

f. *Location:* On Bishop Creek in Inyo County, California. The project occupies approximately 734 acres of federal land administered by the U.S. Forest Service and approximately 48 acres of federal land administered by the U.S. Bureau of Land Management.

g. *Applicant Contact:* Matthew Woodhall, Project Lead, Southern

California Edison Company, 1515 Walnut Grove Avenue, Rosemead, CA 91770.

h. *FERC Contact:* Kelly Wolcott at (202) 502–6480 or email at: [kelly.wolcott@ferc.gov](mailto:kelly.wolcott@ferc.gov).

i. On September 4, 2019, SCE filed a request for the Commission to expedite the study plan determination process by waiving certain pre-filing study plan development requirements under Part 5 of the Commission's regulations for the existing Bishop Creek Hydroelectric Project. Specifically, SCE requests that the Commission waive the requirement for: A proposed study plan;<sup>1</sup> study plan meetings;<sup>2</sup> and comments on the proposed study plan.<sup>3</sup> SCE states that the waiver would shorten the study plan determination process by four months, and that the expedited process and associated waiver would allow more time for SCE and the stakeholders to collaboratively assess project effects and develop proposed license conditions during the pre-filing period. SCE adds that they have met the intent of these regulations through early collaborative efforts with stakeholders in developing the technical study plans included in its Pre-Application Document filed May 1, 2019.<sup>4</sup>

With this notice we are soliciting comments on SCE's request to expedite the study plan determination process through waiver of certain pre-filing requirements. All comments should be sent to the address in paragraph k below.

j. The waiver request and associated filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (<http://www.ferc.gov>), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph g.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

<sup>1</sup> 18 CFR 5.11 (a)–(d) (2019).

<sup>2</sup> 18 CFR 5.11 (e) (2019).

<sup>3</sup> 18 CFR 5.12 (2019).

<sup>4</sup> SCE filed updated technical study plans on August 29, 2019, that address comments received from stakeholders and FERC staff during the scoping process.

k. The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–1394–080.

All filings with the Commission must bear the appropriate heading: Comments on Waiver Request. Any individual or entity interested in submitting NOI comments must do so by October 1, 2019.

Dated: September 16, 2019.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2019–20389 Filed 9–19–19; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL19–95–000]

#### Portland General Electric Company; Notice of Petition for Declaratory Order

Take notice that on September 9, 2019, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 (2019), Portland General Electric Company (Portland General or Petitioner) filed a petition for the Commission to issue a declaratory order approving Portland General's proposal to reclassify, as transmission assets, certain 115 kV and 57 kV facilities currently classified as distribution plant, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of

intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern time on October 7, 2019.

Dated: September 16, 2019.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2019-20388 Filed 9-19-19; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2420-056]

#### **PacifiCorp; Notice of Application for Temporary Variance of Operation Plan and Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Temporary variance of operation plan.
- b. *Project No.:* 2420-056.
- c. *Date Filed:* August 30, 2019, and supplemented on September 10, 2019.
- d. *Applicant:* PacifiCorp.
- e. *Name of Project:* Cutler Hydroelectric Project.
- f. *Location:* The project is located on the Bear River in Cache and Box Elder counties, near Logan, Utah.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.
- h. *Applicant Contact:* Ms. Eve Davies, PacifiCorp, 825 NE Multnomah, Suite

1800, Portland, OR 97232, (801) 220-2245.

i. *FERC Contact:* Linda Stewart, (202) 502-8184, [linda.stewart@ferc.gov](mailto:linda.stewart@ferc.gov).

j. Deadline for filing comments, motions to intervene, and protests, is 15 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/doc-sfiling/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-2420-056.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* PacifiCorp requests a temporary variance to deviate from the reservoir elevation operating range stipulated under the approved operation plan for the project. The variance would allow PacifiCorp to draw down the reservoir and obtain preliminary data that would inform a number of proposed studies for the project's relicensing process. PacifiCorp would also use the drawdown period to perform maintenance work at the project. PacifiCorp proposes to draw down the reservoir to elevation 4,390.5 feet, which is 15.75 feet below the lower limit of the normal operating range. PacifiCorp plans to begin the drawdown on approximately October 25, 2019, with the target drawdown elevation of 4,390.5 feet being reached by November 1, 2019. PacifiCorp anticipates that it would begin refilling the reservoir on approximately November 8, 2019, with the refill taking approximately eight days to complete.

l. *Locations of the Application:* A copy of the application is available for

inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title *Comments, Motion to Intervene, or Protest* as applicable; (2) set forth in the heading the name of the applicant and the project number(s) of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person intervening or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: September 16, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019–20385 Filed 9–19–19; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* CP19–510–000.

*Applicants:* Southern Natural Gas.

*Description:* Application for Authorization of Abandonment for Rate Schedule X–45 of Southern Natural Gas Company, L.L.C.

*Filed Date:* 09/12/19.

*Accession Number:* 20190912–5029.

*Comments Due:* 5 p.m. ET 10/03/19.

*Docket Numbers:* RP19–1091–005.

*Applicants:* American Midstream (Midla), LLC.

*Description:* Compliance filing compliance to 10011 to be effective 8/1/2019.

*Filed Date:* 9/13/19.

*Accession Number:* 20190913–5050.

*Comments Due:* 5 p.m. ET 9/25/19.

*Docket Numbers:* RP19–1558–000.

*Applicants:* LA Storage, LLC.

*Description:* § 4(d) Rate Filing; Filing of Negotiated Rate, Conforming IW Agreement to be effective 9/15/2019.

*Filed Date:* 9/13/19.

*Accession Number:* 20190913–5067.

*Comments Due:* 5 p.m. ET 9/25/19.

*Docket Numbers:* RP19–1559–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing; Negotiated Rate—MC Global to Eco-Energy 8959265 to be effective 9/14/2019.

*Filed Date:* 9/13/19.

*Accession Number:* 20190913–5069.

*Comments Due:* 5 p.m. ET 9/25/19.

*Docket Numbers:* RP19–343–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* Request to Update Legal Names of Entergy Services, LLC, et al.

*Filed Date:* 9/13/19.

*Accession Number:* 20190913–5072.

*Comments Due:* 5 p.m. ET 9/25/19.

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 16, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019–20387 Filed 9–19–19; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9046–8]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 09/09/2019 10 a.m. ET through

09/16/2019 10 a.m. ET

Pursuant to 40 CFR 1506.9.

*Notice:* Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

*EIS No. 20190225, Draft, FRA, GA,* Atlanta to Charlotte Passenger Rail Corridor Investment Plan, Comment Period Ends: 11/04/2019, Contact: John Winkle 202–493–6067.

*EIS No. 20190226, Final, USFS, WA,* Colville National Forest Plan Revision, Review Period Ends: 10/21/2019, Contact: Lisa Larsen 509–775–7454.

*EIS No. 20190227, Final, BLM, AK,* Coastal Plain Oil and Gas Leasing Program, Review Period Ends: 10/21/2019, Contact: Nicole Hayes 907–271–4354.

*EIS No. 20190228, Draft, USFS, CO,* Pike and San Isabel National Forests Public Motor Vehicle Use, Comment Period Ends: 11/04/2019, Contact: John Dow 719–250–5311.

*EIS No. 20190229, Final, USFS, OR,* Ragged Ruby Project, Review Period

Ends: 11/12/2019, Contact: Sasha Fertig or Bethany Parker 541–575–3061 or 541–575–3187.

*EIS No. 20190230, Final, USFS, CA,* Revision of the Inyo National Forest Land and Resource Management Plan, Review Period Ends: 10/21/2019, Contact: Erin Noesser 760–873–2449.

Dated: September 16, 2019.

**Robert Tomiak,**

*Director, Office of Federal Activities.*

[FR Doc. 2019–20408 Filed 9–19–19; 8:45 am]

**BILLING CODE 6560–50–P**

## FARM CREDIT ADMINISTRATION

[NV–19–24]

### Equal Employment Opportunity and Diversity

**AGENCY:** Farm Credit Administration.

**ACTION:** Policy statement.

**SUMMARY:** The Farm Credit Administration (FCA) Board recently updated its Policy Statement on Equal Employment Opportunity and Diversity.

#### FOR FURTHER INFORMATION CONTACT:

Thais Burlew, Director of Equal Employment Opportunity and Inclusion, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703) 883–4290, TTY (703) 883–4352.

**SUPPLEMENTARY INFORMATION:** While not required by law, the Equal Employment Opportunity Commission (EEOC) has determined that reissuance of an agency's EEO policy statement each fiscal year is a symbol of the agency leadership's commitment to EEO and Diversity principles. The FCA conducted its annual review of Policy Statement FCA–PS–62 on Equal Employment Opportunity (EEO) and Diversity. The EEO policy has been edited to specifically indicate that discrimination based on gender identity, sexual orientation, and pregnancy are protected under Title VII sex discrimination. The policy has also been edited to include timeframes that a complainant must initiate the EEO process, along with the contact information for the EEO Counselor.

The text of the updated Policy Statement is set forth below in its entirety. All FCA Board policy statements may be viewed on FCA's website. From [www.fca.gov](http://www.fca.gov), select "Laws & Regulations," then select "FCA Handbook," then select "FCA Board Policy Statements."

## Equal Employment Opportunity and Diversity

FCA-PS-62

*Effective Date:* September 16, 2019.

*Previous Action:* [BM-12-SEP-02-02](70 FR 71142, 11/25/05); [BM-13-JUL-06-03](71 FR 46481, 8/14/06); [NV-11-15, 7/08/11]; [NV-13-19](78 FR 51187, 8/20/13); [NV-14-15](79 FR 50908, 8/26/14); [NV-15-10](80 FR 51806, 8/26/15); [NV-16-14](81 FR 53482, 8/12/16); [NV-17-24] (82 FR 41258, 8/31/17). Replaces FCA-PS-62 [NV 18-13] dated September 4, 2018 (83 FR 45625).

*Source of Authority:* Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*); Age Discrimination in Employment Act (29 U.S.C. 621 *et seq.*); Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791); Equal Pay Act of 1974 (29 U.S.C. 206(d)); Civil Service Reform Act of 1978 (5 U.S.C. 3112); Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) (5 U.S.C. 2301); Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff *et seq.*); section 5.9 of the Farm Credit Act of 1971, as amended (12 U.S.C. 2243); Executive Order 11478 (Equal Employment Opportunity in the Federal Government), as amended by Executive Order 13152 to include a prohibition on discrimination based on status as a parent; Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency); 29 CFR part 1614; Equal Employment Opportunity Commission Management Directives.

## The Farm Credit Administration Board Hereby Adopts the Following Policy Statement

### Purpose

The Farm Credit Administration (FCA or agency) Board reaffirms its commitment to Equal Employment Opportunity (EEO) and Diversity (EEO) and its belief that all FCA employees should be treated with dignity and respect. The Board also provides guidance to agency management and staff for deciding and taking action in these critical areas.

### Importance

Unquestionably, the employees who comprise the FCA are its most important resource. The Board fully recognizes that the agency draws its strength from the dedication, experience, and diversity of its employees. The Board is firmly committed to taking whatever steps are needed to protect the rights of

its staff and to carrying out programs that foster the development of each employee's potential. We believe an investment in efforts that strongly promote EEO will prevent the conflict and the high costs of correction for taking no, or inadequate, action in these areas.

## The Farm Credit Administration (FCA) Board Adopts the Following Policy Statement

It is the policy of the Farm Credit Administration (FCA or agency) to prohibit discrimination in agency policies, program practices, and operations. Employees, applicants for employment, and members of the public who seek to take part in FCA programs, activities, and services will be treated fairly. The FCA Board Chairman and Chief Executive Officer (CEO) is ultimately responsible for ensuring that FCA meets all EEO requirements and initiatives in accordance with laws and regulations, to maintain a workplace that is free from discrimination and that values all employees. FCA, under the appropriate laws and regulations, will:

- Ensure equal employment opportunity based on merit and qualification, without discrimination because of race, color, religion, sex (including sexual orientation, gender identity, and pregnancy), age (40 or older), national origin, disability, status as a parent, genetic information, or filing of a complaint, participation in discrimination or harassment complaint proceedings, or other opposition to discrimination;
- Provide for the prompt and fair consideration of complaints of discrimination;
- Make reasonable accommodations for qualified applicants for employment and employees with physical or mental disabilities, and provide personal assistance services to employees with targeted disabilities, as provided under the Rehabilitation Act and its implementing regulations;
- Make reasonable accommodations based on applicants' and employees' religious beliefs or practices, consistent with Title VII;
- Provide an environment free from harassment to all employees;
- Create and maintain an organizational culture that recognizes, values, and supports employee and public diversity and inclusion;
- Develop objectives within the agency's operation and strategic planning process to meet the goals of EEO and this policy;
- Implement affirmative programs to carry out this policy within the agency; and

- To the extent practicable, seek to encourage the Farm Credit System to continue its efforts to promote and increase diversity.

An employee or applicant who believes they have been discriminated against must initiate contact with an EEO Counselor within 45 days of the date of the matter alleged to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action. Although the EEO complaint process is managed by the Director of the Office of EEO and Inclusion, FCA uses experienced outside vendors to perform EEO services. An employee or applicant wishing to enter the EEO process may contact an EEO Counselor at the following numbers: Toll free phone 1-844-322-3233, TTY 703-883-4352.

## Diversity and Inclusion

The FCA intends to be a model employer. That is, as far as possible, FCA will build and maintain a workforce that reflects the rich diversity of individual differences evident throughout this Nation. The Board views individual differences as complementary and believes these differences enrich our organization. When individual differences are respected, recognized, and valued, diversity becomes a powerful force that can contribute to achieving superior results. Therefore, we will create, maintain, and continuously improve on an organizational culture that fully recognizes, values, and supports employee diversity. The Board is committed to promoting and supporting an inclusive environment that provides to all employees, individually and collectively, the chance to work to their full potential in the pursuit of the agency's mission. We will provide everyone the opportunity to develop to his or her fullest potential. When a barrier to someone achieving this goal exists, we will strive to remove this barrier.

## Affirmative Employment

The Board reaffirms its commitment to ensuring FCA conducts all its employment practices in a nondiscriminatory manner. The Board expects full cooperation and support from everyone associated with recruitment, selection, development, and promotion to ensure such actions are free of discrimination. All employees will be evaluated on their EEO achievements as part of their overall job performance. Though staff commitment is important, the role of supervisors is paramount to success. Agency supervisors must be coaches



and are responsible for helping all employees develop their talents and give their best efforts in contributing to the mission of the FCA.

#### Workplace Harassment

It is the policy of the FCA to provide a work environment free from unlawful discrimination in any form, and to protect all employees from any form of harassment, either physical or verbal. The FCA will not tolerate harassment in the workplace for any reason. The FCA also will not tolerate retaliation against any employee for reporting harassment or for aiding in any inquiry about reporting harassment. FCA begins prompt, thorough, and impartial investigations within 10 days of receiving notice of harassment allegations.

#### Disabled Veterans Affirmative Action Program

A disabled veteran is defined as someone who is entitled to compensation under the laws administered by the Veterans Administration or someone who was discharged or released from active duty because of a service-connected disability.

The FCA is committed to increasing the representation of disabled veterans within its organization. Our Nation owes a debt to those veterans who served their country, especially those who were disabled because of service. To honor these disabled veterans, the FCA shall place emphasis on making vacancies known to and providing opportunities for employing disabled veterans.

Dated this 16th day of September 2019, By Order Of The Board.

**Dale Aultman,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 2019-20371 Filed 9-19-19; 8:45 am]

**BILLING CODE 6705-01-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 to engage *de novo* in certain nonbank activities.

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 and related filings 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 section 3 of the BHC Act (12 U.S.C. 1842(c)). To the extent the proposal involves the commencement of nonbank activities, the review also includes whether the conduct of these activities complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843), and interested persons may express their views in writing on the standards enumerated in section 4. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding the applications and related filings must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 10, 2019.

*A. Federal Reserve Bank of New York* (Ivan Hurwitz, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001. Comments can also be sent electronically to

*Comments.applications@ny.frb.org:*

1. *Bogota Financial, MHC and Bogota Financial Corp.*, both of Teaneck, New Jersey; to become bank holding companies by acquiring 100 percent of the shares of Bogota Savings Bank, Teaneck, New Jersey, upon the conversion of Bogota Savings Bank from mutual to stock form, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, as amended.

2. *Bogota Financial, MHC and Bogota Financial Corp.*, both of Teaneck, New Jersey, to engage *de novo* in extending credit and servicing loans, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, as amended.

Board of Governors of the Federal Reserve System, September 16, 2019.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2019-20358 Filed 9-19-19; 8:45 am]

**BILLING CODE P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and

§ 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 10, 2019.

*A. Federal Reserve Bank of Cleveland* (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566. Comments can also be sent electronically to *Comments.*

*applications@clev.frb.org:*

1. *William Buffin Clarke, Russell, Kentucky, individually, and as part of the William Buffin Clarke Family Control Group, consisting of William Buffin Clarke; Gale L. Clarke, Russell, Kentucky; James R. Clarke, Louisville, Kentucky; and Patrick B. Clarke, Russell, Kentucky;* to retain and acquire voting shares of First & Peoples Bancshares, Inc., Russell, Kentucky, parent of First & Peoples Bank and Trust Company, Russell, Kentucky.

*B. Federal Reserve Bank of Kansas City* (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *Thomas H. Olson, Jr., Lincoln, Nebraska;* to acquire voting shares of O & F Cattle Company, parent of Nebraska State Bank, both of Oshkosh, Nebraska.

2. *Thomas H. Olson, Jr., Lincoln, Nebraska;* to acquire voting shares of First National Financial Corporation, parent of Bank of Estes Park, both of Estes Park, Colorado.

3. *Thomas H. Olson, Jr., Lincoln, Nebraska;* to acquire voting shares of First Nebraska Bancs, Inc., Sidney, Nebraska, parent of Points West Community Bank, Sidney, Nebraska and Points West Community Bank, Windsor, Colorado.

Board of Governors of the Federal Reserve System, September 16, 2019.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2019-20357 Filed 9-19-19; 8:45 am]

**BILLING CODE P**



**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families****Proposed Information Collection Activity; Coparenting and Healthy Relationship and Marriage Education for Dads (New Collection)**

**AGENCY:** Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families (ACF), Office of Planning, Research, and Evaluation (OPRE) proposes to collect information as part of the Coparenting and Healthy Relationship and Marriage Education for Dads (CHaRMED) study. The purpose of the CHaRMED study is to better understand the services that fatherhood programs provide in the areas of Healthy Marriage and Relationship Education (HMRE) and coparenting to learn what strategies hold promise for promoting active engagement in these services.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. Email address: [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov). All requests should be identified by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* The proposed information collection will examine how fatherhood programs include HMRE and coparenting content, the types of activities programs use to promote fathers' healthy romantic relationships and coparenting relationships, barriers to addressing

healthy romantic relationships and coparenting in fatherhood programs, the relevance and success of addressing healthy romantic relationships and coparenting with fathers alone versus with couples or both parents, fathers' and coparents' reactions to this programming, curriculum developers' perspectives on the curricula used, and what types of partnerships fatherhood programs have with other agencies to promote fathers' healthy romantic relationships and coparenting. This information will be collected through semi-structured interviews with fatherhood program staff, community partners, fathers who are no longer participating in the programs, and curriculum developers; and through focus groups with current program participants (fathers) and coparents. This information will inform future efforts to promote healthy romantic relationships and coparenting through fatherhood programming.

*Respondents:* Federal and non-federal fatherhood program staff (e.g., program directors and facilitators), community partners, fathers, coparents, and curriculum developers.

**ANNUAL BURDEN ESTIMATES**

Instrument	Total/annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Screener for selecting fatherhood programs for visits .....	28	1	6	168
Semi-structured interviews with program staff .....	48	1	2	96
Semi-structured interviews with partner organization staff .....	14	1	2	28
Semi-structured interviews with non-participating fathers .....	20	1	1.5	30
Focus groups with participating fathers .....	104	1	2	208
Focus groups with coparents .....	48	1	2	96
Discussions with curriculum developers .....	7	1	1	7
Demographic questionnaire—fathers .....	124	1	.25	31
Demographic questionnaire—coparents .....	48	1	.25	12

*Estimated Total Annual Burden Hours:* 676.

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given

to comments and suggestions submitted within 60 days of this publication.

**Authority:** Title IV, Part A, Section 403(a)(2) of the Social Security Act [42 U.S.C. 603(a)(2)].

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2019-20384 Filed 9-19-19; 8:45 am]

**BILLING CODE 4184-73-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration**

[Docket No. FDA-2013-N-0764]

**Agency Information Collection Activities; Proposed Collection; Comment Request; Animal Feed Regulatory Program Standards**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995

(PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on FDA's Animal Feed Regulatory Program Standards (AFRPS).

**DATES:** Submit either electronic or written comments on the collection of information by November 19, 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 19, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 19, 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-2013-N-0764 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Animal Feed Regulatory Program Standard." 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 Mizrahi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-7726, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

#### **Animal Feed Regulatory Program Standards**

OMB Control Number 0910-0760—Extension

#### **I. Background**

In the United States, Federal and State Government Agencies ensure the safety of animal feed. FDA is responsible for ensuring that all food and feed moving in interstate commerce, except those under the U.S. Department of Agriculture jurisdiction, are safe, wholesome, and labeled properly. States are responsible for conducting inspections and regulatory activities

that help ensure food and feed produced, processed, and distributed within their jurisdictions are safe and in compliance with State laws and regulations. States primarily perform inspections under their own regulatory authority. Some States conduct inspections of feed facilities under contract with FDA. Because jurisdictions may overlap, FDA and States collaborate and share resources to protect animal feed.

The FDA Food Safety Modernization Act passed on January 4, 2011, calls for enhanced partnerships and provides a legal mandate for developing an Integrated Food Safety System (IFSS). FDA is committed to implementing an IFSS thereby optimizing coordination of food and feed safety efforts with Federal, State, local, tribal, and territorial regulatory and public health agencies. Model standards provide a consistent, underlying foundation that is critical for uniformity across State and Federal Agencies to ensure credibility of food and feed programs within the IFSS.

II. Significance of Feed Program Standards

The AFRPS provide a uniform and consistent approach to feed regulation in the United States. Implementation of the draft feed program standards is voluntary. States implementing the standards will identify and maintain program improvements that will strengthen the safety and integrity of the U.S. animal feed supply.

The feed standards are the framework that each State should use to design, manage, and improve its feed program. The standards include the following: (1) Regulatory foundation; (2) training; (3) inspection program; (4) auditing; (5) feed-related illness or death and emergency response; (6) enforcement program; (7) outreach activities; (8) budget and planning; (9) assessment and improvement; (10) laboratory services; and (11) sampling program.

Each standard has a purpose statement, requirement summary, description of program elements, projected outcomes, and a list of required documentation. When a State program voluntarily agrees to implement the feed standards, it must fully implement and maintain the individual program elements and documentation requirements in each standard in order to fully implement the standard.

The feed standards package includes forms, worksheets, and templates to help the State program assess and meet the program elements in the standard. State programs are not obligated to use the forms, worksheets, and templates provided with the feed standards. Other manual or automated forms, worksheets, and templates may be used as long as the pertinent data elements are present. Records and other documents specified in the feed standards must be maintained in good order by the State program and must be available to verify the implementation of each standard. The feed standards are not intended to

address the performance appraisal processes that a State agency may use to evaluate individual employee performance.

As set forth in the feed standards, the State program is expected to review and update its improvement plan on an annual basis. The State program completes an evaluation of its implementation status at least every 3 years following the baseline evaluation by reviewing and updating the self-assessment worksheets and required documentation for each standard. The evaluation is needed to determine if each standard's requirements are, or remain, fully met, partially met, or not met. The State program revises the improvement plan based upon this evaluation.

Although FDA plans to provide financial support to State programs that implement the feed standards, funding opportunities are contingent upon the availability of funds. Funding opportunities may be only available to State feed regulatory programs that currently have an FDA feed inspection contract. State programs receiving financial support to implement the feed standards will be audited by FDA.

III. Electronic Access

Persons with access to the internet may submit requests for a single copy of the current feed standards from *OP-PRA@fda.hhs.gov*.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN <sup>1</sup>

Type of respondent	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
State animal feed regulatory Program in the United States .....	34	1	34	569	19,346

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Respondents to the information collection are State agencies seeking to avail themselves of the options described in the document. States agencies that conduct feed inspections under contract are interested in implementing the standards. The total estimated annual recordkeeping burden for implementation is 569 hours per respondent. The burden was determined by capturing the average amount of time for each respondent to assess the current state of the program and work toward implementation of each of the eleven standards contained in the AFRPS. The hours per state feed regulatory program will average the same to account for

continual improvement and self-sufficiency in the program. Our burden estimate reflects a decrease of 100,654 hours as a result of fewer respondents to the collection and a reevaluation of the time we ascribe for recordkeeping activities.

Dated: September 6, 2019.  
**Lowell J. Schiller,**  
*Principal Associate Commissioner for Policy.*  
[FR Doc. 2019-20352 Filed 9-19-19; 8:45 am]  
**BILLING CODE 4164-01-P**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2017-N-0084]

Agency Information Collection Activities; Proposed Collection; Comment Request; Adverse Event Program for Medical Devices (Medical Product Safety Network)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is

announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the Adverse Event Program for Medical Devices (Medical Program Safety Network (MedSun)).

**DATES:** Submit either electronic or written comments on the collection of information by November 19, 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 19, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 19, 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-2017-N-0084 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Adverse Event Program for Medical Devices (Medical Product Safety Network (MedSun))." 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:

Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

#### Adverse Event Program for Medical Devices (Medical Product Safety Network (MedSun))

OMB Control Number 0910-0471—Extension

Section 519 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360i) authorizes FDA to require (1) manufacturers to report medical device-related deaths, serious injuries, and

malfunctions; and (2) user facilities to report device-related deaths directly to manufacturers and FDA and serious injuries to the manufacturer. Section 213 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) amended section 519(b) of the FD&C Act relating to mandatory reporting by user facilities of deaths, serious injuries, and serious illnesses associated with the use of medical devices. This amendment legislated the replacement of universal user facility reporting by a system that is limited to a “. . . subset of user facilities that constitutes a representative profile of user reports” for device-related deaths and serious injuries. This amendment is reflected in section 519(b)(5)(A) of the FD&C Act. This legislation provides FDA with the opportunity to design and implement a

national surveillance network, composed of well-trained clinical facilities, to provide high-quality data on medical devices in clinical use. This system is called the Medical Product Safety Network (MedSun).  
FDA is seeking OMB clearance to continue to use electronic data collection to obtain the information on Form FDA 3500A (approved under OMB control number 0910–0291) related to medical devices and tissue products from the user facilities participating in MedSun, to obtain a demographic profile of the facilities, and for additional questions, which will permit FDA to better understand the cause of reported adverse events. Participation in the program is voluntary and includes approximately 300 facilities.

In addition to collecting data on the electronic adverse event report form, MedSun collects additional information from participating sites about reported problems emerging from the MedSun hospitals. This data collection is also voluntary and is collected on the same website as the report information.  
The burden estimate is based on the number of facilities participating in MedSun (300). FDA estimates an average of 18 reports per site annually. This estimate is based on MedSun working to promote reporting in general from the sites, as well as promoting reporting from specific parts of the hospitals, such as the pediatric intensive care units, the electrophysiology laboratories, and the hospital laboratories.  
FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Adverse event reporting .....	300	18	5,400	0.50 (30 minutes) .....	2,700

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimated burden for the information collection reflects an overall decrease of 113 hours despite a corresponding increase of 1,650 responses. We attribute this adjustment to an increase in the number of submissions we received over the last few years but a decrease in the amount of time spent entering data due to IT efficiencies that have been built into the MedSun reporting system to reduce data entry by user facilities.

Dated: September 6, 2019.  
**Lowell J. Schiller,**  
*Principal Associate Commissioner for Policy.*  
[FR Doc. 2019–20355 Filed 9–19–19; 8:45 am]  
**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket Nos. FDA–2019–D–1647, FDA–2019–D–1649, FDA–2019–D–1651, and FDA–2019–D–1652]

**Safety and Performance Based Pathway Device-Specific Guidance; Draft Guidances for Industry and Food and Drug Administration Staff; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing the availability of several device-specific draft guidance documents for the Safety and Performance Based Pathway—specifically, “Spinal Plating Systems—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff”; “Cutaneous Electrode for Recording Purposes—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff”; “Conventional Foley Catheters—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff”; and “Orthopedic Non-Spinal Metallic Bone Screws and Washers—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff.” The device-specific draft guidances identified in this notice were developed in accordance with the finalized guidance entitled “Safety and Performance Based Pathway.” These draft guidances are not final nor are they in effect at this time.

**DATES:** Submit either electronic or written comments on the draft guidances by December 19, 2019 to ensure that the Agency considers your comment on these draft guidance documents before it begins work on the final version of the guidance documents.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

*Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

*Instructions:* All submissions received must include Docket No. FDA-2019-D-1647 for “Spinal Plating Systems—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff”; Docket No. FDA-2019-D-1649 for “Cutaneous Electrode for Recording Purposes—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff”; Docket No. FDA-2019-D-1651 for “Conventional Foley Catheters—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff”; and Docket No. FDA-2019-D-1652 for “Orthopedic Non-Spinal Metallic Bone Screws and Washers—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff.” Received comments will be placed in the dockets and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions—*To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The

second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidances are available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidances. Submit written requests for a single hard copy of the draft guidances entitled “Spinal Plating Systems—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff,” “Cutaneous Electrode for Recording Purposes—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff,” “Conventional Foley Catheters—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff,” or “Orthopedic Non-Spinal Metallic Bone Screws and Washers—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff” to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring,

MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request.

**FOR FURTHER INFORMATION CONTACT:** Jason Ryans, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1613, Silver Spring, MD 20993-0002, 301-796-4908.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

These device-specific draft guidances provide performance criteria for premarket notification (510k) submissions to support the optional Safety and Performance Based Pathway, as described in the guidance entitled “Safety and Performance Based Pathway.”<sup>1</sup> As described in that guidance, substantial equivalence is rooted in comparisons between new devices and predicate devices. However, the Federal Food, Drug, and Cosmetic Act does not preclude FDA from using performance criteria to facilitate this comparison. If a legally marketed device performs at certain levels relevant to its safety and effectiveness, and a new device meets those levels of performance for the same characteristics, FDA could find the new device as safe and effective as the legally marketed device. Instead of reviewing data from direct comparison testing between the two devices, FDA could support a finding of substantial equivalence with data demonstrating the new device meets the level of performance of an appropriate predicate device(s). Under this optional Safety and Performance Based Pathway, a submitter could satisfy the requirement to compare its device with a legally marketed device by, among other things, independently demonstrating that the device’s performance meets performance criteria as established in the above-listed guidances, when finalized, rather than using direct predicate comparison testing for some of the performance characteristics.

##### **II. Significance of Guidance**

These draft guidances are being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). These draft guidances, when finalized, will represent the current thinking of FDA on performance criteria for the “Safety and Performance Based Pathway for Spinal Plating Systems,” “Cutaneous Electrode for Recording Purposes,” “Conventional Foley Catheters,” and “Orthopedic Non-

<sup>1</sup> Available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/safety-and-performance-based-pathway>.

Spinal Metallic Bone Screws and Washers.” They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. These guidances are not subject to Executive Order 12866.

### III. Electronic Access

Persons interested in obtaining a copy of the draft guidances may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at <https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm>. These draft guidances are also available at <https://www.regulations.gov>. Persons

unable to download an electronic copy of either “Spinal Plating Systems—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff (document number 19008),” “Cutaneous Electrode for Recording Purposes—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff (document number 19014),” “Conventional Foley Catheters—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff (document number 19010),” or “Orthopedic Non-Spinal Metallic Bone Screws and Washers—Performance Criteria for Safety and Performance

Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff (document number 19009)” may send an email request to [CDRH-Guidance@fda.hhs.gov](mailto:CDRH-Guidance@fda.hhs.gov) to receive an electronic copy of the documents. Please use the document number and complete title to identify the guidance you are requesting.

### IV. Paperwork Reduction Act of 1995

These draft guidance documents refer to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information have been approved by OMB as listed in the following table:

21 CFR part or guidance	Topic	OMB control No.
807, subpart E ..... “Requests for Feedback on Medical Device Submissions: The Q-Submission Program and Meetings with Food and Drug Administration Staff”.	Premarket Notification ..... Q-Submissions .....	0910–0120 0910–0756

Dated: September 16, 2019.

**Lowell J. Schiller,**

*Principal Associate Commissioner for Policy.*

[FR Doc. 2019–20370 Filed 9–19–19; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2019–N–3403]

#### The Food and Drug Administration Solicits Input on Potential Role for Abuse-Deterrent Formulations of Central Nervous System Stimulants; 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) is establishing a public docket to receive comments from interested parties, including patients, patient advocates, healthcare providers, academics, researchers, the pharmaceutical industry, and other government entities, on considerations related to the development and evaluation of abuse-deterrent formulations (ADFs) of central nervous system stimulants and whether such products could play a role in addressing

public health concerns related to prescription stimulant misuse and abuse. This notice provides an overview of available postmarket data on the use, misuse, and abuse of prescription stimulants and associated morbidity and mortality, along with similar data on prescription opioids to provide context; background information on the development and evaluation of ADF products; and specific questions on which FDA seeks input. The Appendix lists the sources used in developing this overview.

**DATES:** Submit either electronic or written comments by November 19, 2019.

**ADDRESSES:** FDA is establishing a docket for public comment. The docket number is FDA–2019–N–3403. The docket will close on November 19, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 19, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 19, 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.

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–3403 for “FDA Solicits Input on Potential Role for Abuse-Deterrent Formulations of Central Nervous System Stimulants; 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:** Janelle Derbis, Center for Drug Evaluation and Research (HFD–1), Food and Drug Administration, 20 North Michigan Ave., Suite 510, Chicago, IL 60602, 312–596–6516.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

Prescription central nervous system (CNS) stimulants are important medications that are widely prescribed for the treatment of attention deficit hyperactivity disorder (ADHD) and, in some cases, narcolepsy. Currently marketed prescription stimulant drugs consist primarily of amphetamine salts and related compounds including methylphenidate, dextroamphetamine, dexmethylphenidate, methamphetamine, and lisdexamfetamine. When used properly, prescription stimulants can provide significant benefits for patients. However, these drugs have a high potential for misuse and abuse,<sup>1</sup> with associated morbidity and mortality. As such, these drugs are classified in Schedule II (CII) under the Controlled Substances Act, the most restrictive classification for drugs with currently accepted medical use in the United States.

Over the past several years, drug manufacturers have sought to develop novel formulations of prescription stimulants with properties intended to deter abuse. The purpose of this **Federal Register** notice is to solicit input on considerations related to the development and evaluation of such potentially abuse-deterrent formulations, referred to in this notice as *ADF stimulants*, and whether such products could play a role in addressing public health concerns related to prescription stimulant misuse and abuse. We note that although FDA has approved multiple opioid analgesic products with ADFs with labeling stating that these products are expected to deter abuse via one or more routes of administration, FDA has not approved similar labeling for any prescription stimulants. FDA recognizes the misuse and abuse of prescription stimulants as serious public health concerns. However, the scope and patterns of misuse and abuse, morbidity, and

mortality associated with prescription stimulants are different from those associated with prescription opioids. Furthermore, postmarket data regarding the impact of ADF opioid analgesics in reducing abuse and associated adverse health outcomes, such as overdose, continue to be limited. FDA is interested in public comment on whether and to what extent ADF stimulants might reduce prescription stimulant abuse and on the potential public health impact of any such reduction.

##### **II. Background**

To better understand the potential role for ADF stimulant products, FDA has reviewed available postmarket data on patterns of use, misuse, and abuse of prescription stimulants and associated morbidity and mortality. A summary of these findings is presented below. To provide context, we also include selected similar data on prescription opioids (see the Appendix for the sources used to develop this summary). Finally, we briefly describe certain key concepts associated with the development and evaluation of drug products intended to deter abuse.

##### *A. Postmarket Data on Use, Misuse, Abuse, and Related Adverse Health Outcomes*

Amphetamine stimulants have been available and used for various medical purposes for roughly a century. In the 1990s, longer acting forms of amphetamine were introduced to the market. During this same period, a steep increase in the diagnosis of ADHD in the United States led to a parallel increase in societal exposure to prescribed amphetamine and related stimulant products. From 2007 to 2016, the number of individuals receiving prescriptions for stimulants increased substantially in patients older than 4 years old, with the greatest rate increases occurring in those aged 25 to 44 years. From 2012 to 2016, the estimated number of prescriptions dispensed annually for CII stimulant products from U.S. outpatient retail pharmacies increased from approximately 49.2 million to 62.8 million prescriptions. During this same period, the estimated number of prescriptions dispensed for opioid analgesics decreased from approximately 238.2 million to 193.4 million, remaining approximately three times that of CII stimulant product prescriptions dispensed in 2016.

College students and other young adults are the demographic groups with the highest prevalence of misuse and abuse of prescription stimulants. Data

<sup>1</sup> In this document, the term *misuse* refers to the intentional therapeutic use of a drug product in an inappropriate way and specifically excludes the definition of abuse. The term *abuse* is used here to mean the intentional, non-therapeutic use of a drug product or substance, even once, to achieve a desirable psychological or physiological effect.



from the National Survey on Drug Use and Health (2017) suggest that among Americans aged 12 years and older, an estimated 6.8 percent have used a prescription stimulant in the past year, and 2.1 percent have misused or abused a prescription stimulant. Among those aged 18 to 25 years, an estimated 14.7 percent have used a prescription stimulant in the past year, and 7.4 percent report misusing or abusing the medications. By comparison, among those 12 years and older, an estimated 33.4 percent used and 4.1 percent misused or abused prescription opioid analgesics in the past year. Among 18- to 25-year-olds, an estimated 29.9 percent used prescription opioid analgesics in the past year, and 7.2 percent reported misusing or abusing the medications.

Most individuals misusing or abusing prescription stimulants report doing so only occasionally, primarily to stay awake or enhance academic or work performance, rather than to achieve a high. Those who misuse and abuse prescription stimulants commonly do so in the setting of polysubstance abuse involving a wide range of other prescription products and illicit substances. Limited data from surveys of college students suggest that the problem of prescription stimulant misuse and abuse may be growing in this population, although the prevalence appears to vary considerably by geographic region. Recent data from U.S. poison control centers suggest that misuse and abuse of prescription stimulants may be declining among adolescents less than 19 years of age.

In surveys, a large majority of college students who misuse or abuse prescription stimulants report doing so by the oral route. However, a sizable minority report at least sometimes using them intranasally (most estimates being between 10 percent and 30 percent, but ranging from approximately 7 percent to 50 percent). Injection of prescription stimulants appears to be very uncommon among college students, although data are limited. Among individuals being assessed for or entering substance abuse treatment—a population enriched with individuals with advanced substance use disorders (SUDs)—about 2 in 5 respondents reporting misuse or abuse of prescription stimulants indicate using them intranasally, and approximately 1 in 10 reports injecting them. Direct comparisons with routes of abuse for prescription opioids are difficult, because these patterns vary widely across class, but the routes of abuse patterns for prescription stimulants appear most similar to those seen in this

population for immediate-release oxycodone/acetaminophen combination products.

A variety of serious adverse events have been reported in association with prescription stimulant misuse and abuse, including both acute and chronic cardiovascular and neuropsychiatric effects. Additional serious complications are associated with abuse via non-oral routes, including but not limited to, pulmonary complications and infections from non-sterile injection practices and syringe sharing. Misuse and abuse of prescription stimulants can result in physical and psychological dependence as well as impairment of important family, social, and occupational functioning.

Despite these concerns, available data from emergency department (ED) visits, drug-involved mortality, and treatment center admissions suggest that serious consequences of prescription stimulant misuse and abuse appear to be considerably less frequent than for prescription opioids, even after accounting for the lower prescription volume of stimulants. It is important to recognize that not all harms associated with prescription drug misuse and abuse will be captured in these data sources. Based on data from the National Electronic Injury Surveillance System-Cooperative Adverse Drug Event Surveillance (NEISS-CADES) project, in 2016, approximately 11,000 emergency department visits were estimated to involve nonmedical use of prescription stimulants (including both misuse and abuse), or approximately 1 visit for every 5,700 prescriptions dispensed. In the same year, approximately 130,000 visits were estimated to involve nonmedical use of opioid analgesics, or 1 visit for every 1,500 prescriptions dispensed. Therefore, although survey data indicate that the prevalence of prescription stimulant misuse and abuse is similar to, or potentially even higher than, that of opioid analgesics relative to prescribed availability, the ED visit data suggest that the likelihood of acute adverse effects serious enough to require medical evaluation or treatment is considerably lower with prescription stimulants than with opioid analgesics. This finding is not surprising given the risk of profound central nervous system and respiratory depression associated with opioids.

Similarly, deaths involving prescription opioids vastly outnumber those involving prescription stimulants, despite the only modestly higher prescription volume for opioids. Based on data extracted from the text of U.S. death certificates, in 2014, approximately 1,000 deaths involved

prescription stimulants (including mention of “amphetamines” and other prescription stimulants but excluding “methamphetamine”), or 1 death for every 55,000 prescriptions. By comparison, in 2014, more than 14,000 deaths involved prescription opioids, about 1 death for every 16,000 prescriptions dispensed.

Data from SUD treatment center admissions indicate that prescription stimulants are a relatively uncommon drug of abuse reported among those entering treatment for SUDs (<2 percent), particularly when compared to prescription opioids (approximately 8 to 20 percent). However, as these data capture only a snapshot of recent drug use reported by people being assessed for treatment, they shed little light on the natural history of drug abuse and the development of SUDs, which often involve multiple drugs. Although there is a small body of literature on the progression of opioid use disorder and transitions from prescription opioids to heroin, there has been little research on the longitudinal trajectory of prescription stimulant misuse and abuse, the development of addiction among those misusing or abusing these drugs, or the likelihood of transitioning to illicit stimulants, such as methamphetamine and cocaine, which represent a large and growing public health concern.

In summary, prescription stimulant misuse and abuse are serious public health concerns, particularly in college students and other young adults. Most misuse and abuse of these drugs is oral, although a significant minority of those misusing and abusing the medications report non-oral routes, primarily intranasal. The risk of serious adverse outcomes and the overall magnitude of harms associated with prescription stimulants appear to be considerably lower than for prescription opioids. The relationship between misuse and abuse of prescription stimulants and the development of addiction or initiation of illicit stimulants, such as methamphetamine and cocaine, or other substances, has not been well characterized.

#### *B. Development and Evaluation of ADF Products*

Some examples of types of abuse-deterrent technologies and methods for evaluating ADFs are outlined in FDA's 2015 guidance for industry entitled “Abuse-Deterrent Opioids—Evaluation and Labeling” (available at <https://www.fda.gov/media/84819/download>). While this document was not intended to provide guidance on the development or evaluation of abuse-deterrent

products in other drug classes, it outlines certain principles that would likely be relevant to the development and evaluation of abuse-deterrent formulations of any prescription drug product. For example, the guidance explains that the design of relevant abuse-deterrent products should target specific known or expected routes of abuse relevant to the proposed product. In addition, the guidance recommends that an evaluation of a proposed ADF should take into consideration the known routes of abuse for the non-ADF predecessor or similar products, and that an ADF should meaningfully reduce abuse of the product as well as morbidity and mortality associated with that abuse. The potential for an ADF to reduce abuse and misuse of a drug product and associated harms depends on, among other things, the pharmacologic properties and abuse liability of the drug substance itself, the scope and patterns of abuse and related harms for that drug and other drugs in the community, and the effectiveness of the ADF in actually deterring abuse and reducing related adverse outcomes associated with that drug in real-world settings. The guidance recommends that developers of ADF products should also consider possible unintended consequences of the ADF, such as the possibility that the ADF could result in shifting abuse from one route to a different, riskier route (e.g., from snorting to injecting).

Although certain scientific principles described in the 2015 guidance likely would be relevant to the development and evaluation of abuse-deterrent formulations of any prescription drug product, FDA has not determined that ADF stimulants warrant the same regulatory approach as ADF opioids. FDA has approved several ADF opioids with language in product labeling stating that these products are expected to deter abuse via specific routes of administration, but has not approved similar labeling for any prescription stimulants. As discussed above, both the patterns and magnitudes of misuse and abuse, morbidity, and mortality associated with prescription stimulants are quite different from those associated with prescription opioids. Furthermore, FDA is continuing to refine its regulatory approach towards ADF opioids in light of evolving technology and science as well as the changing nature of the opioid crisis. While some stakeholders have called for FDA to take additional actions to encourage the transition of the prescription opioid market to ADF opioids, others have questioned the effectiveness of ADFs in

reducing opioid abuse and have raised concerns about the possibility of unintended consequences of such a transition, including higher costs and the potential to shift abuse to even more dangerous illicit drugs.

### C. Topics for Consideration

(1) FDA has provided a summary of its current understanding of abuse and misuse of prescription stimulant products in the United States. We are seeking new or additional information and perspectives on prescription stimulant misuse and abuse and associated harms. We are particularly interested in data on the natural history of stimulant use disorders, including the risk of developing addiction and of transitioning to abuse of illicit stimulants.

(2) Taking into account the patterns and consequences of prescription stimulant misuse and abuse by both patients and others who may access the drugs, discuss whether ADF stimulants could be expected to meaningfully reduce prescription stimulant abuse and associated harms. For which specific patient populations, if any, might it be beneficial to prescribe ADF stimulants? In particular, please discuss whether and to what extent ADF stimulants might be expected to deter the various routes of abuse (e.g., oral, intranasal, injection) associated with prescription stimulants, and also whether such products, if approved and marketed, could be expected to meaningfully reduce the incidence or progression of stimulant use disorder.

(3) Please comment on how ADF stimulant products should be evaluated in premarket and postmarket studies to determine whether they can be expected to deter, or actually have deterred, abuse by the various routes associated with prescription stimulant abuse (oral, intranasal, intravenous, inhalation).

(4) Comment on whether the potentially abuse-deterrent properties of ADF stimulants should be described in product labeling. If so, how should they be described and based on what evidence? We additionally invite comment on whether terms such as *abuse deterrent stimulant* and *ADF stimulant* could be misinterpreted by the public (including prescribers) to suggest that a product is “abuse-proof,” or carries a lower risk of addiction. Is there alternative terminology that FDA could use to more clearly describe the expected effects of these new formulations in terms of patient safety and public health?

(5) What other actions or regulatory approaches with respect to ADF stimulants should FDA consider?

(6) Comment on any potential unintended consequences of introducing ADF stimulants to the market. For example, what is the potential for ADF stimulants to shift behavior toward more dangerous routes of abuse (i.e., injection) or to more dangerous drugs (e.g., illicit methamphetamine or other substances), or to result in increased costs for patients, payers, or health systems?

(7) What other actions, if any, should FDA consider to reduce misuse, abuse, and related harms associated with prescription stimulants?

### III. Appendix

The following sources were used in developing the body of this notice.

- Albertson, T.E., W.F. Walby, and R.W. Derlet. (1995) “Stimulant-Induced Pulmonary Toxicity.” *Chest*, 108(4): 1140–1149.
- Arria, A.M., K.M. Caldeira, K.E. O’Grady, et al. (2008) “Nonmedical Use of Prescription Stimulants Among College Students: Associations With Attention-Deficit-Hyperactivity Disorder and Polydrug Use.” *Pharmacotherapy*, 28(2): 156–169. doi: 10.1592/phco.28.2.156.
- Bachi, K., S. Sierra, N.D. Volkow, et al. (2017) “Is Biological Aging Accelerated in Drug Addiction?” *Current Opinion in Behavioral Sciences*, 13: 34–39.
- Berman, S.M., R. Kuczenski, J.T. McCracken, et al. (2009) “Potential Adverse Effects of Amphetamine Treatment on Brain and Behavior: A Review.” *Molecular Psychiatry*, 14(2): 123–142. doi: 10.1038/mp.2008.90.
- Bruggisser, M., M. Bodmer, and M.E. Liechti. (2011) “Severe Toxicity due to Injected but not Oral or Nasal Abuse of Methylphenidate Tablets.” *Swiss Medical Weekly*, 141: w13267. doi: 10.4414/smww.2011.13267.
- Butler, S.F., T.A. Cassidy, H. Chilcoat, et al. (2013) “Abuse Rates and Routes of Administration of Reformulated Extended-Release Oxycodone: Initial Findings From a Sentinel Surveillance Sample of Individuals Assessed for Substance Abuse Treatment.” *The Journal of Pain*, 14: 351–358.
- Butler, S.F., R.A. Black, T.A. Cassidy, et al. (2011) “Abuse Risks and Routes of Administration of Different Prescription Opioid Compounds and Formulations.” *Harm Reduction Journal*, 8: 29.
- Carlson R.G., R.W. Nahhas, S.S. Martins, et al. (2016) “Predictors of Transition to Heroin Use Among Initially Non-Opioid Dependent Illicit Pharmaceutical Opioid Users: A Natural History Study.” *Drug and Alcohol Dependence*, 160: 127–134.
- Carroll, B.C., T.J. McLaughlin, and D.R. Blake. (2006) “Patterns and Knowledge of Nonmedical Use of Stimulants Among College Students.” *Archives of Pediatrics & Adolescent Medicine*, 160: 481–485.
- Cassidy, T.A., N. Oyedele, T.C. Mickle, et al. (2017) “Patterns of Abuse and Routes of Administration for Immediate-Release Hydrocodone Combination Products.” *Pharmacoepidemiology and Drug Safety*,

- 26: 1071–1082.
- Cassidy, T.A., E.C. McNaughton, S. Varughese, et al. (2015) “Nonmedical Use of Prescription ADHD Stimulant Medications Among Adults in a Substance Abuse Treatment Population: Early Findings From the NAVIPPRO Surveillance System.” *Journal of Attention Disorders*, 19(4): 275–283.
- Cassidy, T.A., S. Varughese, L. Russo, et al. (2015) “Nonmedical Use and Diversion of ADHD Stimulants Among U.S. Adults Ages 18–49: A National internet Survey.” *Journal of Attention Disorders*, 19(7): 630–640.
- Center for Behavioral Health Statistics and Quality. (2018) “2017 National Survey on Drug Use and Health: Detailed Tables. Substance Abuse and Mental Health Services Administration,” Rockville, MD. Available at: <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHDetailedTabs2017/NSDUHDetailedTabs2017.pdf>.
- Centers for Disease Control, “Drug Involved Mortality Restricted Variable.” (2019) (see “DIM Documentation pdf” in link; Food and Drug Administration. “Analysis of Drug-Involved Mortality Data.” October 2016.) Available at: <https://www.cdc.gov/rdc/b1datatype/dt1229.html>.
- Clegg-Kraynok, M.M., A.L. McBean, and H.E. Montgomery-Downs. (2011) “Sleep Quality and Characteristics of College Students Who Use Prescription Psychostimulants Nonmedically.” *Sleep Medicine*, 12(6): 598–602. doi: 10.1016/j.sleep.2011.01.012.
- DeSantis, A.D., E.M. Webb, and S.M. Noar. (2008) “Illicit Use of Prescription ADHD Medications on a College Campus: A Multimethodological Approach.” *Journal of American College Health*, 57(3): 315–324. doi: 10.3200/JACH.57.3.315–324.
- Dupont, R.L., J.J. Coleman, R.H. Bucher, et al. (2008) “Characteristics and Motives of College Students Who Engage in Nonmedical Use of Methylphenidate.” *The American Journal on Addictions*, 17(3): 167–171. doi: 10.1080/10550490802019642.
- Garnier-Dykstra, L.M., K.M. Caldeira, K.B. Vincent, et al. (2012) “Nonmedical Use of Prescription Stimulants During College: Four-Year Trends in Exposure Opportunity, Use, Motives, and Sources.” *Journal of American College Health*, 60(3): 226–234. doi: 10.1080/07448481.2011.589876.
- Geller, A.I., D. Dowell, M.C. Lovegrove, et al. (2019) “U.S. Emergency Department Visits Resulting From Nonmedical Use of Pharmaceuticals, 2016.” *American Journal of Preventive Medicine*, 56: 639–647.
- Ghuran A. and J. Nolan. (2000) “Recreational Drug Misuse Issues for the Cardiologist.” *Heart*, 83(6): 627–633.
- Guarino, H., P. Mateu-Gelabert, J. Teubl, et al. (2018) “Young Adults’ Opioid Use Trajectories: From Nonmedical Prescription Opioid Use to Heroin, Drug Injection, Drug Treatment and Overdose.” *Addictive Behaviors*, 86: 118–123.
- Harocopos, A., B. Allen, and D. Paone. (2016) “Circumstances and Contexts of Heroin Initiation Following Non-Medical Opioid Analgesic Use in New York City.” *International Journal on Drug Policy*, 28: 106–112.
- Hartung, C.M., W.H. Canu, C.S. Cleveland, et al. (2013) “Stimulant Medication Use in College Students: Comparison of Appropriate Users, Misusers, and Nonusers.” *Psychology of Addictive Behaviors*, 27(3): 832–840. doi: 10.1037/a0033822.
- Hay, E., V. Shklovski, Y. Blaer, et al. (2015) “Intravenous Methylphenidate: An Unusual Way to Provoke ST-Elevation Myocardial Infarction.” *The American Journal of Emergency Medicine*, 33(2): 313.e1–3.
- IQVIA, “National Prescription Audit Data Years 2011–2016.” Extracted March 2017.
- IQVIA, “Total Patient Tracker Data Years 2007–2016.” Extracted March 2017.
- Estimates of U.S. population per age group abstracted from U.S. Census Annual Estimates of the Resident Population; Intercensal Estimates of the Resident Population.
- Jardin, B., A. Looby, and M. Earleywine. (2011) “Characteristics of College Students With Attention-Deficit Hyperactivity Disorder Symptoms who Misuse Their Medications.” *Journal of American College Health*, 59(5): 373–377. doi: 10.1080/07448481.2010.513073.
- Kall, K. and R.G. Olin. (1990) “HIV Status and Changes in Risk Behaviour Among Intravenous Drug Users in Stockholm 1987–1988.” *AIDS*, 4: 153–157.
- Lankenau, S.E., M. Teti, K. Silva, et al. (2012) “Initiation Into Prescription Opioid Misuse Amongst Young Injection Drug Users.” *The International Journal on Drug Policy*, 23: 37–44.
- London, E.D. (2016) “Impulsivity, Stimulant Abuse, and Dopamine Receptor Signaling.” *Advances in Pharmacology*, 76: 67–84.
- McCabe, S.E., B.T. West, C.J. Teter, et al. (2014) “Trends in Medical Use, Diversion, and Nonmedical Use of Prescription Medications Among College Students from 2003 to 2013: Connecting the Dots.” *Addictive Behaviors*, 39(7): 1176–1182. doi: 10.1016/j.addbeh.2014.03.008.
- McNeil, A.D., K.B. Muzzin, J.P. DeWald, et al. (2011) “The Nonmedical Use of Prescription Stimulants Among Dental and Dental Hygiene Students.” *Journal of Dental Education*, 75: 365–376.
- Miyashita, T., T. Hayashi, Y. Ishida, et al. (2007) “A Fatal Case of Pontine Hemorrhage Related to Methamphetamine Abuse.” *Journal of Forensic and Legal Medicine*, 14(7): 444–447.
- Nakano, H., Y. Iwata, H. Kanegae, et al. (1998) “Talc Pulmonary Granulomatosis Caused by Intravenous Administration of Methylphenidate.” *Nihon Kokyuki Gakkai Zasshi*, 36(1): 111–115.
- Pereiro-Gómez, C., J. Vicente-Alba, A. Ramos-Caneda, et al. (2012) “Ekbom Syndrome in an Intravenous Methylphenidate Abuser.” *Adicciones*, 24(4): 301–307.
- Rabiner, D.L., A.D. Anastopoulos, E.J. Costello, et al. (2009) “The Misuse and Diversion of Prescribed ADHD Medications by College Students.” *Journal of Attention Disorders*, 13(2): 144–153. doi: 10.1177/1087054708320414.
- Romach, M.K., K.A. Schoedel, and E.M. Sellers. (2014) “Human Abuse Liability Evaluation of CNS Stimulant Drugs.” *Neuropharmacology*, 87: 81–90.
- Seth, P., R.A. Rudd, R.K. Noonan, et al. (2018) “Quantifying the Epidemic of Prescription Opioid Overdose Deaths.” *American Journal of Public Health*, 108: 500–502.
- Severtson, S.G., G. Bau, and R.C. Dart. (2018) “Pediatric Suspected Suicide Exposures Involving Prescription Stimulants Are Increasing Faster Than Stimulant Prescriptions.” *RADARS System Quarterly Technical Report*, 2018–Q2. Available at: <https://www.radars.org/system/publications/20182Q%20QTR.pdf>.
- Spiller, H.A., H.L. Hays, and A. Aleguas, Jr. (2013) “Overdose of Drugs for Attention-Deficit Hyperactivity Disorder: Clinical Presentation, Mechanisms of Toxicity, and Management.” *CNS Drugs*, 27(7): 531–543. doi: 10.1007/s40263-013-0084-8.
- Stumbo, S.P., B.J.H. Yarborough, D. McCarty, et al. (2017) “Patient-Reported Pathways to Opioid Use Disorders and Pain-Related Barriers to Treatment Engagement.” *Journal of Substance Abuse Treatment*, 73: 47–54.
- Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality. (2016) Table 1.1b “Admissions Aged 12 Years and Older, by Primary Substance of Abuse, Percent Distribution, 2004–2014.” In: *Treatment Episode Data Set (TEDS): 2004–2014. National Admissions to Substance Abuse Treatment Services*. BHSIS Series S–84, HHS Publication No. (SMA) 16–4986. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2016. Available at: [https://www.dasis.samhsa.gov/dasis2/teds\\_pubs/2014\\_teds\\_rpt\\_natl.pdf](https://www.dasis.samhsa.gov/dasis2/teds_pubs/2014_teds_rpt_natl.pdf).
- Sweeney, C.T., M.A. Sembower, M.D. Ertischek, et al. (2013) “Nonmedical Use of Prescription ADHD Stimulants and Preexisting Patterns of Drug Abuse.” *Journal of Addictive Diseases*, 32(1): 1–10. doi: 10.1080/10550887.2012.759858.
- Teter, C.J., S.E. McCabe, K. LaGrange, et al. (2006) “Illicit Use of Specific Prescription Stimulants Among College Students: Prevalence, Motives, and Routes of Administration.” *Pharmacotherapy*, 26(10): 1501–1510.
- Tse, D.T. and R.R. Ober. (1980) “Talc Retinopathy.” *American Journal of Ophthalmology*, 90(5): 624–640.
- Verite, F. and J. Micalef. (2017) “Acute Psychiatric Symptoms During Methylphenidate Intravenous Injections: A Case Report.” *Therapie*, 72: 367–372.
- Volkow, N.D. and J.M. Swanson. (2003)

“Variables That Affect the Clinical Use and Abuse of Methylphenidate in the Treatment of ADHD.” *American Journal of Psychiatry*, 160(11): 1909–1918.

Volkow, N.D. and J. Normand. (2013) “The International HIV/AIDS Pandemic Has Been Closely Inter-twined With Drug Abuse and Addiction From the Time It Began. Preface.” *Drug and Alcohol Dependence*, 132(Suppl 1): S1.

Weyandt, L.L., G. Janusis, K.G. Wilson, et al. (2009) “Nonmedical Prescription Stimulant Use Among a Sample of College Students: Relationship With Psychological Variables.” *Journal of Attention Disorders*, 13(3): 284–296. doi: 10.1177/1087054709342212.

White, B.P., K.A. Becker-Blease, and K. Grace-Bishop. (2006) “Stimulant Medication Use, Misuse, and Abuse in an Undergraduate and Graduate Student Sample.” *Journal of American College Health*, 54(5): 261–268.

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## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Health Resources and Services Administration**

#### **Statement of Organization, Functions and Delegations of Authority**

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of HHS, HRSA (60 FR 56605, as amended November 6, 1995; as last amended at 81 FR 52450–52451 dated August 8, 2016).

This reorganization: (1) Establishes the Executive Secretariat (RB0) within the Office of the Chief Operating Officer (RB); (2) transfers the functions of the Division of the Executive Secretariat (RB41) from the Office of Administrative Management (RB4) to the newly established Executive Secretariat (RB0); (3) abolishes the Division of Executive Secretariat (RB41) within the Office of Administrative Management (RB4); (4) renames the Office of Budget (RB1) to the Office of Budget and Finance (RB1); (5) establishes the Division of Financial Policy, Analysis and Control (RB14) within the Office of Budget and Finance (RB1); (6) transfers the functions of the Office of Financial Policy and Controls (RB2) to the newly established Division of Financial Policy, Analysis and Control, within the Office of Budget and Finance (RB1); (7) abolishes the Office of Financial Policy and Controls (RB2); (8) establishes the Division of

Procurement Management (RB3D) within the Office of Acquisitions Management and Policy (RB3); (9) transfers the Division of Policy and Data Analysis (RB33) and Division of Financial Support Services (RB34) functions to the newly established Division of Procurement Management (RB3D); and (10) abolishes the Division of Policy and Data Analysis (RB33) and the Division of Financial Support Services (RB34). The new chapter reads as follows:

#### **Chapter RB—Office of Operations**

##### *Section RB.10 Organization*

Delete the organization for the Office of Operations (RB) in its entirety and replace with the following:

The Office of Operations (RB) is headed by the Chief Operating Officer, who reports directly to the Administrator, Health Resources and Services Administration. The Office of Operations includes the following components:

- (1) Office of the Chief Operating Officer (RB);
- (2) Executive Secretariat (RB0);
- (2) Office of Budget and Finance (RB1);
- (3) Office of Acquisitions Management and Policy (RB3);
- (4) Office of Administrative Management (RB4);
- (5) Office of Information Technology (RB5); and
- (6) Office of Human Resources (RB6).

##### *Section RB.20 Functions*

Delete the functional statement for the Office of the Chief Operating Officer (RB); Office of Budget and Finance (RB1); Office of Acquisitions Management and Policy (RB3); Office of Administrative Management (RB4); replace in their entirety.

#### **Office of Operations (RB)**

##### *Office of the Chief Operating Officer (RB)*

(1) Provides leadership for operational activities, interaction, and execution of initiatives across HRSA; (2) plans, organizes and manages annual and multi-year budgets and resources and assures that the conduct of administrative and financial management activities effectively support program operations; (3) provides an array of HRSA-wide services including Executive Secretariat, information technology, procurement management, facilities, human resources, workforce management, and budget execution and formulation; (4) maintains overall responsibility for policies, procedures, and monitoring of

internal controls and systems related to payment and disbursement activities; (5) provides management expertise, staff advice, and support to the Administrator in program and policy formulation and execution; (6) provides leadership in the development, review and implementation of policies and procedures to promote improved information technology management capabilities and best practices; (7) coordinates workforce issues and works closely with the Department on recruitment and training issues; and (8) administers functions of the Chief Financial Officer.

##### *Executive Secretariat (RB0)*

The Executive Secretariat provides leadership, management and guidance HRSA-wide for correspondence, policy and information coordination, Federal Advisory Committees, and Freedom of Information Act requests. Specifically, the Executive Secretariat: (1) Advises the Administrator and other key agency officials on cross-cutting policy issues and assists in their identification and resolution; (2) establishes and maintains a tracking system that provide HRSA-wide coordination and clearance of policies, regulations, and guidelines; (3) plans, organizes, and directs the preparation and management of written correspondence; (4) manages the review process for HRSA-drafted reports to Congress; (5) coordinates the preparation of proposed rules and regulations relating to HRSA programs and coordinates review and comment on other Department regulations and policy directives that may affect HRSA programs; (6) oversees and coordinates HRSA’s federal advisory committee management activities; (7) coordinates the review and publication of **Federal Register** notices; and (8) coordinates the implementation of the Freedom of Information Act (FOIA) for the agency.

##### *Office of Budget and Finance (RB1)*

(1) Reviews funds control measures to assure that no program, project or activity of HRSA obligates or disburses funds in excess of appropriations or obligates funds in violation of authorized purposes; (2) provides advice and assistance to senior HRSA management to verify the accuracy, validity, and technical treatment of budgetary data in forms, schedules, and reports, or the legality and propriety of using funds for specific purposes; (3) maintains primary liaison to expedite the flow of financial management work and materials within HRSA and/or between agency components and HHS, Office of Management and Budget (OMB), and congressional staff; (4)

provides overall financial-based analyses and fiduciary review for senior HRSA management in order to assure appropriate workforce planning, funds control guidance, and analytical technical assistance in all phases of the budgetary process; and (5) develops the long-range program and financial plan for HRSA in collaboration with the HRSA Office of Planning, Analysis and Evaluation (OPAE), and other administrative HRSA components.

*Division of Budget Formulation and Presentation (RB11)*

(1) Manages and coordinates development of the Administration's budget for HRSA from submissions prepared by Bureau/Office contacts; (2) formulates the total HRSA financial plan for the Administrator, and evaluates and assures total HRSA budget requests conform to current Administration policy and economic assumptions; (3) coordinates performance measures pursuant to the Government Performance and Results Act (GPRA) Modernization Act with budget proposals; (4) represents, supports, and defends the HRSA budget in meetings/hearings before the Office of the Secretary, OMB, and the Congress; (5) provides policy direction and guidance for the preparation and consolidation of the budget and its transmittal to OMB through information technology; (6) analyzes proposed legislation and subsequent congressional action for budgetary implications; (7) prepares periodic summary analysis and impact statements on budget allowances and applicable congressional actions; (8) develops analyses of proposed budget estimates and supporting narrative through the use of available financial data reporting systems for senior HRSA management; (9) maintains liaison with the Office of the Secretary and the OMB, the Government Accountability Office, other Government organizations, and the Congress on HRSA's financial management matters; (10) consults with HRSA's OPAE to provide guidance and advice in implementing performance systems, including Key Performance Indicators, and HRSA's GPRA Modernization Act program; (11) collaborates with other parts of HRSA in the development and implementation of long-range program and financing plans; (12) completes chain-of-command requirements in timing and reporting of cleared information to parties outside the Executive Branch (*i.e.*, Congress, media, public); and (13) appropriately safeguards all embargoed information and all draft materials to maintain

integrity of data and secure work information.

*Division of Budget Execution and Management (RB12)*

(1) Provides budget policy interpretation, management guidance, and direction for senior HRSA management; (2) conducts the HRSA budget control process in conformance with statutory requirements and OMB guidelines; (3) approves program spending plans and obtains apportionment of funds from the OMB; (4) establishes and maintains a system of budgetary fund and position control; (5) provides senior HRSA management status and activity reports on total funds control and position control activities throughout the fiscal year; (6) administers and reviews requests for apportionments and allotments; (7) reviews, controls, and reports obligations and expenditures through central monitoring and advice to Bureau/Office management officials; (8) verifies funds available to Central HRSA Offices, and the propriety of using appropriated and non-appropriated funds for the requested purposes for which the funds have been proposed for expenditure through commitment accounting; (9) develops and interprets budgetary policies and practices for operating units of HRSA including analysis and approval for all equipment, supplies, travel, transportation and services procured by HRSA, and ensures the validity, legality, and proper accounting treatment of expenditures processed through the central HHS Accounting System; (10) controls the processes of allotment, allocation, obligation, and expenditure of funds in approved annual operating plans for all HRSA accounts; (11) monitors Bureau/Office obligations in current allocations, disbursements and outlays, and notifies Bureaus/Offices of potential deficiencies in allotments and allowances for specific periods for corrective action; (12) maintains primary liaison between HRSA and the Program Support Center's Financial Operations Center for accounting functions; (13) maintains tracking of inputs into HRSA account for the central HHS accounting system, which includes the examination, verification, and maintenance of accounts and accounting data within the system; (14) provides standardized accounting codes, performs technical audit functions, develops and/or installs revised accounting procedures, and serves as primary administrator of systems accounting functions within HRSA; (15) provides appropriate tracking of all "fee-for-service" charges to HRSA from other HHS components

and outside entities; and (16) manages the centralized HRSA pay management for allocation of staff and position management.

*Division of Program Budget Services (RB13)*

(1) Provides direct budget execution services to assigned program components working with appropriate program management officials; (2) coordinates budget services through formalized and integrated communications with program management officials or their designees to ensure effective and efficient delivery of services to its customers; (3) supports the formulation of annual budgets, develops spending plans, and manages budget activities ensuring funds are expended in accordance with congressional intent; (4) provides reports on program activities to Budget Execution and Management Staff for control of commitment accounting within allotments and allowances and for position control activities; (5) analyzes and maintains reports on disbursements and changing obligations within closed year accounts for assigned program components; and (6) assures all open documents are closed without outstanding balances.

*Division of Financial Policy, Analysis and Control (RB14)*

(1) Defines the control environment (*e.g.*, programs, operations, or financial reporting) with senior HRSA management; (2) maintains overall responsibility for policies, procedures, monitoring of internal controls and systems related to payment and disbursement activities; (3) conducts analyses to inform senior HRSA management of relevant financial information, potential problems/solutions, and information on payment, travel, and disbursement issues; (4) reviews policy documents, Inter/Intra-Agency Agreements, and HHS materials for financial consistency with internal controls and disbursement requirements; (5) conducts analyses of management and operational problems in terms of financial management information; (6) analyzes the design, implementation, enhancement, and documentation of automated financial systems within the Office of Operations to assist management in operating more efficiently; (7) provides consultative services to systems implementers within HRSA on a broad range of issues including policy, data integrity, systems integration, and interfacing issues as they relate to financial management systems; (8) provides technical support and assistance to operating components

and users in the integration of financial systems and the access and interpretation of financial system data; (9) analyzes and offers recommendations concerning the costs and benefits of alternative methods of financing agency programs and administrative operations; (10) prepares long-range resource projections for the acquisition and use of funds to support specific agency projects and programs; (11) facilitates the review of HRSA audit activities in compliance with the Chief Financial Officer's Act of 1990; and (12) provides support to the Annual Financial Statements by monitoring statement of net cost, preparing management representation correspondence, cycle memoranda, and serves as audit liaison to the combined HHS Combined Financial Statement.

*Office of Acquisitions Management and Policy (RB3)*

(1) Provides leadership in the planning, development, and implementation of policies and procedures for contracts; (2) exercises the sole responsibility within HRSA for the award and management of contracts; (3) provides advice and consultation of interpretation and application of HHS policies and procedures governing contracts management; (4) coordinates HRSA positions and actions with respect to the audit of contracts; (5) maintains liaison directly with or through Bureaus/Offices with contractors, other organizations, and various components of the department; (6) provides leadership, guidance, and advice on the promotion of the activities in HRSA relating to procurement and material management governed by the Small Business Act of 1958, Executive Order 11625, other statutes, and national policy directives for augmenting the role of private industry and small and minority businesses as sources of supply to the Government and Government contractors; (7) plans, directs, and coordinates HRSA's strategic sourcing program; and (8) oversees the administration of the Federal Certification Program for HRSA's Contracting Officer's Representatives, contracting acquisition professionals, and Program and Project Managers.

*Division of Enterprise Information Technology Services (RB3A)*

(1) Provides comprehensive acquisition services including planning, soliciting, negotiating, awarding, and administering simplified and negotiated procurement actions tailored to the functions of its assigned Bureau/Offices; (2) ensures compliance with federal

laws and regulations, departmental and HRSA guidelines, policies and procedures; (3) provides professional, in-depth advice and consultation, customized to the Bureaus/Offices, regarding the appropriate contract vehicles and the various phases of the acquisition cycle; (4) conducts pre-award reviews of proposed contracts that exceed the requirements called for in the federal and departmental acquisition regulations in conjunction with the other contract services divisions; (5) plans and coordinates acquisition reviews of contracting activities within HRSA headquarters and the field components; and (6) responds to congressional inquiries and requests for acquisition information from other federal agencies and non-federal sources.

*Division of Primary Care and Health Infrastructure Services (RB3B)*

(1) Provides comprehensive acquisition services including planning, soliciting, negotiating, awarding, and administering simplified and negotiated procurement actions tailored to the functions of its assigned Bureau/Offices; (2) ensures compliance with federal laws and regulations, departmental and HRSA guidelines, policies and procedures; (3) provides professional, in-depth advice and consultation, customized to the Bureaus/Offices, regarding the appropriate contract vehicles and the various phases of the acquisition cycle; (4) conducts pre-award reviews of proposed contracts that exceed the requirements called for in the federal and departmental acquisition regulations in conjunction with the other contract services divisions; (5) plans and coordinates acquisition reviews of contracting activities within HRSA headquarters and the field components; and (6) responds to congressional inquiries and requests for acquisition information from other federal agencies and non-federal sources.

*Division of Population-Based and Enterprise Services (RB3C)*

(1) Provides comprehensive acquisition services including planning, soliciting, negotiating, awarding, and administering simplified and negotiated procurement actions tailored to the functions of its assigned Bureau/Offices; (2) ensures compliance with federal laws and regulations, departmental and HRSA guidelines, policies and procedures; (3) provides professional, in-depth advice and consultation, customized to the Bureaus/Offices, regarding the appropriate contract vehicles and the various phases of the

acquisition cycle; (4) conducts pre-award reviews of proposed contracts that exceed the requirements called for in the federal and departmental acquisition regulations in conjunction with the other contract services divisions; (5) plans and coordinates acquisition reviews of contracting activities within HRSA headquarters and the field components; and (6) responds to congressional inquiries and requests for acquisition information from other federal agencies and non-federal sources.

*Division of Procurement Management (RB3D)*

(1) Administers the training and certification programs in collaboration with HRSA's programs and offices for HRSA's Contracting Officer's Representatives, Federal Acquisitions Certification in Contracting acquisition professionals, and Program and Project Managers; (2) administers and oversees HRSA's automated contracts systems and Federal mandated acquisition life cycle systems; (3) conducts and monitors the performance of the HRSA purchase card program for headquarters, satellite contracts office, and regional field offices; (4) develops and implements policies, procedures, and other internal controls in compliance with federal, departmental, and HRSA acquisition laws, regulations, policies, and/or procedures; (5) coordinates and responds to acquisition-related information requests including congressional inquiries, performance management reviews, and requests for information from the Government Accountability Office, Office of the Inspector General, and other departments and non-federal sources; (6) conducts independent reviews and analysis requested by external and internal customers; (7) provides contract audits and analysis related to HRSA's acquisition actions, including terminations, modifications, cost proposals, and invoices; (8) coordinates the OMB Circular No. A-123 efforts; (9) maintains the HRSA-wide contract portfolio for Indefinite Delivery/Indefinite Quantity Contracts and Blanket Purchase Agreements; (10) manages the close-out process of negotiated and simplified acquisition actions and other related actions; and (11) manages HRSA's reimbursable agreement process.

*Office of Administrative Management (RB4)*

The Office of Administrative Management provides HRSA-wide leadership, program direction, and coordination of all phases of

administrative management.

Specifically, the Office of Administrative Management: (1) Provides management expertise, staff advice, and support to the Chief Operating Officer in administrative program and policy formulation and execution; (2) provides administrative management services including property management, space planning, Contingency of Operations, safety, physical security, and general administrative services; (3) plans, directs, and coordinates organizational personnel security and badging activities; (4) coordinates the development of policy and regulations; (5) directs and coordinates HRSA's delegations of authority; and (6) serves as HRSA's Senior Travel Official.

*Division of Executive Office Services (RB45)*

The Division of Executive Office Services plans, directs, and coordinates administrative activities for the Office of Operations and the offices within the Office of the Administrator. Specifically, the Division of Executive Office Services: (1) Provides administrative management services including property and general administrative services; (2) ensures implementation of statutes, Executive Orders, and regulations related to official travel and transportation; (3) provides oversight for the travel management program involving use of travel management systems, passenger transportation, and travel charge cards; (4) manages, controls, and/or coordinates all matters relating to mail management; (5) manages and/or coordinates small purchases and procurements; and (6) coordinates human resources activities.

*Division of Logistics and Support (RB46)*

The Division of Logistics and Support plans, directs, and coordinates administrative activities for HRSA. Specifically, the Division of Logistics and Support: (1) Ensures implementation of statutes, Executive Orders, and regulations related to official travel, transportation, and relocation; (2) provides oversight for the HRSA travel management program involving use of travel management services/systems, passenger transportation, and travel charge cards; (3) manages, controls, and/or coordinates all matters relating to mail management within HRSA, including developing and implementing procedures for the receipt, delivery, collection, and dispatch of mail; (4) responsible for the HRSA time and attendance program; (5) manages and/or

coordinates small purchases for Reasonable Accommodations; (6) ensures implementation of statutes, Executive Orders, and regulations related to official relocations of HRSA staff; (7) maintains overall responsibility for the HRSA Forms Management Program; (8) manages quality of work life programs; (9) provides planning, management, and oversight of all space management projects, move services, and furniture requirements; (10) provides analysis of office space requirements required in supporting decisions relating to the acquisition of commercial leases; and (11) manages the copier maintenance program.

*Division of Security Services (RB47)*

The Division of Security Services plans, directs, and coordinates safety, physical security, personnel security, Continuity of Operations and Emergency Management, parking, transit subsidy, and badging. Specifically, the Division of Security Services: (1) Ensures implementation of Executive Orders and regulations related to badging and personnel security related functions; (2) manages Transshare and parking coordination programs; (3) provides support and guidance on badging and personnel security issues; (4) approves foreign travel; (5) performs security briefings; (6) performs on-boarding and off-boarding duties; (7) ensures implementation of Executive Orders and regulations related to Safety and Security functions; (8) provides advice, counsel direction, and support to employees to fulfill HRSA's primary responsibility of providing a workplace free from recognizable safety and health concerns; (9) coordinates HRSA's continuity of operations and continuity of Government activities and maintains HRSA's Alternate Operating Facilities; (10) plans, directs, and coordinates HRSA's emergency operations activities; (11) serves as HRSA's liaison to HHS for foreign visitor requests; (12) provides training for the safety and security programs; (13) serves as HRSA's liaison to HHS and interagency partners on emergency preparedness matters; and (14) manages the HRSA Counter Intelligence and Insider Threat Program.

*Office of Information Technology (RB5)*

The Office of Information Technology is responsible for the organization, management, and administrative functions necessary to carry out responsibilities including: (1) Architecting, deploying, and supporting information technology (IT) infrastructure; (2) providing IT end user support; (3) developing enterprise and

custom applications; (4) providing investment control, budget formulation and execution, policy development, strategic and tactical planning, and performance monitoring; (5) providing leadership in the development, review, and implementation of policies and procedures to promote improved IT management capabilities and best practices throughout HRSA; (6) coordinating IT workforce issues and works closely with the Office of Administrative Management on IT recruitment and training issues; and (7) overseeing HRSA IT security operations and management program.

The Office of the Director is also responsible for the IT business function including: (1) Providing oversight and management of IT budget formulation and execution; (2) serving as the focal point to the Office of Information Technology's contracts; (3) providing centralized procurement services for the Office of Information Technology; and (4) serving as the coordinator for the Office of Information Technology's Inter-agency and Service Level Agreements.

*Division of Capital Planning, Architecture and Project Management (RB52)*

The Division of Capital Planning, Architecture and Project Management coordinates HRSA's capital planning and investment control, Enterprise Architecture, and Enterprise Project Life Cycle processes including: (1) Providing direct planning development and support to assure that IT activities support and achieve agency business planning and mission objectives; (2) working to obtain required information and analyzing it as appropriate; coordinating control and evaluation of ongoing IT projects and investments, including support to the HRSA Enterprise Governance Board and the Technical and Business Review Board in conducting such reviews; (3) implementing, coordinating, and administering the records management program for HRSA; and (4) establishing HRSA records management policy, HRSA records schedules, and provides training in compliance with National Archives and Records Administration standards.

*Division of Data and Information Services (RB55)*

The Division of Data and Information Services develops and maintains an overall data and information management strategy for HRSA that is integrated with HHS and government-wide strategies, including: (1) Serving as HRSA's coordination center for data



transparency and Open Government data initiatives; (2) providing for HRSA's data quality and ensuring that data required for HRSA's enterprise information requirements are captured in appropriate enterprise applications and that necessary data repositories are built and maintained; (3) evaluating and integrating emerging technologies to facilitate the translation of data and information from data repositories into electronic formats for internal and external dissemination; (4) identifying information needs across HRSA and developing approaches for meeting those needs using appropriate technologies, including development and maintenance of an enterprise reporting platform and a geospatial data warehouse; (5) enhancing and expanding the use and utility of HRSA's data by providing basic analytic and user support, developing and maintaining a range of information products for internal and external users, and demonstrating potential uses of information in supporting management decisions; (6) providing leadership and establishing policies to address legislative or regulatory requirements in its areas of responsibility; and (7) advising HRSA's Chief Information Officer on technical and analytical support that can be made available to other HRSA Bureaus/Offices.

#### *Division of Enterprise Solutions and Applications Management (RB56)*

The Division of Enterprise Solutions and Applications Management develops the HRSA grants program Electronic Handbook System (EHB) and other customized software applications to meet customer and mission needs. This includes: (1) Evaluating business processes, developing and integrating systems and functional and data architectures based on requirements; (2) developing, maintaining and supporting software applications including Commercial-Off-The-Shelf applications, and collaboration tools; (3) managing the systems development lifecycle by facilitating business process engineering efforts, systems requirements definition, and providing oversight for application change management control; and (4) providing enterprise application user training, and application customer support, and is responsible for end-to-end application building, deployment, and maintenance and data security assurance.

#### *Division of Infrastructure Services (RB57)*

The Division of Infrastructure Services provides leadership and consultation including the following

functions: (1) Directs and manages the support and acquisition of HRSA's network infrastructure, servers, wireless communication devices, and software licenses; (2) manages the HRSA Data Center and the operation and maintenance of a complex, high-availability network infrastructure on which mission-critical applications are made available 24 hours per day, 7 days per week; (3) controls infrastructure configuration management, installations and upgrades, security perimeter protection, and system resource access; and (4) coordinates IT activities for Continuity of Operations Planning agency-wide including provisioning and maintaining IT infrastructure and hardware at designated Continuity of Operations Planning locations to support emergency and Continuity of Operations Planning requirements.

#### *Division of End User Support (RB58)*

The Division of End User Support provides leadership, consultation, training, and management services for HRSA's enterprise user computing environment. Specifically, the Division of End User Support: (1) Directs and manages the support and acquisition of HRSA's desktop hardware, mobile devices, telecommunication, and cabling; (2) maintains workstation hardware and software configuration management controls; (3) accounts for property life cycle management, and tracks HRSA-wide IT capital equipment; (4) oversees the delivery of desktop services to staff in HRSA Regional Offices; and (5) provides telecommunications accountability, oversight, and support.

#### *Office of Human Resources (RB6)*

(1) Provides advice and guidance on all aspects of the HRSA human resources (HR) management program; (2) provides the full range of HR operations including employment, staffing and recruitment, compensation, classification, executive resources, labor and employee relations, employee benefits, and retirement; (3) develops and coordinates the implementation of HR policies and procedures for HRSA's human resources activities; (4) monitors, evaluates, and reports on the effectiveness, efficiency, and compliance with HR laws, rules, and regulations; (5) provides advice and guidance for the establishment or modification of organization structures; (6) manages the HRSA's Ethics Program; (7) administers HRSA's performance management programs; (8) manages the incentive and honor awards programs; (9) represents HRSA in HR matters both within and outside of the Department;

(10) oversees the Public Health Service Commissioned Corps liaison activities including the day-to-day operations of workforce management; (11) monitors HR accountability; (12) manages HR information technology; (13) directs, coordinates, and conducts workforce development activities for HRSA; and (14) conducts HRSA-wide workforce analysis studies and surveys.

#### *Division of HR Operations (RB61)*

The Division of HR Operations is responsible for providing advice, guidance, and advisory services on HR activities. (1) Provides the full range of HR operations activities including employment, staffing and recruitment, compensation, classification, position management, and personnel action processing; (2) develops and implements HR policies and procedures for classification, and staffing and recruitment; (3) provides expert guidance to managers on the recruitment process; (4) ensures HR staff is meeting customer service and performance expectations; and (5) manages on-boarding and retention procedures for student, intern, and graduate programs.

#### *Division of Workforce Relations (RB62)*

The Division of Workforce Relations is responsible for providing advice, guidance, and counsel to agency employees and managers. (1) Represents HRSA on HR matters before the Department, the Office of the General Counsel, the Office of Government Ethics, the Office of Personnel Management, the unions, and the Federal Labor Relations Authority; (2) provides resources to managers and employees, such as labor relations, employee relations, performance management, employee benefits, and retirement; (3) manages the unemployment and voluntary leave transfer programs; (4) manages the HRSA-wide ethics program; (5) administers the performance management programs; (6) manages commissioned corps liaison activities; (7) manages HRSA's Telework Program; (8) ensures program integrity and accountability, including conducting program audits, reviews and/or self-assessments; and (9) provides advice, guidance, and counsel to HRSA employees and managers for assigned programs.

#### *Division of Human Resources Policy and Technology (RB63)*

The Division of HR Policy and Technology: (1) Develops and implements HRSA-wide HR policies; (2) establishes standard operating

procedures for the HR office; (3) guides the identification, review, and implementation of HR information technology that enables workforce empowerment and supports HR in achieving its ability to execute a variety of duties efficiently and effectively; (4) manages an accountability program that includes preparation and responses to audits and reviews; (5) manages the incentive and honor awards programs; (6) manages the HR helpdesk by providing timely, reliable, and accurate HR-related information to customers and other stakeholders; (7) manages the executive resources functions to include recruitment, staffing, and performance management; and (8) works on HR projects and initiatives.

*Division of Workforce Development (RB64)*

(1) Establishes long-term workforce skills and capacity building strategies; (2) plans, directs, manages, and evaluates HRSA-wide learning programs, technical, career growth and leadership development programs; (3) develops, designs, implements, and evaluates a comprehensive strategic workforce leadership development and career management program for all occupational series throughout HRSA; (4) provides technical assistance and recommendations in creating high-performance in organizations, career management, and employee learning and development; (5) maximizes economies of scale through systematic planning and evaluation of agency-wide learning and leadership development initiatives; (6) identifies and assesses relevant scanning/benchmarking on workforce and career development processes, services and products; (7) establishes policies governing major learning initiatives and new learning activities, and works collaboratively with other components of HRSA in planning, developing, implementing, and evaluating policies related to professional development initiatives; (8) plans, directs, and manages HRSA-wide skills-building and service programs for fellows and interns; (9) conducts agency-wide workforce analysis studies and surveys; (10) develops comprehensive workforce capacity-building strategies that meet the requirements of the Office of Personnel Management and HHS, programmatic needs of HRSA, and the governance and management needs of HRSA leadership; and (11) evaluates workforce capacity-building strategies to ensure that HRSA is able to retain a cadre of talented and ready public health professionals, reduce risks associated with turnover in mission critical positions and create a

match between future needs and the aspirations of individuals.

*Section RB-30, Delegations of Authority*

All delegations of authority and re-delegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, if allowed, provided they are consistent with this reorganization.

This reorganization is effective upon date of signature.

(Authority: 44 U.S.C. 3101)

Dated: September 13, 2019.

**Thomas J. Engels,**  
*Acting Administrator.*

[FR Doc. 2019-20407 Filed 9-19-19; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Privacy Act of 1974; System of Records

**AGENCY:** National Institutes of Health (NIH), Department of Health and Human Services (HHS).

**ACTION:** Notice of a Modified System of Records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of Health and Human Services is modifying a system of records maintained by the National Institutes of Health (NIH), 09-25-0225 "NIH Electronic Research Administration (eRA) Records, HHS/NIH/OD/OER," to include a new routine use allowing NIH to disclose information to applicant organizations for the purpose of communicating with the applicants about matters related to agency award programs.

**DATES:** In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable September 20, 2019, subject to a 30-day period in which to comment on the new routine use, described below. Please submit any comments by October 21, 2019.

**ADDRESSES:** The public should submit written comments on this notice, by mail or email, to Celeste Dade-Vinson, NIH Privacy Act Officer, Office of Management Assessment, National Institutes of Health, 6011 Executive Blvd., Suite 601, MSC 7669, Rockville, MD 20852, or [celeste.dade-vinson@nih.gov](mailto:celeste.dade-vinson@nih.gov). Comments will be available for public viewing at the same location. To review comments in person, please contact Celeste Dade-Vinson at

[celeste.dade-vinson@nih.gov](mailto:celeste.dade-vinson@nih.gov) or 301-402-6201.

**FOR FURTHER INFORMATION CONTACT:**

General questions may be submitted to Celeste Dade-Vinson, NIH Privacy Act Officer, Office of Management Assessment (OMA), Office of the Director (OD), National Institutes of Health (NIH), 6011 Executive Blvd., Suite 601, MSC 7669, Rockville, MD 20852, or telephone (301) 402-6201.

**SUPPLEMENTARY INFORMATION:**

### I. Background on the NIH Electronic Research Administration (eRA) Records System

The system of records modified in this Notice, "NIH Electronic Research Administration (eRA) Records, HHS/NIH/OD/OER" (hereinafter referred to as the "NIH eRA Records" system), covers records used throughout the research and development award lifecycle, including pre-award stages of application submission, scientific peer review, award processing, post-award monitoring, and close-out. Many of the records in the system contain information about more than one individual or type of individual (e.g., applicants, awardees, faculty members of applicant and awardee entities, application reviewers). By design, any of the records can be (and in practice are) retrieved using the name or other personal identifier of any of the individuals whose information is contained in the records, to the extent required to help ensure that award proceedings are carried out by the NIH in accordance with all applicable federal statutes and regulations.

The eRA information technology (IT) system associated with this system of records is an HHS-designated Center of Excellence, and is used as a shared service provider by other federal agencies to manage their award records. Records pertaining to awards of other agencies in the eRA IT system are not covered under SORN 09-25-0225, but would be covered under SORN(s) those agencies publish, if their records require a SORN.

### II. Explanation of Changes

To facilitate award management and NIH communications with applicant organizations via authorized organization representative(s), applicant program director(s)/principal investigator(s), and other senior officials at applicant organizations, NIH is modifying this system of records by adding a new routine use, numbered as routine use 5, to clarify that information may be shared with applicant organizations and persons. The new

routine use is compatible with the purposes for which PII is collected in the affected system of records. One express purpose of the system is “[t]o communicate matters to agency award programs with (1) applicant organizations, including associated systems or system providers . . .” The new routine use would further that purpose and is consistent with the expectations of individuals named in grant applications.

The breach response-related routine use which was previously numbered as routine use 5, and which was revised February 14, 2018 (see 83 FR 6591), is now numbered as routine use 10; and a second breach response-related routine use which was added in that same notice on February 14, 2018 is now numbered as routine use 11.

Unnecessary wording (“provided, however, that in each case, it has been determined that the disclosure is compatible with the purpose for which the records were collected”) has been removed from routine use 2. The wording is redundant because a routine use is defined in the Privacy Act at 5 U.S.C. 552a(a)(7) as a disclosure for a purpose which is compatible with the purpose for which the record was collected.

In the “Purposes” section, a note has been added to the last purpose description, to clarify that records in this system of records would be used to “document” inventions, patents, and utilization data to protect the government’s right to patents made with NIH support, but that other systems of records would cover the records used to “manage” invention and patent-related functions.

The “Exemptions” section now omits wording indicating when the exemptions will become effective, because the exemptions were rendered effective by publication of a Final Rule on April 3, 2018 (see 83 FR 14183). The “Record Access Procedures,” “Contesting Record Procedures,” and “Notification Procedures” sections, which stated that certain material “will be” exempt from access, amendment, and notification requirements now state that certain material “is” exempt from those requirements.

In addition to these changes, the modified SORN includes formatting changes to comply with OMB Circular A-108.

Dated: September 17, 2019.

**Alfred C. Johnson,**

*Deputy Director for Management, NIH.*

**SYSTEM NAME AND NUMBER:**

Electronic Research Administration (eRA) Records, HHS/NIH/OD/OER, 09–25–0225.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

The address of the agency component responsible for this system of records is as shown in the System Manager(s) section below.

**SYSTEM MANAGER(S):**

Director, Office of Extramural Research (OER), Office of the Director (OD), National Institutes of Health (NIH), Building 1, Room 144, 1 Center Drive, Bethesda, MD 20892, *oer@od.nih.gov*.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. secs. 217a, 241, 242, 248, 281, 282, 284, 284a, 285, 285b, 285c, 285d, 285e, 285f, 285g, 285h, 285i, 285j, 285k, 285l, 285m, 285n, 285o, 285p, 285q, 285r, 285s, 285t, 286, 287, 287b, 287c–21, 287d, 288, 35 U.S.C. 200–212, 48 CFR Subpart 15.3 and 37 CFR 401.1–16.

**PURPOSE(S) OF THE SYSTEM:**

The records about individuals covered by this system of records are used within the agency for these purposes:

1. To support NIH award programs and related process, including (1) application preparation, receipt, referral, and assignment; (2) initial peer and council reviews; (3) award processing, funding, monitoring, and close-out; and (4) data querying, reporting, tracking, compliance, evaluation, audit, and communications.
2. To track individual trainees who receive support from NIH through grants such as fellowship or career awards or who are supported through institutional training grant awards. Included are individuals in training for research and development supported in an investigator’s laboratory which has an NIH-funded award (*e.g.*, R01); these trainees are defined as “closely associated trainees.”
3. To communicate matters related to agency award programs with (1) applicant organizations, including associated systems or system providers; (2) applicant persons such as the authorized institutional representatives, principal investigator(s) or trainees; (3) peer reviewers; or (4) other entities such as Congress; federal departments or

agencies, non-federal agencies or entities, or the general public.

4. To monitor the operation of review and award processes to detect and deal appropriately with any instances of real or apparent inequities.

5. To provide mandated and other requested reports to Congress and in compliance with statutory, regulatory, and policy requirements.

6. To maintain communication with former fellows and trainees who have incurred a payback obligation through the National Research Service Award Program and other federal research training programs.

7. To maintain official administrative files of agency-funded research programs.

8. To manage research portfolios.

9. To document inventions, patents, and utilization data to protect the government’s right to patents made with NIH support. Note that records used to manage invention and patent-related functions are covered under a separate system of records.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The records contained within this system pertain to the following categories of individuals:

1. Applicants for or Awardees of biomedical and behavioral research and development, training, career development, or loan repayment grant awards; cooperative agreement awards; and research and development contract awards;
2. Individuals who are named in applications, or awards; or individuals named on NIH intramural projects; *e.g.*, program directors, key personnel, trainees, collaborators, consultants;
3. Peer Reviewers who review and provide evaluative input to the government about particular applications, in records such as reviewer critiques, preliminary or final individual overall impact/priority scores, and/or assignment of peer reviewers to an application;
4. Referees who, in association with a particular trainee application, supply a reference or letter of recommendation for an applicant;
5. Individual awardees and sub-awardees who are required to report inventions, patents, and utilization of subject invention(s) associated with NIH awards; and
6. Academic medical faculty, medical students and resident physicians (*e.g.*, faculty of Association of American Medical Colleges of member institutions).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system includes a variety of pre-award and award management records that contain information needed to process applications and manage grant awards across the award lifecycle. Listed below are the categories of individuals mentioned above, matched with pre-award and award management records collected about them.

1. Applicants for or Awardees of awards—pre-award and award management (awardees) information;
2. Individuals named in applications, or awards—pre-award and award management (awardees) information;
3. Referees—pre-award information;
4. Peer Reviewers—pre-award information;
5. Individuals required to report inventions, etc.—award management information; and,
6. Academic medical faculty, medical students and resident physicians—award management information.

*Pre-award information* includes the (1) application and related materials, and (2) documents related to the composition and function of chartered advisory committees (*i.e.*, rosters). A record may consist of name, institution address, professional degree, demographic information, education and employment records and identifiers used by eRA Commons (*i.e.*, user name and an IMPAC II system-assigned, unique personal identification number).

*Award management information* consists of materials submitted in support of an award such as (1) recommendation letters; (2) peer review related information such as application scores, reviewer critiques, summary statements and express promises of confidentiality of any information concerning applications, scores, or critiques; (3) financial information such as obligated award amounts and awardee financial reports; (4) financial conflict of interest records; (5) inventions, utilization data, patent applications, and patents; (6) publications or other scholarly products reported as associated with awards; (7) reports related to management of awards; and (8) records and reports related to data querying, reporting, tracking, compliance, evaluation, audit, and communications activities. For the academic medical faculty category, records are used to support special studies, including research and policy evaluations and to complete biomedical workforce statistical reports and include (1) faculty name, (2) employing institution and institutional address; (3) degree and year obtained; (4) demographic information; (5) field of study; (6) appointment information; and

(7) employment history. For the purpose of peer review, the eRA system contains limited information on loan repayment applications (which are managed through a different System of Records, NIH SORN 09–25–0165, Division of Loan Repayment Records) and research and development contract award information for purposes of complying with statutory requirements related to research and development awards at NIH such as reporting on the inclusion of minorities, women, and children in clinical research; obtaining approval for foreign grant components from the Department of State; and to satisfy research conditions, and disease categorization reporting requirements.

**RECORD SOURCE CATEGORIES:**

Information in records retrieved by a particular individual's identifier will be obtained directly from that individual or from other individuals and entities named in, contacted about, or involved in processing the records, including applicant institutions; NIH and customer agency acquisition personnel; educational, trainee and awardee institutions; and third parties that provide references or recommendations concerning the subject individual.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records about an individual may be disclosed from this system of records to the following parties outside HHS, without the individual's prior written consent, for the following purposes:

1. To a congressional office from the record of an individual in response to a written inquiry from the congressional office made at the written request of the individual.
2. To the Department of Justice (DOJ) or to a court or other adjudicative body when:
  - HHS or any component thereof or participating agencies; or
  - any employee of HHS or participating agencies in the employee's official capacity; or
  - any employee of HHS in the employee's individual capacity where the DOJ, HHS, or the participating agency has agreed to represent the employee; or
  - The United States,
 is a party to litigation or has a direct and substantial interest in the proceedings and the disclosure of such records is deemed by the agency to be relevant and necessary to the proceedings.
3. When a record on its face, or in combination with other records, indicates a violation or potential violation of law, whether civil, criminal

or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate public authority, whether federal, foreign, state, local, tribal, or otherwise responsible for enforcing, investigating, or prosecuting the violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to the enforcement, regulatory, investigative, or prosecutorial responsibility of the receiving entity.

4. To appropriate federal agencies and HHS contractors, grantees, consultants, or volunteers who have been engaged by HHS to assist in the accomplishment of an HHS function relating to the purposes of this system of records and that need to have access to the records in order to assist HHS in performing the activity. Any contractor will be required to comply with the Privacy Act of 1974, as amended.

5. To applicant organizations, via authorized organization representative(s), applicant program director(s)/principal investigator(s), and other senior officials at applicant organizations (including but not limited to deans, presidents, vice presidents, research integrity officers, and compliance officials), to communicate matters related to agency award programs. Only matters that are relevant to a particular applicant organization would be communicated to that organization.

6. To a party for a research purpose when NIH: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of the research, and (3) makes no further use or disclosure of the record except when required by law, and reports results of the research in de-identified or aggregate form; and (D) has secured a written statement attesting to

the recipient's understanding of and willingness to abide by these provisions (*i.e.*, signed data access agreement for system data) in which the data may relate to reports of the composition of biomedical and/or research and development workforce; authors of publications attributable to federally-funded awards; information made available through third-party systems as permitted by applicants or awardees for agency awards; information related to agency research integrity investigations; or award payment information reported to federal databases.

7. A record from this system may be disclosed to a federal, foreign, state, local, tribal or other public authority of the fact that this system of records contains information relevant to the hiring or retention of an employee, the issuance or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for further information if it so chooses. HHS will not make an initial disclosure unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another federal agency for criminal, civil, administrative, personnel, or regulatory action.

8. To qualified experts not within the definition of agency employees as prescribed in agency regulations or policies to obtain their opinions on applications for grants, CRADAs, inventions, or other awards as a part of the peer review process.

9. To the National Archives and Records Administration (NARA), General Services Administration (GSA), or other federal government agencies pursuant to records management inspections conducted under the authority of 44 U.S.C. secs. 2904 and 2906.

10. To appropriate agencies, entities, and persons when (1) HHS suspects or has confirmed that there has been a breach of the system of records; (2) HHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HHS (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 HHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm

11. To another federal agency or federal entity, when HHS 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.

NIH may also disclose information about an individual, without the individuals' prior written consent, from this system of records to parties outside HHS for any of the purposes authorized directly in the Privacy Act at 5 U.S.C. 552a(b)(2) and (b)(4)–(11).

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records are stored in various electronic media and paper form, and maintained under secure conditions in areas with limited and/or controlled access. Only authorized users whose official duties require the use of this information will have regular access to the records in this system. In accordance with established NIH, HHS and other federal security requirements, policies, and controls, records may also be located, maintained and accessed from secure servers wherever feasible or located on approved portable/mobile devices designed to hold any kind of digital data including, but not limited to laptops, tablets, PDAs, USB drives, media cards, portable hard drives, smartphones, optical storage (CDs and DVDs), and/or other mobile storage devices. Records are stored on portable/mobile storage devices only for valid business purposes and with prior approval.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are retrieved by the name or other personal identifier (*e.g.*, Commons user ID) of a subject individual.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained and disposed of in accordance with the NIH Records Control Schedule contained in NIH Manual Chapter 1743, "Keeping and Destroying Records," which provides these disposition periods:

- Item E-0001 (DAA-0443-2013-0004-0001)—Official case files of construction, renovation, endowment and similar grants.

*Disposition:* Temporary. Cut off annually following completion of final grant-related activity that represents

closing of the case file (*e.g.*, project period ended). Destroy 20 years after cut-off;

- Item E-0002 (DAA-0443-2013-0004-0002)—Official case files of funded grants, unfunded grants, and award applications, appeals and litigation records.

*Disposition:* Temporary. Cut off annually following completion of final grant-related activity that represents closing of the case file (*e.g.*, end of project period, completed final peer review, litigation or appeal proceeding concluded). Destroy 10 years after cut-off;

- Item E-0003 (DAA-0443-2013-0004-0003)—Animal welfare assurance files.

*Disposition:* Temporary. Cut off annually following closing of the case file. Destroy 4 years after cut-off; and,

- Item E-0004 (DAA-0443-2013-0004-0004)—Extramural program and grants management oversight records.

*Disposition:* Temporary. Cut off annually. Destroy 3 years after cut-off.

Refer to the NIH Manual Chapter for specific retention and disposition instructions: <http://www1.od.nih.gov/oma/manualchapters/management/1743>.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Measures to prevent unauthorized disclosures are implemented as appropriate for each location or form of storage and for the types of records maintained. Safeguards conform to the HHS Information Security and Privacy Program, <http://www.hhs.gov/ocio/securityprivacy/index.html>. Site(s) implement personnel and procedural safeguards such as the following:

##### *Administrative Safeguards:*

Controls to ensure proper protection of information and information technology systems include, but are not limited to, the completion of a Security Assessment and Authorization (SA&A) package and a Privacy Impact Assessment (PIA) and mandatory completion of annual NIH Information Security and Privacy Awareness training or comparable specific in-kind training offered by participating agencies that has been reviewed and accepted by the NIH eRA Information Systems Security Officer (ISSO). The SA&A package consists of a Security Categorization, e-Authentication Risk Assessment, System Security Plan, evidence of Security Control Testing, Plan of Action and Milestones, Contingency Plan, and evidence of Contingency Plan Testing. When the design, development, or operation of a system of records on individuals is

required to accomplish an agency function, the applicable Privacy Act Federal Acquisition Regulation (FAR) clauses are inserted in solicitations and contracts.

#### *Technical Safeguards:*

Controls executed by the computer system are employed to minimize the possibility of unauthorized access, use, or dissemination of the data in the system. They include, but are not limited to, user identification, password protection, firewalls, virtual private network, encryption, intrusion detection system, common access cards, smart cards and public key infrastructure.

#### *Physical Safeguards:*

Controls to secure the data and protect paper and electronic records, buildings, and related infrastructure against threats associated with their physical environment include, but are not limited to, the use of the HHS Employee ID and/or badge number and NIH key cards, security guards, cipher locks, and closed-circuit TV. Paper records are secured under conditions that require at least two locks to access, such as in locked file cabinets that are contained in locked offices or facilities. Electronic media are kept on secure servers or computer systems.

#### **RECORD ACCESS PROCEDURES:**

Certain material is exempt from access; however, consideration will be given to all access requests addressed to the System Manager. To request access to a record about you, write to the System Manager identified above, and provide the information described under "Notification Procedure". Individuals may also request an accounting of disclosures that have been made of their records, if any.

#### **CONTESTING RECORD PROCEDURES:**

Certain material is exempt from amendment; however, consideration will be given to all amendment requests addressed to the System Manager. To contest information in a record about you, write to the System Manager identified above, reasonably identify the record and specify the information being contested, state the corrective action sought and the reason(s) for requesting the correction, and provide supporting information. The right to contest records is limited to information that is factually inaccurate, incomplete, irrelevant, or untimely (obsolete).

#### **NOTIFICATION PROCEDURES:**

Certain material is exempt from notification; however, consideration will be given to all notification requests addressed to the System Manager. Any individual who wants to know whether

this system of records contains a record about him or her must make a written request to the System Manager identified above. The requester should provide either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act, subject to a five thousand dollar fine. The request should include the requester's full name and address, and should also include the following information, if known: The approximate date(s) the information was collected, the type(s) of information collected, and the office(s) or official(s) responsible for the collection of information.

#### **EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

Pursuant to 5 U.S.C. 552a(k)(5), the following subset of records in this system of records qualifies as investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal contracts, and is exempt from the Privacy Act requirements pertaining to providing an accounting of disclosures, access and amendment, notification, and agency procedures and rules (5 U.S.C. 552a (c)(3), and (d)(1)–(4)):

Material that would inappropriately reveal the identities of referees who provide letters of recommendation and peer reviewers who provide written evaluative input and recommendations to NIH about particular funding applications under an express promise by the government that their identities in association with the written work products they authored and provided to the government will be kept confidential; this includes only material that would reveal a particular referee or peer reviewer as the author of a specific work product (e.g., reference or recommendation letters, reviewer critiques, preliminary or final individual overall impact/priority scores, and/or assignment of peer reviewers to an application and other evaluative materials and data compiled by NIH/OER); it includes not only an author's name but any content that could enable the author to be identified from context.

To the extent that records in System No. 09–25–0225 are retrieved by personal identifiers for individuals other than referees and peer reviewers (for example, individual funding applicants, and other individuals who are the subject of assessment or evaluation), the exemptions enable the agency to prevent, when appropriate,

those individual record subjects from having access to, and other rights under the Privacy Act with respect to, the above-described confidential source-identifying material in the records.

#### **HISTORY:**

81 FR 88690 (Dec. 8, 2016), 83 FR 6591 (Feb. 14, 2018).

[FR Doc. 2019–20423 Filed 9–19–19; 8:45 am]

**BILLING CODE 4150–28–P**

## **DEPARTMENT OF HEALTH OF HUMAN SERVICES**

### **Request for Information—Revisions to the PHS Guideline for Reducing Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and Hepatitis C Virus (HCV) Through Organ Transplantation; Extension of Comment Period**

**AGENCY:** Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice; extension of comment period.

**SUMMARY:** The Office of the Assistant Secretary for Health published a document in the **Federal Register** of August 27, 2019, requesting public comment related to revisions to the PHS Guideline for Reducing Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and Hepatitis C Virus (HCV) Through Organ Transplantation. Due to numerous requests of an extension to the public comment period, this document is announcing an extension.

**DATES:** To be assured consideration, comments must be received at the address provided below no later than 5:00 p.m. ET on October 10, 2019.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Berger, (202) 795–7608; [ACBTSA@hhs.gov](mailto:ACBTSA@hhs.gov).

Dated: September 17, 2019.

**James J. Berger,**

*Senior Advisor for Blood and Tissue Policy,  
Office of the Assistant Secretary for Health.*

[FR Doc. 2019–20419 Filed 9–19–19; 8:45 am]

**BILLING CODE 4150–28–P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **National Institutes of Health**

### **National Institute on Aging; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the Clinical Aging

Review Committee, September 26, 2019, 12:00 p.m. to September 27, 2019, 12:00 p.m., Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on July 31, 2019, 84 FR 37328.

The meeting notice is amended to change the Contact Person from: Alicja L. Markowska, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301.402.7706, [markowsa@nia.nih.gov](mailto:markowsa@nia.nih.gov) to *Contact Person*: Isis S. Mikhail, MD, MPH, DrPH, Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, Tel: 301-402-7704, [mikhail@mail.nih.gov](mailto:mikhail@mail.nih.gov).

Dated: September 13, 2019.

**Miguelina Perez,**  
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-20336 Filed 9-19-19; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Dissemination and Implementation Research in Health Study Section.

*Date:* October 23–24, 2019.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* DoubleTree by Hilton Washington DC/Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.

*Contact Person:* Gabriel B. Fosu, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7808, Bethesda, MD 20892, (301) 435-3562, [fosug@csr.nih.gov](mailto:fosug@csr.nih.gov).

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiovascular Differentiation and Development Study Section.

*Date:* October 23, 2019.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

*Contact Person:* Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136, Bethesda, MD 20817-7814, 301-435-0904, [sara.ahlgren@nih.gov](mailto:sara.ahlgren@nih.gov).

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.

*Date:* October 23–24, 2019.

*Time:* 8:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Kee Forbes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, 301-272-4865, [pyonkh2@csr.nih.gov](mailto:pyonkh2@csr.nih.gov)

*Name of Committee:* Oncology 1—Basic Translational Integrated Review Group; Molecular Oncogenesis Study Section.

*Date:* October 23–24, 2019.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Long Beach and Executive Center, 701 West Ocean Boulevard, Long Beach, CA 90831.

*Contact Person:* Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6204, MSC 7804, Bethesda, MD 20892, 301-435-1718, [sizemoren@csr.nih.gov](mailto:sizemoren@csr.nih.gov).

*Name of Committee:* Population Sciences and Epidemiology Integrated Review Group; Social Sciences and Population Studies A Study Section.

*Date:* October 23–24, 2019.

*Time:* 8:30 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435-1712, [ryansj@csr.nih.gov](mailto:ryansj@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflicts: Interventions and Mechanisms for Addiction.

*Date:* October 23, 2019.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Marc Boulay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 300-6541, [boulaymg@csr.nih.gov](mailto:boulaymg@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 13, 2019.

**Tyeshia M. Robertson,**

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-20335 Filed 9-19-19; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG-2019-0346]

#### Notice of Availability of Navigation and Vessel Inspection Circular 01-16 Change 2—Use of Electronic Charts and Publications in Lieu of Paper Charts, Maps and Publications

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Coast Guard announces the availability of Navigation and Vessel Inspection Circular (NVIC) 01-16 Change 2 together with a Deregulatory Savings Analysis. This NVIC provides that U.S. vessels may access navigation publications electronically, through underway connectivity, to meet domestic carriage and Safety of Life at Sea certification requirements.

**DATES:** Comments and related material must be received by the Coast Guard on or before November 4, 2019.

**ADDRESSES:** You may submit comments identified by docket number USCG-2019-0346 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

#### FOR FURTHER INFORMATION CONTACT:

Please address questions or feedback concerning this policy to George H. Detweiler, Office of Navigation Systems, Coast Guard; telephone 202-372-1566, email [cgnav@uscg.mil](mailto:cgnav@uscg.mil).

#### SUPPLEMENTARY INFORMATION:



## Public Participation and Request for Comments

The Coast Guard views public participation as essential to making effective policy, and will consider all comments and material received during the comment period. Your comment can help shape the final form of this policy. If you submit a comment, please include the docket number for this notice, indicate the specific section of the document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If you cannot submit your material by using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. Documents mentioned in this proposed rule, and all public comments, will be available in our online docket at <https://www.regulations.gov>, and can be viewed by following that website's instructions. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments are posted or if a final rule is published.

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

## Discussion

Navigation publications have always been a principal source of voyage planning information. Mariners researched books of tide tables, the *United States Coast Pilot*, local notices to mariners, and other information sources to glean relevant information for a particular transit. Although such publications have historically been required to be kept on board a vessel, the Coast Guard has formally recognized that a mariner engaged in voyage planning might not need an entire publication at all times.<sup>1</sup> Since 2010, the Coast Guard has allowed U.S. vessels to carry certain navigation publications electronically to meet U.S. domestic regulations and Safety of Life at Sea (SOLAS) certificate requirements. This is an acceptance of common industry practice.

In response to recommendations from the Navigation Safety Advisory Council and the public, the Coast Guard is updating its policy on electronic carriage of the Inland Navigation Rules and electronic publications in general. Currently, the Coast Guard, the National Oceanic and Atmospheric Administration and the National Geospatial-Intelligence Agency are providing marine safety information in an updated electronic format, some of which is now graphical and geographically selectable. Electronic devices (both hardware and software) have improved such that a mariner can efficiently access navigation publications when needed.

Furthermore, the Coast Guard recognizes that the maritime industry and mariners in general have made substantial investments to ensure vessels maintain internet connectivity, even while underway. Because mariners use navigation publications primarily for voyage planning purposes, the Coast Guard sees no safety barriers preventing vessels from accessing required navigation information via the internet on an as-needed basis, versus keeping a publication or extract onboard. To encourage the use of electronic voyage planning products, the Coast Guard is allowing vessels to meet the publication requirements via internet access.

Therefore, Navigation and Vessel Inspection Circular (NVIC) 01–16 Change 1 is revised to allow publications required by 33 Code of Federal Regulations (CFR) parts 83, 161, and 164 and various parts of Title 46 CFR and SOLAS Chapter V regulation 27 to be accessed via web services. If a mariner uses this NVIC for a publication that must be available as a “ready reference”, as cited in 33 CFR parts 83 and 161, the publication must be displayable within 2 minutes.

The Coast Guard has prepared a Deregulatory Savings Analysis for NVIC 01–16 Change 2 that identifies and examines the potential costs and cost savings associated with implementing the new equivalency determination for carriage. This Deregulatory Savings Analysis is available in the docket. We request your comments on any concerns that you may have related to these policy changes or the economic analysis thereof.

NVIC 01–16 is not a substitute for applicable legal requirements, nor is it itself a rule.

This Notice is published under the authority of 5 U.S.C. 552.

Dated: September 17, 2019.

**R.V. Timme,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.*

[FR Doc. 2019–20430 Filed 9–19–19; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA–2007–0008]

### National Advisory Council; Meeting

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Committee management; notice of open Federal advisory committee meeting.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) National Advisory Council (NAC) will meet remotely via teleconference and web conference on October 2, 2019. The meeting will be open to the public.

**DATES:** The NAC will meet Wednesday, October 2, 2019, from 2:00 p.m. to 4:00 p.m. Eastern Time (ET). Please note that the meeting may close early if the NAC has completed its business.

**ADDRESSES:** The meeting will be held via teleconference and web conference. It is recommended that attendees register with FEMA by September 20, 2019, by providing their name, telephone number, email address, title, and organization to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

Reasonable accommodations are available for people with disabilities and others with access and functional needs. To request a reasonable accommodation at the meeting, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the NAC. The “Agenda” section below outlines these issues. The full agenda and any related documents for this meeting will be posted by Monday, September 30, 2019, on the NAC website at <https://www.fema.gov/national-advisory-council>. Written comments must be submitted and received by 5:00 p.m. ET on September 30, 2019, identified by Docket ID FEMA–2007–0008, and submitted by one of the following methods:

<sup>1</sup> 33 CFR 164.33 and 164.72 and 46 CFR 26.03–4, 28.225, 78.05–5, 97.05–5, 109.565, 121.420, 130.330, 140.705, 184.420, and 196.05–5 allow for an “applicable currently corrected extract.”

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

• *Fax:* (540) 504–2331. Please include a cover sheet addressing the fax to ATTN: Jasper Cooke.

• *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW, Room 8NE, Washington, DC 20472–3100.

*Instructions:* All submissions must include the words “Federal Emergency Management Agency” and the docket number for this action. Comments received, including any personal information provided, will be posted without alteration at <http://www.regulations.gov>.

*Docket:* For access to the docket to read comments received by the NAC, go to <http://www.regulations.gov>, and search for Docket ID FEMA–2007–0008.

A public comment period will be held at the NAC meeting on Wednesday, October 2, 2019, from 2:00 p.m. to 2:10 p.m. ET. All speakers must limit their comments to three minutes. Comments should be addressed to the NAC. Any comments not related to the agenda topics will not be considered by the NAC. To register to make remarks during the public comment period, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below by September 30, 2019. Please note that the public comment period may end before the time indicated, following the last call for comments.

**FOR FURTHER INFORMATION CONTACT:** Jasper Cooke, Designated Federal Officer, Office of the National Advisory Council, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472–3184, telephone (202) 646–2700, Fax (540) 504–2331, and email [FEMA-NAC@fema.dhs.gov](mailto:FEMA-NAC@fema.dhs.gov). The NAC website is [www.fema.gov/national-advisory-council](http://www.fema.gov/national-advisory-council).

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

The NAC advises the FEMA Administrator on all aspects of emergency management. The NAC incorporates input from state, local, tribal and territorial governments, non-governmental organizations and the private sector, in the development and revision of FEMA plans and strategies. The NAC includes a cross-section of officials, emergency managers, and emergency response providers from state, local, and tribal governments, the private sector, and nongovernmental organizations.

*Agenda:* The purpose of this meeting is to provide the full NAC an

opportunity to discuss recommendations developed by each of its subcommittees. The Agenda therefore will afford each subcommittee roughly 30 minutes to present their recommendations and then receive feedback from the full NAC. The subcommittees will present in this order: Federal Insurance and Mitigation; Response and Recovery; Marginalized, Tribal, Rural, and Small Communities; and Preparedness and Protection. The full agenda and any related documents for this meeting will be posted by Friday, September 27, 2019, on the NAC website at <http://www.fema.gov/national-advisory-council>.

Dated: September 12, 2019.

**Pete Gaynor,**

*Acting Administrator, Federal Emergency Management Agency.*

[FR Doc. 2019–20349 Filed 9–19–19; 8:45 am]

**BILLING CODE 9111–48–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R1–ES–2019–N119;  
FXES11140100000–190–FF01E00000]

#### Records of Decision for the Final Programmatic Environmental Impact Statement for Four Wind Energy Project Habitat Conservation Plans in Hawaii

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability of records of decision and habitat conservation plans.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of four separate records of decision (RODs) under the Endangered Species Act—three RODs for the proposed issuance of three permit amendments and one ROD for the proposed issuance of one new permit. We also make available each project’s respective habitat conservation plan (HCP) amendment or HCP. The RODs document the Service’s decision to issue incidental take permit (ITP) amendments to three applicants—Kawailoa Wind, LLC; Auwahi Wind, LLC; and Kaheawa Wind Power II, LLC—and a new ITP to Tawhiri Power, LLC.

**ADDRESSES:** Electronic copies of the RODs and other documents associated with each of the four separate permit decisions are available using the following methods:

• *Internet:* Documents may be viewed and downloaded on the internet at <https://www.fws.gov/pacificislands>.

• *U.S. Mail:* You may obtain a CD with electronic copies of these documents if you make a request within 30 days after the date of publication of this notice by writing to Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Honolulu, HI 96850.

• *Telephone:* Call 808–792–9400 during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Michelle Bogardus, by phone at 808–792–9473, or Darren LeBlanc, by phone at 808–792–9403. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 800–877–8339 for assistance.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of four separate records of decision (RODs) for the proposed issuance of an Endangered Species Act (ESA) section 10(a)(1)(B) incidental take permit (ITP) or ITP amendments to four wind energy companies for implementation of their respective projects and final habitat conservation plans (HCPs) or HCP amendments. Each ROD documents the Service’s decision to issue an ITP to the respective applicant. As summarized in each ROD, the Service has selected Alternative 2, the proposed action, which includes implementation of the HCP and issuance of the ITP authorizing incidental take of one or more of the following covered species that may occur as a result of project operations during the permit period: The Hawaiian hoary bat (*‘ōpe‘ape‘a* in Hawaiian; *Lasiurus cinereus semotus*), Hawaiian goose (nēnē; *Branta sandvicensis*), and the Hawaiian petrel (*‘ua‘u*; *Pterodroma sandwichensis*).

We are advising the public of the availability of the RODs, developed in compliance with the agency decision-making requirements of the National Environmental Policy Act of 1969, as amended (NEPA), as well as the final HCP and HCP amendments as submitted by the applicants. All alternatives have been described in detail, evaluated, and analyzed in our final programmatic environmental impact statement (FPEIS). Our notice of availability of the FPEIS and four HCPs was published in the **Federal Register** on August 2, 2019 (84 FR 37909).

#### Background

All four wind projects are currently constructed and operating. Three of the

projects (Auwahi Wind, KWP II, and Kawaihoa Wind) have existing ITPs and are requesting amendments due to the addition of a new covered species or the exceedance of previously authorized incidental take of the Hawaiian hoary bat. One project, the Pakini Nui Wind Farm, was constructed and operating without a permit because they did not anticipate take of any listed species. Once an unauthorized take was identified, they developed an HCP and applied for an ITP. None of the projects' proposed actions includes additional development of the respective wind facility. The new or amended ITPs would authorize incidental take associated with the continued operation of existing wind turbines at each project.

The PEIS was developed in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*) in response to four ITP applications. The Service determined that a programmatic NEPA analysis of the four similar wind energy project-related permit decisions would provide the following benefits: A comprehensive analysis of cumulative impacts across all projects; creation of a single document that the public would be more likely to understand; a reduction in duplicative information that would otherwise appear in four separate EISs; improved consistency in the NEPA analysis; and a more efficient and comprehensive solicitation of public input.

Each HCP or HCP amendment describes how impacts to covered species would be minimized and mitigated. The HCPs also describe the covered species' life history and ecology, the HCP biological goals and objectives, the estimated take and its potential impact on covered species' populations, adaptive management and monitoring procedures, and mitigation measures for each project. Tawhiri Power, LLC, is requesting incidental take authorization for an estimated 26 Hawaiian hoary bats, 3 Hawaiian petrels, and 3 Hawaiian geese over a 10-year permit term. Auwahi Wind Energy, LLC, is requesting a permit amendment and incidental take coverage for an additional 119 Hawaiian hoary bats (for a total of 140 bats) over the 25-year permit term, which expires in 2037. KWP II, LLC, is requesting a permit amendment and incidental take authorization for an additional estimated 27 Hawaiian hoary bats (for a total of 38 bats) and an additional estimated 14 Hawaiian geese (for a total of 44 geese) over the 20-year permit term, which expires in 2032. Kawaihoa Wind Power, LLC, is requesting a permit amendment and incidental take

coverage for an additional estimated 160 Hawaiian hoary bats (for a total of 220 bats) and take of 24 Hawaiian petrels over the 20-year permit term, which expires in 2031. Additional information on each specific project is described in the PEIS and RODs.

### Purpose and Need

The Service's purpose and need for the proposed permit actions is to respond to ITP applications submitted by the applicants, and to approve, approve with conditions, or deny the ITP applications. The Service's assessment of the ITP applications is complete, and was prepared pursuant to the requirements of section 10 of the ESA and its implementing regulations. Any ITP issued by the Service must meet all applicable requirements of the ESA.

### Alternatives

Our FPEIS analyzed the environmental impacts of no action and two alternatives related to the issuance of the ITPs and implementation of the HCPs. While the three alternatives are similar for the four projects, the results of implementing a particular alternative would be different for each project. The three alternatives are described below.

**Alternative 1—No Action:** The no action alternative evaluates conditions as they would occur over the foreseeable future if the Service denied issuance of an ITP to the applicants and if the applicants did not implement their respective HCPs for the covered species. Under this alternative, the applicants would continue to conduct wind energy facility operations in accordance with existing State and Federal regulations. The applicants would remain subject to the prohibition on unauthorized taking of State and federally listed species. The Service expects that each applicant would act in a reasonable manner to avoid unauthorized take of the covered species over and above their existing permit authorizations (as applicable). To achieve this, the Service assumes that all applicants would implement other measures to limit the potential for take of listed species to occur. Any take that occurs over and above existing permit limits would not be authorized and would remain unmitigated.

**Alternative 2—Proposed Action:** Under the proposed action, the Service would issue a separate ITP (amendment or a new ITP) to each of the four applicants, authorizing incidental take of the covered species. The new or amended ITP/HCP would be implemented as proposed by each applicant, including mitigation and minimization actions to address the

effects of the incidental take. The applicants' operations and activities would be subject to the terms and conditions of the ITP/HCP, as well as existing regulatory standards. Under the proposed action alternative, the three applicants with HCPs/ITPs currently in effect would continue to conduct their previously authorized mitigation activities as outlined in the no action alternative, in addition to the mitigation described in their HCP amendment.

### **Alternative 3—Increased Curtailment:**

This alternative was developed to analyze the most practicable minimization measure for the actions proposed in the applicants' HCPs (Alternative 2) that would result in a reduction of take of the Hawaiian hoary bat at each of the facilities but also allow the applicants to meet their minimum required power production. Under Alternative 3, the Service would issue the ITPs authorizing a lower level of Hawaiian hoary bat take than what is anticipated by the applicants in their new or amended HCPs. Under this alternative, wind facility operations and maintenance activities would be shut down at all applicant wind turbines during nighttime hours from April 15 through September 15, and low wind speed curtailment activities would be implemented during the remainder of the year. These measures would result in a minimization of the take of adult Hawaiian hoary bats and eliminate indirect take of juvenile bats. Mitigation actions and corresponding monitoring activities would be reduced commensurate with take levels for each applicant.

The environmental consequences of each alternative were analyzed in the FPEIS. The types of effects on covered species were similar across action alternatives, with take resulting from project operations being mitigated through land acquisition, species and habitat management, and research. Increasing the use of avoidance and minimization measures through different turbine curtailment regimes can reduce the amount of take of the covered species and the amount of renewable electricity produced; a commensurate reduction in the amount of incidental take of the covered species is expected with alternatives that include turbine curtailment.

Public comments received in response to the draft PEIS were considered, and the FPEIS reflects clarifications of the existing analysis to address public comments.

The FPEIS does not identify an environmentally preferred alternative. Pursuant to NEPA implementing regulations found at 40 CFR 15.2(b), the

Service identified Alternative 3—Increased Curtailment as the environmentally preferred alternative in the RODs.

### Decision and Rationale for Decision

Based on our review of the alternatives and their environmental consequences as described in our FPEIS, we have selected the proposed action alternative (Alternative 2) for all four projects. The proposed action includes each applicant's implementation of their final HCP or HCP amendment, and the Service's issuance of an ITP authorizing take of the covered species that may occur incidental to the continued operation of each project.

In order to issue each ITP under the ESA, we must determine that each of the HCPs meets the issuance criteria set forth in 16 U.S.C. 1539(a)(2)(A) and (B). We have made that determination for each HCP, as described further in their respective RODs.

### Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1539(c)) and its implementing regulations (50 CFR 17.22 and 17.32), and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

**Robyn Thorson,**

*Regional Director, U.S. Fish and Wildlife Service, Portland, Oregon.*

[FR Doc. 2019-20410 Filed 9-19-19; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NRNL-DTS#-28888; PPWOCRADIO, 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 September 7, 2019, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted by October 7, 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 September 7, 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:

### CALIFORNIA

#### Sacramento County

Barr, George & Mabel, House, 2672 Montgomery Way, Sacramento, SG100004528

Hathaway, Anne, Cottage, 2640 Montgomery, Sacramento, SG100004529

#### San Diego County

Encinitas Boathouses, 726 & 732 3rd St., Encinitas, SG100004530

#### San Francisco County

Glen Park BART Station, 2901 Diamond St., San Francisco, SG100004531

### DELAWARE

#### New Castle County

Parker's Dairy Palace, 2 Jay Dr., New Castle, SG100004513

### FLORIDA

#### Duval County

Unitarian Universalist Church of Jacksonville, 7405 Arlington Expressway, Jacksonville, SG100004516

#### Jackson County

Bellamy Bridge, 4057 Bellamy Bridge Heritage Trail, Marianna, SG100004517

#### Lake County

Ferran, Edgar L., House, 310 E. Orange Ave., Eustis, SG100004518

#### Pinellas County

Abercrombie Site Complex, (Archaeological Resources of the Lower Pinellas Peninsula MPS), Park St. N and 38th Ave. N, St. Petersburg, MP100004520

#### Maximo Beach Site

(Archaeological Resources of the Lower Pinellas Peninsula MPS), Sunshine

Skyway Ln. S and Pinellas Point Dr. S, St. Petersburg, MP100004521

### Princess Mound Site

(Archaeological Resources of the Lower Pinellas Peninsula MPS), Mound Place S and Bethel Way S, St. Petersburg, MP100004522

### LOUISIANA

#### Lafayette Parish

Downtown Lafayette Civic Center, 705 Jefferson St., 731 Jefferson St., 735 Jefferson St., 124 E Main St., Lafayette, SG100004510

#### Orleans Parish

1621 Lafitte Avenue, (Railroad-Related Industrial and Commercial Buildings on the Lafitte Greenway Corridor, 1900–1969 MPS), 1621 Lafitte Ave., New Orleans, MP100004514

1601 Lafitte Avenue, (Railroad-Related Industrial and Commercial Buildings on the Lafitte Greenway Corridor, 1900–1969 MPS), 1601 Lafitte Ave., New Orleans, MP100004515

### RHODE ISLAND

#### Providence County

Cumberland Town Hall Historic District, 45 Broad St. and 16 Mill St., Cumberland, SG100004532

### SOUTH CAROLINA

#### Horry County

Myrtle Beach Downtown Historic District, Portions of Main St., 8th Ave. N, 9th Ave. N, Kings Hwy., Broadway St., N Oak St., Myrtle Beach, SG100004533

### WISCONSIN

#### Outagamie County

Appleton Post-Crescent Building, 306 W Washington St., Appleton, SG100004524

#### Waukesha County

Muskego State Graded School, S75 W17476 Janesville Rd., Muskego, SG100004527

Additional documentation has been received for the following resource:

### FLORIDA

#### Pinellas County

Jungle Prada Site, Address Restricted, St. Petersburg, AD03000007

*Nomination 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.

### CALIFORNIA

#### Santa Clara County

Veterans Affairs (VA) Hospital Site, 3801 Miranda Ave., Palo Alto, SG100004526

**Authority:** Section 60.13 of 36 CFR part 60.

Dated: September 11, 2019.  
**Julie H. Ernstein,**  
*Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.*  
[FR Doc. 2019–20375 Filed 9–19–19; 8:45 am]  
**BILLING CODE 4312–52–P**

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances  
Application: Globyz Pharma, LLC

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 21, 2019. Such persons may also file a written request for a hearing on the application on or before October 21, 2019.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on June 4, 2019, Globyz Pharma, LLC, 2101 Market Street, Suite 5, Boothwyn, Pennsylvania 19061–4001 applied to be registered as an importer of the following basic classes of controlled substance:

Controlled substance	Drug code	Schedule
Oxycodone .....	9143	II

The company plans to import the listed controlled substance to complete analytical testing.

Dated: August 20, 2019.  
**Neil D. Doherty,**  
*Acting Assistant Administrator.*  
[FR Doc. 2019–20417 Filed 9–19–19; 8:45 am]  
**BILLING CODE 4410–09–P**

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances  
Application: Fisher Clinical Services, Inc.

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 21, 2019. Such persons may also file a written request for a hearing on the application on or before October 21, 2019.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on July 19, 2019, Fisher Clinical Services, Inc., 7554 Schantz Road, Allentown, Pennsylvania 18106 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Psilocybin .....	7437	I
Methylphenidate .....	1724	II
Levorphanol .....	9220	II
Noroxymorphone .....	9668	II
Tapentadol .....	9780	II

The company plans to import the listed controlled substances for clinical trials only.

Dated: August 20, 2019.  
**Neil D. Doherty,**  
*Acting, Assistant Administrator.*  
[FR Doc. 2019–20413 Filed 9–19–19; 8:45 am]  
**BILLING CODE 4410–09–P**

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances  
Registration

**ACTION:** Notice of registration.

**SUMMARY:** The registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as importers of schedule I and II controlled substances.

**SUPPLEMENTARY INFORMATION:** The companies listed below applied to be registered as an importers of various basic classes of schedule I and II controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for these notices.

Companies	FR Docket	Published
Sigma Aldrich Co., LLC.	84 FR 31620	July 2, 2019.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable various basic classes of schedule I and II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company’s maintenance of effective controls against diversion by inspecting and testing each company’s physical security systems, verifying each company’s compliance with state and local laws, and reviewing each company’s background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I and II controlled substances to the above listed companies.

Dated: August 23, 2019.  
**Neil D. Doherty,**  
*Acting Assistant Administrator.*  
[FR Doc. 2019–20416 Filed 9–19–19; 8:45 am]  
**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

[Docket No. 19–17]

## Peter J. Waidzunus, D.D.S.; Decision and Order

On March 4, 2019, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause to Peter J. Waidzunus, D.D.S. (hereinafter, Respondent), of Gurnee, Illinois. Order to Show Cause (hereinafter, OSC), at 1. The OSC proposed the revocation of Respondent's Certificate of Registration No. BW7668835 on the ground that Respondent does "not have authority to handle controlled substances in Illinois, the state in which . . . [Respondent is] registered with the DEA." *Id.* (citing 21 U.S.C. 823(f) and 824(a)(3)).

Specifically, the OSC alleged that Respondent and the Illinois Department of Financial and Professional Regulation (hereinafter, IDFPR) entered into a Consent Order with Respondent on September 10, 2018. *Id.* at 1–2. According to the OSC, the Consent Order indefinitely suspended Respondent's Illinois dentist controlled substance license, because, according to joint stipulations in the Consent Order, Respondent "unlawfully issued prescriptions for controlled substances and failed to maintain dispensing records of controlled substances in violation of the Illinois Dental Practice Act, 225 ILCS 25 *et seq.* and the Illinois Controlled Substances Act, 720 ILCS 570 *et seq.*" *Id.* at 1–2.

The OSC notified Respondent of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43). The OSC also notified Respondent of the opportunity to submit a corrective action plan. OSC, at 3 (citing 21 U.S.C. 824(c)(2)(C)).

By letter dated April 5, 2019, Respondent, *pro se*, timely requested a hearing.<sup>1</sup> Hearing Request, at 1. In his hearing request, Respondent did not address whether his Illinois dentist controlled substance license remained indefinitely suspended; however, he asserted that he "completely disagree[d] with the findings, compilations and

inventories taken by the two DEA 'agents'" and argued that he has "at all times completely complied with all DEA and IDFPR rules and regulations." *Id.* Respondent's Hearing Request states that Respondent is "currently on Appeal with the Federal Court over the ruling of the judge." *Id.* at 2. Respondent also requested that all notices and mailings be directed to the dental office address provided in his letterhead. *Id.*

The Office of Administrative Law Judges put the matter on the docket and assigned it to Chief Administrative Law Judge John J. Mulrooney, II (hereinafter, Chief ALJ). The Chief ALJ issued an Order Directing the Filing of Government Evidence Regarding Its Lack of State Authority Allegation and Briefing Schedule (hereinafter, Briefing Order) dated April 8, 2019. In his Briefing Order, the Chief ALJ advised Respondent that, pursuant to 21 CFR 1316.50, he has the right to seek representation by a qualified attorney at his own expense. *Id.* at 1, n.2. The Chief ALJ also ordered the Government to provide evidence to support its allegation that Respondent lacks state authority to handle controlled substances and to set a briefing schedule for any motion for summary disposition on that basis, as well as any reply by Respondent. *Id.* at 1–2. The Government timely complied with the Briefing Order by filing a Motion for Summary Disposition on April 19, 2019. Government's Motion for Summary Disposition and Argument in Support of Finding that Respondent Lacks State Authorization To Handle Controlled Substances (hereinafter, MSD). In its MSD, the Government stated that Respondent lacks authority to handle controlled substances in Illinois, the State in which he is registered with the DEA and argued that, therefore, DEA must revoke his registration. *Id.* Respondent did not answer the MSD, and the Chief ALJ deemed the Government's motion unopposed. Order Granting Summary Disposition and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision dated May 15, 2019 (hereinafter, R.D.), at 2.

The Chief ALJ granted the Government's Motion, finding that "there is no dispute of material fact in this case." R.D. at 4. The ALJ recommended that Respondent's registration be revoked because "the Government submitted evidence from the IDFPR and the Consent Order which show that the Respondent can no longer prescribe[] controlled substances" and "[t]his fact is not challenged by the Respondent." *Id.* I issue this Decision and Order based on the entire record

before me. 21 CFR 1301.43(e). I make the following findings of fact.

## Findings of Fact

## Respondent's DEA Registration

Respondent is the holder of DEA Certificate of Registration No. BW7668835 at the registered address of 501 North Riverside Drive, Suite 119, Gurnee, Illinois. MSD, Attachment 1 (Certificate of Registration). Pursuant to this registration, Respondent is authorized to dispense controlled substances in schedules II through V as a practitioner. *Id.* Respondent's registration expires on May 31, 2020. *Id.*

## The Status of Respondent's State License

On September 11, 2018, the IDFPR Division of Professional Regulation issued a Consent Order entered into between the IDFPR and Respondent.<sup>2</sup> MSD, Attachment 2 (Consent Order), at 1. According to the Consent Order, IDFPR alleged that Respondent's actions and/or omissions in his practice of dentistry constitute violations of the Illinois Dental Practice Act and the Illinois Controlled Substances Act, and which, if proven true, would constitute grounds for discipline. *Id.* at 2–3. (Citations omitted.) Specifically, IDFPR alleged that Respondent prescribed Vicodin and Tramadol, on a monthly basis between 1996 and 2018, to treat a patient with temporomandibular joint dysfunction ("TMJ") syndrome, and failed to obtain ongoing diagnostic and/or radiological studies to verify and confirm the extent of that patient's continued TMJ symptoms, as well as authorizing numerous prescriptions for controlled substances without properly evaluating and monitoring the patient for signs and symptoms of drug addiction or abuse. *Id.* at 1.

The stipulations in the Consent Order also included allegations that DEA Diversion Investigators (DIs) conducted an inspection of Respondent's dental practice and discovered that he prescribed Ambien and Codeine to his wife without documenting the prescriptions or dental exam necessity for those prescriptions in her chart. *Id.* at 2. He also stipulated that the DIs conducted a count of controlled substances and found a substantial amount of substances unaccounted for, including: A shortage of 1,034 Hydrocodone 5/500mg tablets, a shortage of 500 tablets Hydrocodone 5/325 tablets, and a shortage of 1,960 tablets Diazepam 5mg. *Id.* In addition,

<sup>1</sup> The OSC was filed with the Office of Administrative Law on March 5. Briefing Order, at 1. With no other evidence presented to the contrary, I find that the Respondent's Request for a Hearing was timely.

<sup>2</sup> The Consent Order demonstrates that Respondent was represented by an attorney in the proceeding. *Id.*

according to the Consent Order, Respondent was unable to produce a biennial inventory, he failed to adequately maintain dispensing records for controlled substances, and he failed to maintain inventory records of controlled substances for two years. *Id.* The DIs also determined that: (a) Everyone in Respondent's dental office had access to the controlled substances cabinet; (b) Respondent kept a five-hundred count bottle of Vicodin, a one-hundred count bottle of Halcion, and a five-hundred count bottle of Valium in his home, a non-registered address; and (c) Respondent kept a one-hundred count bottle of Vicodin in his desk drawer. *Id.*

Respondent also failed to complete the required nine hours of continuing education in sedation techniques for the 2009–2012 renewal cycle, and failed to ensure that his staff had completed the requisite training to assist him in dental sedation procedures. *Id.*

Respondent and the IDFPF agreed, in the Consent Order, that Respondent's Illinois dentist controlled substance license would be indefinitely suspended, and that his Illinois dentist license would be placed on indefinite probation with conditions for a minimum period of two years. *Id.* at 4. The Consent Order became effective on September 11, 2018, upon the approval and signature of the Director of the Division of Professional Regulation for the IDFPF. *Id.* at 7–8.

According to the online records for the state of Illinois, of which I take official notice, Respondent's Illinois dentist controlled substance license remains suspended.<sup>3</sup> <https://ilesonline.idfpr.illinois.gov/DFPR/Lookup/LicenseLookup.aspx> (last visited September, 12, 2019).

Accordingly, I find that Respondent is not currently licensed to dispense controlled substances in Illinois, the State in which Respondent is registered with the DEA.

<sup>3</sup> Under the Administrative Procedure Act, an agency “may take official notice of facts at any stage in a proceeding—even in the final decision.” United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), “[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.” Accordingly, Respondent may dispute my finding by filing a properly supported motion for reconsideration within 15 calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Respondent files a motion, the Government shall have 15 calendar days to file a response.

## Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA) “upon a finding that the Respondent . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.” With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.*, 76 FR 71371 (2011), *pet. for rev. denied*, 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27616, 27617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term “practitioner” to mean “a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense . . . [or] administer . . . a controlled substance in the course of professional practice.” 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that “[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.” 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess State authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he practices. *See, e.g., Hooper, supra*, 76 FR at 71371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.*, 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.*, 53 FR 11919, 11920 (1988); *Blanton, supra*, 43 FR at 27617.

Pursuant to the Illinois Controlled Substances Act, a dentist is specifically included in the definition of a practitioner. “‘Practitioner’ means a physician licensed to practice medicine in all its branches, dentist . . . or other person licensed, registered, or otherwise lawfully permitted by the United States

or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.” 720 Ill. Comp. Stat. Ann. 570/102(kk) (Westlaw P.A. 100–863). Illinois law requires that “[e]very person who manufactures, distributes, or dispenses any controlled substances . . . must obtain a registration issued by the Department of Financial and Professional Regulation in accordance with its rules.” *Id.* at 570/302(a).

Further, under Illinois law, the Illinois Controlled Substances Act authorizes the IDFPF to discipline a practitioner holding a dentist controlled substance license. “A registration under Section 303 to manufacture, distribute, or dispense a controlled substance . . . may be denied, refused renewal, suspended, or revoked by the Department of Financial and Professional Regulation.” *Id.* at 570/304(a).

Here, the undisputed evidence in the record is that Respondent currently lacks authority to handle controlled substances as a dentist in Illinois. As already discussed, a dentist must hold a valid dentist controlled substance license to dispense a controlled substance in Illinois. Thus, because Respondent lacks authority to handle controlled substances in Illinois, Respondent is not eligible to maintain a DEA registration. Accordingly, I order that Respondent's DEA registration be revoked.

## Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BW7668835 issued to Peter J. Waidzun, D.D.S. This Order is effective October 21, 2019.

Dated: September 9, 2019.

**Uttam Dhillon,**

*Acting Administrator.*

[FR Doc. 2019–20418 Filed 9–19–19; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 2019–10]

### John Yolman Salinas, M.D.; Decision and Order

On December 18, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or



Government), issued an Order to Show Cause to John Yolman Salinas, M.D., (hereinafter, Respondent), of Atlanta, Georgia. Order to Show Cause (hereinafter, OSC), at 1. The OSC proposes the revocation of Respondent's Certificate of Registration No. BS4014332 on the ground that Respondent does not have "state authority to handle controlled substances" in Georgia, the state in which Respondent is registered with the DEA. *Id.* (citing 21 U.S.C. 824(a)(3)).

The substantive ground for the proceeding, as alleged in the OSC, is that Respondent has "no state authority to handle controlled substances." OSC, at 1. Specifically, the OSC alleges that the Georgia Composite Medical Board (hereinafter, GCMB) issued a Final Decision revoking Respondent's medical license on September 21, 2018. *Id.* This Georgia medical license revocation, according to the OSC, means that Respondent is "currently without authority to handle controlled substances in the State of Georgia" and, "[c]onsequently, DEA must revoke . . . [Respondent's] DEA registration." *Id.*

The OSC notified Respondent of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43). The OSC also notified Respondent of the opportunity to submit a corrective action plan. OSC, at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

By a document entitled "Request for Hearing" submitted on January 16, 2019, Respondent timely requested a hearing.<sup>1</sup> According to the Hearing Request, Respondent "is interested in continuing the practice of medicine in another state or Territory of the United States . . . and thus maintaining his DEA Registration active." Hearing Request, at 1. Respondent's Hearing Request states that he "is not handling any medications or drugs of ANY sort" and "has NEVER had any DEA violations or complaint to the present date." *Id.* (emphases in original).

Respondent attached a "Corrective Action Plan" (hereinafter, CAP) to his Request for Hearing. *Id.* at 3. The CAP states, among other things, that the "Georgia Medical Board did NOT find any violations against . . . [Respondent] of medication errors or standard of care issues." *Id.* (emphasis in original). It states that Respondent "is NOT

currently practicing medicine in any form . . . [and] wishes to continue the practice of medicine for which he trained for over a 24 years career." *Id.* (emphasis in original). Respondent's first proposed CAP concerns his "having submitted current applications for medical licensure in several States and U.S. Territories . . . . On procurement of an active state medical license, the DEA Registration will be transferred to the active State licensed." *Id.* Respondent's second proposed CAP concerns Respondent's expressed interest in "actively applying for a position within the DEA with the hopes of procuring a position as an undercover physician to infiltrate pill mills and help in the war against drugs." <sup>2</sup> *Id.*

By letter dated January 30, 2019, the Assistant Administrator of the Diversion Control Division "den[ied] the request to discontinue or defer administrative proceedings" and stated that "there is no potential modification of . . . [Respondent's proposed CAP] that could or would alter my decision in this regard." Assistant Administrator CAP Letter, at 1.

The Office of Administrative Law Judges put the matter on the docket and assigned it to the Chief Administrative Law Judge. The matter was subsequently reassigned to Administrative Law Judge Mark M. Dowd (hereinafter, ALJ). The Government timely complied with the "Order Directing the Filing of Government Evidence Regarding its Lack of State Authority Allegation and Briefing Schedule" by filing a Motion for Summary Disposition on January 28, 2019 (hereinafter, Government Motion). In its motion, the Government stated that Respondent lacks authority to handle controlled substances in Georgia because of the revocation of his Georgia medical license. Government Motion, at 3. "Because Respondent does not have state authority to prescribe, administer, or dispense controlled substances in the State of Georgia," the Government Motion continued, "he is not entitled to hold a DEA registration." *Id.*

Respondent requested, and received, an additional ten business days to respond to the Government Motion.<sup>3</sup>

<sup>2</sup> Respondent's second proposed CAP "further requests any assistance from any DEA personnel in procurement of such a position." Hearing Request, at 3.

<sup>3</sup> The ALJ denied Respondent's request for an extension of forty-five days. Respondent stated that the bases for his request were pending applications for medical licensure in Guam and Mississippi. Respondent suggested that forty-five days would give those jurisdictions time to act on his applications and "thus make moot the Administrative Law Court Summary Disposition." Respondent's Motion for Extension of Time to

Motion for Extension of Time to Respond to Governments [sic] Motion for Summary Disposition dated January 31, 2019, at 1; Order Granting the Respondent's Request for Extension of Time dated February 4, 2019, at 1–2. According to the ALJ's "Order Granting the Government's Motion for Summary Disposition and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge" dated February 21, 2019 (hereinafter, RD), "[t]o date, the Respondent has not filed any reply to the Government's allegations." RD, at 3. After the ALJ issued the RD, Respondent filed a "Motion for Reconsideration and Clarification of Decision of Administrative Law Judge" dated February 22, 2019 (hereinafter, RMRC). The ALJ construed the RMRC to be a motion for leave to file an out of time response to the Government Motion and gave the Government the opportunity to respond to it. The Government timely opposed the RMRC on procedural and substantive grounds. The ALJ denied the RMRC. Order Denying Respondent's Motion to File an Out of Time Response and Reaffirming the Recommended Order Granting the Government's Motion for Summary Disposition dated March 19, 2019 (hereinafter, RRD), at 5. Although the ALJ denied the RMRC, he addressed its substance in the RRD. RRD, at 4–5.<sup>4</sup>

The ALJ, in both the RD and the RRD, recommended that "Respondent's registration be revoked, and any pending applications be denied" because "no dispute exists over the fact that the Respondent currently lacks state authority to handle controlled substances in the state of Georgia because the . . . [GCMB] has revoked his medical license." RD, at 7–8. By letter dated March 19, 2019, the ALJ certified and transmitted the record to me.

I issue this Decision and Order based on the entire record before me. 21 CFR 1301.43(e). I make the following findings of fact.

## Findings of Fact

### *Respondent's DEA Registration*

Respondent is the holder of DEA Certificate of Registration No. BS4014332 at the registered address of 3069 Amwiler Rd., Suite Two, Atlanta,

Respond to Governments [sic] Motion for Summary Disposition dated January 31, 2019, at 2. I agree with the ALJ's denial of Respondent's request for an extension of forty-five days. The issue presented in the OSC concerns Respondent's registration in Georgia, not his applications for medical licensure in Guam or Mississippi.

<sup>4</sup> I agree with the ALJ's procedural disposition of the RMRC.

<sup>1</sup> The OSC is dated December 18, 2018. The Hearing Request was emailed on January 16, 2019. As such, I find that the Government's service of the OSC was adequate and that Respondent's request for a hearing was timely.

GA 30360. Government Motion, Exh. 1, at 1. Pursuant to this registration, Respondent is authorized to dispense controlled substances in schedules II through V as a practitioner. *Id.* Respondent's registration expires on February 28, 2021, and is "in an active pending status." *Id.*

#### *The Status of Respondent's State License*

On June 18, 2018, an Administrative Law Judge at the Georgia Office of State Administrative Hearings (hereinafter, Georgia ALJ) issued her Initial Decision concerning a matter initiated by the GCMB to sanction Respondent's medical license. Government Motion, Exh. 2, at 1. According to the Initial Decision, a "board certified family practice physician with 39 years' experience" completed a peer review of Respondent's treatment and care of two individuals at the request of the GCMB. *Id.* at 12.

Regarding the first individual, the peer reviewer opined that Respondent's treatment fell below the standard of care when he (1) treated the individual as a patient when they were engaged in a sexual relationship; (2) failed to maintain medical records to support his prescription of medications, including controlled substances; (3) failed to maintain a medical record to support the ordering of a breast ultrasound and diagnostic mammogram; (4) failed to maintain a medical record when making a "lumbago" diagnosis; and (5) failed to use proper history, physical, laboratory tests, and radiological procedures to make a diagnosis. *Id.* at 12–13.

As to the other individual, the peer reviewer opined that Respondent's treatment fell below the standard of care when he (1) performed a gynecological examination without a female chaperone present; (2) had sexual relations with the individual after performing a gynecological examination; (3) failed to put a date on the purported record of the injections he gave the individual and the individual's subsequent reaction; and (4) failed to perform a gynecological examination, pap smear, and mammogram before purportedly administering an initial injection of Depo-Provera. *Id.* at 21–22.

The Georgia ALJ concluded that the GCMB established by a preponderance of the evidence that Respondent (1) knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of his profession in a purported medical record and to the GCMB; (2) indicated untrustworthiness and engaged in conduct discrediting the medical profession by his acts and omissions; (3) failed to conform to the

minimum standards of acceptable and prevailing medical practice; (4) mistreated both individuals; and (5) failed to timely respond to an investigative subpoena issued by the GCMB. *Id.* at 24–26, 28–29. She found that Respondent "was cavalier in prescribing medications, including controlled substances . . . [and] did not document any objective data to justify the prescriptions. *Id.* at 31. The Georgia ALJ concluded that Respondent's conduct with regard to the two individuals was "egregious" and "reprehensible," making revocation the appropriate sanction. *Id.* Thus, she revoked Respondent's medical license. *Id.*

On September 21, 2018, the GCMB issued a Final Decision (hereinafter, Final Decision). The Final Decision adopted the Findings of Fact and Conclusions of Law set forth in the Initial Decision and revoked Respondent's medical license No. 38600, effective upon docketing. Government Motion, Exh. 3, at 2. The GCMB also denied Respondent's Motion for Rehearing after finding that Respondent had not demonstrated that (1) the GCMB overlooked any material fact, controlling authority, or intervening change in controlling authority; (2) the GCMB or the Georgia ALJ made a clear error; (3) there was a manifest injustice; or (4) the legal authority was erroneously construed or misapplied. Order Denying Rehearing dated November 8, 2018, Government Motion, Exh. 4, at 5.

According to Georgia's online records, of which I take official notice, Respondent's license is still revoked.<sup>5</sup> GCMB Search for a Licensee, <https://gcmb.mylicense.com/verification> (last visited September 9, 2019).

Accordingly, I find that Respondent currently is not licensed to practice medicine in Georgia, the state in which he is registered with the DEA.

<sup>5</sup> Under the Administrative Procedure Act, an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), "[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary." Accordingly, Respondent may dispute my finding by filing a properly supported motion for reconsideration within 15 calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Respondent files a motion, the Government shall have 15 calendar days to file a response.

#### **Discussion**

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA), "upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances." With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.*, 76 FR 71371 (2011), *pet. for rev. denied*, 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27616, 27617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term "practitioner" to mean "a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that "[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., Hooper, supra*, 76 FR at 71371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.*, 58 FR 51104, 51,105 (1993); *Bobby Watts, M.D.*, 53 FR 11919, 11920 (1988); *Blanton, supra*, 43 FR at 27617.

According to Georgia statute, "Every person who . . . dispenses any controlled substances within this state . . . must obtain annually a registration issued by the State Board of Pharmacy." Ga. Code Ann. § 16–13.35(a) (Westlaw, current through acts passed during the 2019 Session of the General Assembly).

A person who is licensed as a physician, however, is “registered” and exempt from the statute’s registration fee and application requirements. Ga. Code Ann. § 16–13–35(g)(2) (Westlaw, current through acts passed during the 2019 Session of the General Assembly). The Georgia Code defines “physician” as “a person licensed to practice medicine.” Ga. Code Ann. § 43–34–21(2) (Westlaw, current through acts passed during the 2019 Session of the General Assembly). Under Georgia law, “to practice medicine” includes “attaching the title ‘M.D.’ . . . to one’s name, indicating that such person is engaged in the treatment or diagnosis of disease, defects, or injuries to human beings.” Ga. Code Ann. § 43–34–21(3) (Westlaw, current through acts passed during the 2019 Session of the General Assembly).

Here, the undisputed evidence in the record, including Respondent’s admission, is that Respondent currently lacks authority to practice medicine in Georgia. Government Motion, Exhs. 2–4; RMRC, at 2. As already discussed, a “physician,” under Georgia law, is a person licensed to practice medicine. Further, under Georgia law, a “physician” is registered to dispense controlled substances. Because Respondent lacks authority to practice medicine in Georgia, he is not registered to handle controlled substances in Georgia according to Georgia law. Accordingly, Respondent is not eligible to maintain a DEA registration and I will order that Respondent’s DEA registration be revoked.<sup>6</sup>

## Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BS4014332 issued to John Yolman Salinas, M.D. Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f), I hereby deny any pending application of John Yolman Salinas to renew or to modify this registration, and any pending application of John Yolman Salinas to be registered in the state of Georgia. This Order is effective October 21, 2019.

<sup>6</sup> Given my findings that Respondent is registered with the DEA in Georgia, that his Georgia medical license is revoked, and that he lacks authority in Georgia to dispense controlled substances, I find that both of Respondent’s CAPs—changing his registered address to another state or a Territory of the United States, and “procuring a position as an undercover physician to infiltrate pill mills and help in the war against drugs”—provide no basis for me to discontinue or defer this proceeding. 21 U.S.C. 824(c)(3).

Dated: September 9, 2019.

**Uttam Dhillon,**

*Acting Administrator.*

[FR Doc. 2019–20420 Filed 9–19–19; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. DEA–392]

**Importer of Controlled Substances  
Application: Fisher Clinical Services,  
Inc.**

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 21, 2019. Such persons may also file a written request for a hearing on the application on or before October 21, 2019.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on July 19, 2019, Fisher Clinical Services, Inc., 700A–C Nestle Way, Breinigsville, Pennsylvania 18031–1522 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Psilocybin .....	7437	I
Methylphenidate .....	1724	II
Levorphanol .....	9220	II
Noroxymorphone .....	9668	II
Tapentadol .....	9780	II

The company plans to import the listed controlled substances for clinical trials.

Dated: August 19, 2019.

**Neil D. Doherty,**

*Acting Assistant Administrator.*

[FR Doc. 2019–20414 Filed 9–19–19; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. DEA–392]

**Importer of Controlled Substances  
Application: Galephar Pharmaceutical  
Research Inc.**

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 21, 2019. Such persons may also file a written request for a hearing on the application on or before October 21, 2019.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on June 10, 2019, Galephar Pharmaceutical Research Inc., #100 Carr 198 Industrial Park, Juncos, Puerto Rico, 00777 applied to be registered as an importer of the following basic class of controlled substance:

Controlled substance	Drug code	Schedule
Hydromorphone .....	9150	II

The company plans to import the listed controlled substance in finished dosage form for analytical purpose only.

Dated: August 22, 2019.

**Neil D. Doherty,**

*Acting Assistant Administrator.*

[FR Doc. 2019–20412 Filed 9–19–19; 8:45 am]

**BILLING CODE 4410–09–P**

**DEPARTMENT OF JUSTICE****Drug Enforcement Administration**

[Docket No. DEA-392]

**Bulk Manufacturer of Controlled Substances Application: National Center for Natural Products Research NIDA MPROJECT****ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 19, 2019.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.33(a), this is notice that on July 18, 2019, National Center for Natural Products Research, National Institute of Drug Abuse (NIDA) MPROJECT, University of Mississippi, 135 Coy Waller Complex, P.O. Box 1848, University, Mississippi 38677-1848 applied to be registered as a bulk manufacturer of the following basic class of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract .....	7350	I
Marihuana .....	7360	I
Tetrahydrocannabinols .....	7370	I

The company plans to bulk manufacture the listed controlled substances to make a supply of marihuana available to the (NIDA) for distribution to research investigators in support of the national research program needs. No other activities for these drug codes are authorized for this registration.

Dated: August 19, 2019.

**Neil D. Doherty,**

*Acting Assistant Administrator.*

[FR Doc. 2019-20411 Filed 9-19-19; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Proposed Consent Decree Under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act**

On September 12, 2019, the Department of Justice lodged a proposed Consent Decree with the United States

District Court for the Northern District of Ohio in the lawsuit entitled *United States v. Chemical Solvents, Inc.*, Civil Action No. 19-cv-02096.

The United States filed this lawsuit under the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the regulations and permits that govern air emissions and water discharges from the defendant's facility in Cleveland, Ohio. The consent decree requires the defendant to perform injunctive relief and pay a \$400,000 civil penalty.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Chemical Solvents, Inc.*, D.J. Ref. No. 90-7-1-11189. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$16.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Randall M. Stone,**

*Acting Assistant Section Chief,  
Environmental Enforcement Section,  
Environment and Natural Resources Division.*

[FR Doc. 2019-20338 Filed 9-19-19; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF LABOR****Office of the Secretary****Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Dislocated Workers Emergency Grant Application and Reporting Procedures**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, "National Dislocated Workers Emergency Grant Application and Reporting Procedures," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before October 21, 2019.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the [RegInfo.gov](http://www.reginfo.gov) website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201909-1205-004](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201909-1205-004) (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202-693-8073, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL—ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Frederick Licari by telephone at 202-693-8073, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the National Dislocated Workers Emergency Grant Application and Reporting Procedures information collection. The information collection is necessary for the U.S. Department of Labor's (DOL's) award of National Dislocated Worker Grants (NDWGs), which are discretionary grants intended to temporarily expand the service capacity at the state and local area levels by providing funding assistance in response to major economic dislocations or other events, as defined in the Workforce Innovation and Opportunity Act (WIOA). Funds are available for obligation by the Secretary under Sections 132 and 170 of WIOA. Applications will be accepted on an ongoing basis as the need for funds arises for eligible applicants.

The provisions of WIOA and the Regulations at 20 CFR part 687 define two National Dislocated Worker Grant project types: (1) Employment Recovery, which encompasses plant closures, mass layoffs, multiple layoffs in a single community, and higher than average demand from dislocated service members. (2) Disaster Recovery, which includes Federal Emergency Management Agency (FEMA), declared emergency and disaster events, and emergencies or disaster situations of national significance. The Workforce Innovation and Opportunity Act (Pub. L. 113–128) authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0439.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on September 30, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension

while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 23, 2019 (84 FR 16884).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0439. The OMB 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-ETA.

*Title of Collection:* National Dislocated Workers Emergency Grant Application and Reporting Procedures.

*OMB Control Number:* 1205–0439.

*Affected Public:* State, Local and Tribal Governments.

*Total Estimated Number of Respondents:* 159.

*Total Estimated Number of Responses:* 1,587.

*Total Estimated Annual Time Burden:* 1,086 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Dated: September 16, 2019.

**Frederick Licari,**

*Departmental Clearance Officer.*

[FR Doc. 2019–20392 Filed 9–19–19; 8:45 am]

**BILLING CODE 4510–FN–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Work Application/Job Order Recordkeeping

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, “Work Application/Job Order Recordkeeping,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before October 21, 2019.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201909-1205-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201909-1205-001) (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073 TTY 202–693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the

Work Application/Job Order Recordkeeping information collection. Work applications (commonly referred to as the registrations) are used in One-Stop Career Centers for individuals seeking assistance in finding employment or employability development services. They are used to collect information such as applicants' identification, qualifications, work experience, and desired pay. They also include services provided to applicants, such as job development and/or referral to supportive service. Job orders are used in One-Stop Career Centers to obtain information on employer job vacancies. Information in the job orders include employer identification, job requirements, and/or pay information, as well as identification of persons referred, hired, or refused. The information is collected at the employer's request in order to publicize job vacancies.

The information is collected by One-Stop Career Centers and posted on electronic job banks. 20 CFR 652.8(d)(5) authorizes this information collection. See 29 U.S.C. 49 (The Wagner Peyser Act).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205-0001.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on September 30, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** March 29, 2019.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES**

section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205-0001. The OMB 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-ETA.

*Title of Collection:* Work Application/Job Order Recordkeeping.

*OMB Control Number:* 1205-0001.

*Affected Public:* State, Local and Tribal Governments.

*Total Estimated Number of Respondents:* 52.

*Total Estimated Number of Responses:* 52.

*Total Estimated Annual Time Burden:* 416 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Dated: September 13, 2019.

**Frederick Licari,**

*Departmental Clearance Officer.*

[FR Doc. 2019-20391 Filed 9-19-19; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Reentry Employment Opportunities (REO) Evaluation Office of the Secretary

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Office of the Assistant Secretary for Policy, Chief Evaluation Office (CEO) sponsored information collection request (ICR) proposal titled, "Reentry Employment

Opportunities (REO) Evaluation," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before October 21, 2019.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201811-1290-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201811-1290-001) (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202-693-8073, TTY 202-693-8064, (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-CEO, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Frederick Licari by telephone at 202-693-8073, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks PRA authority for the Reentry Employment Opportunities (REO) Evaluation information collection. The U.S. Department of Labor's (DOL) Chief Evaluation Office (CEO) is undertaking the Reentry Employment Opportunities (REO) Evaluation. The overall aim of the evaluation is to determine whether the REO programs improve employment outcomes and workforce readiness for young adults and adults with previous criminal justice system contact. The evaluation will include an implementation study and an impact study. This package requests clearance for two data collection instruments: (1) Grantee survey; (2) Baseline information form (BIF). Section 169 of the Workforce

Innovation and Opportunity Act authorizes this information collection. See 29 U.S.C. 3221a(1).

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB, under the PRA, approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on April 13, 2018 (83 FR 16128).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201811–1290–001. The OMB 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–CEO.

Title of Collection: Reentry Employment Opportunities (REO) Evaluation.

OMB ICR Reference Number: 201811–1290–001.

Affected Public: Individuals or Households; Private Sector—Not-for-profit institutions.

Total Estimated Number of Respondents: 1,292.

Total Estimated Number of Responses: 1,292.

Total Estimated Annual Time Burden: 225 hours.

Total Estimated Annual Other Costs Burden: \$1,926.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: September 16, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–20390 Filed 9–19–19; 8:45 am]

BILLING CODE 4510–HX–P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219–0016]

#### Proposed Extension of Information Collection; Ventilation Plan and Main Fan Maintenance Record

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Ventilation Plan and Main Fan Maintenance Record.

**DATES:** All comments must be received on or before November 19, 2019.

**ADDRESSES:** Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

• *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number MSHA–2019–0038.

• *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.

• *Hand Delivery:* USDOL–Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington,

VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

**FOR FURTHER INFORMATION CONTACT:** Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at [MSHA.information.collections@dol.gov](mailto:MSHA.information.collections@dol.gov) (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

Underground mines usually present harsh and hostile working environments. The ventilation system is the most vital life support system in underground mining and a properly operating ventilation system is essential for maintaining a safe and healthful working environment. A well planned mine ventilation system is necessary to assure a fresh air supply to miners at all working places, to control the amounts of harmful airborne contaminants in the mine atmosphere, and to dilute possible accumulation of explosive gases.

Lack of adequate ventilation in underground mines has resulted in fatalities from asphyxiation and/or explosions due to a buildup of explosive gases. Inadequate ventilation can be a primary factor for deaths caused by disease of the lungs (e.g., silicosis). In addition, poor working conditions from lack of adequate ventilation contribute to accidents resulting from heat stress, limited visibility, or impaired judgment from contaminants.

The mine operator is required to prepare a written plan of the mine ventilation system. The plan is required to be updated at least annually. Upon written request of the District Manager, the plan or revisions must be submitted to MSHA for review and comment.

The main ventilation fans for an underground mine must be maintained according to the manufacturers' recommendations or a written periodic schedule. Upon request of an Authorized Representative of the Secretary of Labor, this fan maintenance schedule must be made available for



review. The records assure compliance with the standard and may serve as a warning mechanism for possible ventilation problems before they occur.

## II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Ventilation Plan and Main Fan Maintenance Record. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The information collection request will be available on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on [www.regulations.gov](http://www.regulations.gov) and [www.reginfo.gov](http://www.reginfo.gov).

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

## III. Current Actions

This request for collection of information contains provisions for Ventilation Plan and Main Fan Maintenance Record. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

*Type of Review:* Extension, without change, of a currently approved collection.

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219-0016.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 197.

*Frequency:* On occasion.

*Number of Responses:* 206.

*Annual Burden Hours:* 4,762 hours.

*Annual Respondent or Recordkeeper*

*Cost:* \$0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

**Sheila McConnell,**

*Certifying Officer.*

[FR Doc. 2019-20394 Filed 9-19-19; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219-0014]

### Proposed Extension of Information Collection; Hazardous Conditions Complaints

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Request for public comments.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Hazardous Conditions Complaints.

**DATES:** All comments must be received on or before November 19, 2019.

**ADDRESSES:** Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:*

<http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number MSHA-2019-0037.

- *Regular Mail:* Send comments to USDOL-MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452.

- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

### FOR FURTHER INFORMATION CONTACT:

Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at [MSHA.information.collections@dol.gov](mailto:MSHA.information.collections@dol.gov) (email); (202) 693-9440 (voice); or (202) 693-9441 (facsimile).

### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

Under Section 103(g) of Mine Act, a representative of miners, or any individual miner where there is no representative of miners, may submit a written or oral notification of an alleged violation of the Mine Act or a mandatory standard or that an imminent danger exists. The notifier has the right to obtain an immediate inspection by MSHA. A copy of the notice must be provided to the operator, with individual miner names redacted.

MSHA regulations at 30 CFR part 43 implement section 103(g) of the Mine Act. These regulations provide the procedures for submitting notification of the alleged violation and the actions that MSHA must take after receiving the notice. Although the regulations contain a review procedure (required by section 103(g)(2) of the Mine Act) whereby a miner or a representative of miners may in writing request a review if no citation or order is issued as a result of the original notice, the option is so rarely used that it was not considered in the burden estimates.

#### II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Hazardous Conditions Complaints. MSHA is

particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The information collection request will be available on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on [www.regulations.gov](http://www.regulations.gov) and [www.reginfo.gov](http://www.reginfo.gov).

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202-5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

### III. Current Actions

This request for collection of information contains provisions for Hazardous Conditions Complaints. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

*Type of Review:* Extension, without change, of a currently approved collection.

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219-0014.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 1,976.

*Frequency:* On occasion.

*Number of Responses:* 1,976.

*Annual Burden Hours:* 395 hours.

*Annual Respondent or Recordkeeper Cost:* \$0.

*MSHA Forms:* Hazardous Condition Complaint.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

**Sheila McConnell,**  
*Certifying Officer.*

[FR Doc. 2019-20393 Filed 9-19-19; 8:45 am]

**BILLING CODE 4510-43-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 21, 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](mailto: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: Roslyn B. Fontaine, Deputy 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](mailto: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-2019-006-M.

*Petitioner:* Hecla Limited, Lucky Friday Unit, 397 Friday Ave., Mullan, ID 83846.

*Mines:* Lucky Friday, MSHA I.D. No. 10-00088, located in Shoshone County, Idaho.

*Regulation Affected:* 30 CFR 57.11052(d) (Refuge areas).

*Modification Request:* The petitioner requests a modification of the existing standard to allow the mine operator to provide commercially purchased water in sealed bottles instead of a waterline in each of three refuge chambers located in the mine.

The petitioner states that:

(1) During an emergency at the mine, water from a waterline could become non-potable due to potentially damaged waterlines connecting the water source to the refuge chambers.

(2) Given the size of the underground mine, the length of the waterlines, waterline material, and cross connections between operational uses of water and the waterlines that could be plumbed to the refuge chambers, it is impossible to ensure compliance with 40 CFR part 141, National Primary Drinking Water Regulations.

(3) One of the three refuge chambers is not constructed to allow for the piping of water into the self-contained structure. Alterations or modifications made to the refuge chamber to allow for waterlines would void the warranty. Utilizing commercially purchased, sealed water bottles would allow the

continued use of this refuge chamber while still providing continuous access to potable water in case of an emergency.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator will supply each of the three refuge chambers with commercially purchased, sealed 5-gallon water bottles, allowing each miner 2.25 quarts of water per day for at least 36 hours in a refuge chamber, given the manufacturer's maximum occupant capacity.

(b) The operator will replace the water bottles with fresh water bottles before the expiration of the shelf life date of the water. The condition and quantity of stored water will be inspected monthly and specific instructions on water conservation will be included with the refuge supplies.

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. 2019-20395 Filed 9-19-19; 8:45 am]

BILLING CODE 4520-43-P

## LIBRARY OF CONGRESS

### Copyright Royalty Board

[Docket No. 15-CRB-0011 DART (SRF/CO) (2014)]

### Distribution of Digital Audio Recording Royalty Funds

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Notice announcing commencement of paper proceeding, requesting Petitions to Participate, and allowing comments.

**SUMMARY:** The Copyright Royalty Judges (Judges) announce commencement of a proceeding to determine the distribution of digital audio recording technology royalty fees in the 2014 Sound Recordings Fund. The Judges also announce the date by which a party who wishes to participate in this proceeding must file its Petition to Participate and the accompanying filing fee, if applicable.

**DATES:** Petitions to Participate and the filing fee are due no later than October 21, 2019.

**ADDRESSES:** Each Petition to Participate must include the proceeding docket number, 15-CRB-0011 DART (SRF/CO)

(2014). Participants must file using the *online form* on the CRB's electronic filing application, eCRB, at <https://app.crb.gov/>, unless they do not have access to the internet, in which case they may file using any of the following methods:

*U.S. mail:* Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977; or

*Overnight service (only USPS Express Mail is acceptable):* Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977; or

*Commercial courier:* Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM-403, 101 Independence Avenue SE, Washington, DC 20559-6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE and D Street NE, Washington, DC; or

*Hand delivery:* Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Avenue SE, Washington, DC 20559-6000.

*Instructions:* Unless submitting online, claimants must submit an original, two paper copies, and an electronic version on a CD. All submissions must include the Copyright Royalty Board name and docket number. All submissions received will be posted without change on eCRB including any personal information provided.

*Docket:* For access to the docket, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at <https://app.crb.gov/>, and search for docket number 15-CRB-0011 DART (SRF/CO) (2014).

#### FOR FURTHER INFORMATION CONTACT:

Anita Blaine, CRB Program Specialist, by telephone at (202) 707-7658 or email at [crb@loc.gov](mailto:crb@loc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Audio Home Recording Act of 1992 (AHRA), Public Law 102-563, requires manufacturers and importers to pay royalties on digital audio recording devices and media that are distributed in the United States. 17 U.S.C. 1003. These royalties are deposited with the Copyright Office for further distribution to eligible claimants. 17 U.S.C. 1005, 1007. Royalties are divided into two funds: The Sound Recordings Fund (66-2/3%) and the Musical Works Fund (33-1/3%). These fees in turn are allocated to specific subfunds. 17 U.S.C. 1006(b). The Sound Recordings Fund, which is the subject of this notice, is divided between the Copyright Owners Subfund (60%) and the Featured Recording Artists Subfund (40%), after

small portions are distributed to nonfeatured musicians and nonfeatured vocalists. 17 U.S.C. 1006(b)(1).

Distribution of the fees in the two subfunds may occur in one of two ways. The interested copyright parties within each subfund may negotiate the terms of a settlement as to the division of royalty funds. If, after any such agreements, funds remain in dispute, the Copyright Royalty Judges may conduct a proceeding to determine the distribution of the royalties that remain in controversy in each subfund. 17 U.S.C. 1006(c) & 1007(c).

On January 21, 2016, the Judges ordered distribution of 98% of the royalties held in the Featured Recording Artists Subfund and the Copyright Owners Subfund of the 2014 Sound Recordings Fund to settling claimants. *Order Granting AARC's Request for Partial Distribution of Royalties from the 2014 DART Sound Recordings Fund.*

The Judges subsequently denied requests from two nonsettling claimants for distribution of funds. *Order Denying Eugene Curry/Tajai Music, Inc.'s Request for Partial Distribution of Funds from the Copyright Owners Subfund* (Jan. 18, 2017) ("Tajai Music Order"); *Order Denying Herman Kelly's Request for Partial Distribution of Funds* (Jan. 18, 2017) ("Kelly Order").

In the Kelly order, the Judges found that a controversy exists regarding the proper distribution of the remaining funds in the Featured Artists Subfund.

Tajai Music, Inc. has not settled its interest in the Copyright Owners Subfund. *See Motion in Support of Settling Claimants' Notice of Settlement and Request for Partial Distribution of the 2014 DART Sound Recordings Fund Featured Recording Artists and Copyright Owners Subfunds Royalties* at 1 (Dec. 2, 2015); Tajai Music Order at 1.

Consistent with 17 U.S.C. 804(b)(8), the Judges determine that, for the reasons stated above, a controversy exists with respect to the distribution of the 2014 Sound Recordings Fund royalties from the Copyright Owners Subfund and the Featured Recording Artists Subfund.

#### Commencement of Proceeding

By this notice, the Judges announce the commencement of a proceeding to determine the final distribution of DART Sound Recordings Funds (from both the Copyright Owners Subfund and the Featured Recording Artists Subfund) for royalty year 2014.

#### Petitions To Participate

Petitions to Participate must provide all of the information required by 37 CFR 351.1(b)(2). Participants also must

identify each subfund in the Sound Recordings Fund to which they are asserting a claim (*i.e.*, Copyright Owners, Featured Recording Artists, or both).

Petitions to Participate submitted by interested parties whose claims do not exceed \$1,000 must contain a statement that the party will not seek a distribution of more than \$1,000. 37 CFR 351.1(b)(4). No filing fee is required for such parties. Interested parties with claims exceeding \$1,000, however, must submit a filing fee of \$150 with their respective Petitions to Participate, or the petition will be rejected. CASH WILL NOT BE ACCEPTED. Parties filing online through eCRB must pay by credit card. Any party without access to the internet must pay the filing fee with a check or money order made payable to the "Copyright Royalty Board" and mailed or delivered with a paper claim form, as described in the **ADDRESSES** section above. If a check is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed.

Any participant that is an individual may represent herself or himself. All other participants must be represented by counsel. In accordance with 37 CFR 303.2 (Representation), only attorneys who are members of the bar in one or more states or the District of Columbia and in good standing will be allowed to represent parties before the Copyright Royalty Judges. The Judges will address further procedural matters, including scheduling, after Petitions to Participate have been filed.

### Intention To Conduct a Paper Proceeding

In accordance with Section 803(b)(5)(B) of the Copyright Act, the Judges find it appropriate to conduct a paper proceeding in this matter in light of the relatively modest amount of royalties in dispute after previously approved partial distributions and the anticipated small number of non-settling claimants. In paper proceedings, the Judges enter an order scheduling the filing of a written direct statement by each participant, a response of an opposing participant, and one additional response from the participant. 17 U.S.C. 803(b)(5). The Judges make their determination on the basis of these filings. Any party wishing to comment on the Judges' intention to conduct a paper proceeding should include such comments in its Petition to Participate.

Dated: September 17, 2019.

**Jesse M. Feder,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2019-20428 Filed 9-19-19; 8:45 am]

**BILLING CODE 1410-72-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 21, 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](mailto: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 requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

### Application Details

*Permit Application: 2020-013.*

1. *Applicant:* Orla Doherty, BBC Worldwide Americas, 1120 Avenue of the Americas, New York, NY 10036.

*Activity for Which Permit is Requested:* Harmful Interference, Enter

Antarctic Specially Protected Areas (ASPA). The applicant and agents propose to film Antarctic wildlife, natural environments and scientific research being conducted. The resulting footage and photography would be used to create media products including a multi-part series for television. The applicant would film Weddell seals (adults and pups) underwater and on the sea ice with handheld cameras, cameras on tripods, remotely operated vehicles (underwater), pole cameras, remote cameras, and cameras attached to remotely piloted aircraft systems (RPAS; aka small copter drone). Film team members would approach seals slowly, over time, and may get as close as five meters. The applicant proposes to operate the RPAS at a minimum altitude of 23 meters, with the potential to operate at 10 meters above ground level if no disturbance of the seals is noted. Additional observers would be employed when film team members are operating RPAS or handheld gimbal cameras. The applicant also proposes to record seal vocalizations using a hydrophone. The applicant and agents would also film minke whales, killer whales, and Adelie penguins from helicopters and RPAS as well as from the sea ice edge. In addition, while filming by helicopter, the applicant and agents proposes to fly over ASPA 131, Canada Glacier, and ASPA 172 Lower Taylor Valley and Blood Falls. The applicant and agents would adhere to overflight guidance in ASPA management plans. Finally, the applicant proposes to approach Adelie penguins, gentoo penguins, southern giant petrels, south polar skuas, and brown skuas whilst documenting ongoing ecological research in the Antarctic Peninsula. In the course of this filming effort, it is possible that the applicant and agents would enter ASPA 113, Litchfield Island, and ASPA 139, Biscoe Point. The results of this work are expected to be useful for outreach and education about Antarctica and the scientific research conducted there.

*Location:* ASPA 113, Litchfield Island, Arthur Harbor, Anvers Island, Palmer Archipelago; ASPA 131, Canada Glacier, Lake Fryxell, Taylor Valley, Victoria Land; ASPA 139, Biscoe Point, Anvers Island, Palmer Archipelago; ASPA 172, Lower Taylor Glacier and Blood Falls, Taylor Valley; McMurdo Station area; McMurdo Dry Valleys.

*Dates of Permitted Activities:* October 11, 2019–February 10, 2020.

**Erika N. Davis**

*Program Specialist, Office of Polar Programs.*

[FR Doc. 2019-20359 Filed 9-19-19; 8:45 am]

**BILLING CODE 7555-01-P**

**NUCLEAR REGULATORY COMMISSION**

[NRC-2019-0001]

**Sunshine Act Meetings**

**TIME AND DATE:** Weeks of September 23, 30, October 7, 14, 21, 28, 2019.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

**Week of September 23, 2019**

*Wednesday, September 25, 2019*

9:00 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) (Part 1) (Public Meeting) (Contact: Nadim Khan: 301-415-1119)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

11:25 a.m. Joint Meeting of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission (Part 2) (Closed Ex. 1)

**Week of September 30, 2019—Tentative**

There are no meetings scheduled for the week of September 30, 2019.

**Week of October 7, 2019—Tentative**

There are no meetings scheduled for the week of October 7, 2019.

**Week of October 14, 2019—Tentative**

There are no meetings scheduled for the week of October 14, 2019.

**Week of October 21, 2019—Tentative**

There are no meetings scheduled for the week of October 21, 2019.

**Week of October 28, 2019—Tentative**

There are no meetings scheduled for the week of October 28, 2019.

**CONTACT PERSON FOR MORE INFORMATION:**

For more information or to verify the status of meetings, contact Denise McGovern at 301-415-0681 or via email at [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov). The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g.,

Braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at [Anne.Silk@nrc.gov](mailto:Anne.Silk@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or by email at [Tyesha.Bush@nrc.gov](mailto:Tyesha.Bush@nrc.gov).

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated at Rockville, Maryland, this 18th day of September 2019.

For the Nuclear Regulatory Commission.

**Denise L. McGovern,**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2019-20490 Filed 9-18-19; 11:15 am]

**BILLING CODE 7590-01-P**

**SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36341]

**WRL, LLC d/b/a Rainier Rail—  
Acquisition and Operation  
Exemption—City of Tacoma,  
Department of Public Works d/b/a  
Tacoma Rail**

WRL, LLC (WRL) d/b/a Rainier Rail, a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from the City of Tacoma, Department of Public Works d/b/a Tacoma Rail (Tacoma Rail), and operate approximately 4.4 miles of rail line between milepost 33C north of Rainier, Thurston County, Wash., and milepost 28.6 near McKenna, Pierce County, Wash. (the Line).<sup>1</sup>

WRL states that the Line adjoins a 34.6-mile rail line that WRL previously acquired from Tacoma Rail. *See WRL, LLC—Acquis. Exemption—City of Tacoma, Dep't of Pub. Works*, FD 36074 (STB served Oct. 14, 2016). WRL states that it has reached an agreement with Tacoma Rail to acquire and operate the Line upon the exemption's effective date. WRL states that the proposed acquisition of the Line does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

WRL certifies that the proposed transaction will not result in WRL's becoming a Class II or Class I rail carrier

and that the projected annual revenues of WRL will not exceed \$5 million.

The transaction may be consummated on or after October 5, 2019, the effective date of the exemption (30 days after the verified notice was filed).<sup>2</sup>

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than September 27, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36341, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on WRL's representative, James H.M. Savage, 22 Rockingham Court, Germantown, MD 20874.

According to WRL, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: September 16, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2019-20351 Filed 9-19-19; 8:45 am]

**BILLING CODE 4915-01-P**

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Notice of Product Exclusions: China's  
Acts, Policies, and Practices Related to  
Technology Transfer, Intellectual  
Property, and Innovation**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of product exclusions.

**SUMMARY:** Effective July 6, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$34 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative's

<sup>1</sup> WRL filed a verification in support of its notice of exemption on September 5, 2019.

<sup>2</sup> The date of WRL's verification (September 5, 2019) will be considered the filing date for the purposes of calculating the effective date of the exemption.

determination included a decision to establish a product exclusion process. The U.S. Trade Representative initiated the exclusion process in July 2018, and stakeholders have submitted requests for the exclusion of specific products. In December 2018, March 2019, April 2019, May 2019, June 2019, and July 2019 the U.S. Trade Representative granted exclusion requests. This notice announces the U.S. Trade Representative's determination to grant additional exclusion requests, as specified in the Annex to this notice. The U.S. Trade Representative will continue to issue decisions on pending requests on a periodic basis.

**DATES:** The product exclusions announced in this notice will apply as of the July 6, 2018 effective date of the \$34 billion action, and will extend for one year after the publication of this notice. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

**FOR FURTHER INFORMATION CONTACT:** For general questions about this notice, contact Assistant General Counsels Philip Butler or Megan Grimboll, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact [traderemedy@cbp.dhs.gov](mailto:traderemedy@cbp.dhs.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), 83 FR 65198 (December 19, 2018), 83 FR 67463 (December 28, 2018), 84 FR 7966 (March 5, 2019), 84 FR 11152 (March 25, 2019), 84 FR 16310 (April 18, 2019), 84 FR 21389 (May 14, 2019), 84 FR 25895 (June 4, 2019), and 84 FR 32821 (July 9, 2019).

Effective July 6, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 818 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$34 billion. *See* 83 FR 28710. The U.S. Trade Representative's determination included a decision to establish a process by which U.S. stakeholders may request exclusion of particular products

classified within an 8-digit HTSUS subheading covered by the \$34 billion action from the additional duties. The U.S. Trade Representative issued a notice setting out the process for the product exclusions, and opened a public docket. *See* 83 FR 32181 (the July 11 notice).

Under the July 11 notice, requests for exclusion had to identify the product subject to the request in terms of the physical characteristics that distinguish the product from other products within the relevant 8-digit subheading covered by the \$34 billion action. Requestors also had to provide the 10-digit subheading of the HTSUS most applicable to the particular product requested for exclusion, and could submit information on the ability of U.S. Customs and Border Protection to administer the requested exclusion. Requestors were asked to provide the quantity and value of the Chinese-origin product that the requestor purchased in the last three years. With regard to the rationale for the requested exclusion, requestors had to address the following factors:

- Whether the particular product is available only from China and specifically whether the particular product and/or a comparable product is available from sources in the United States and/or third countries.
- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.
- Whether the particular product is strategically important or related to "Made in China 2025" or other Chinese industrial programs.

The July 11 notice stated that the U.S. Trade Representative would take into account whether an exclusion would undermine the objective of the Section 301 investigation.

The July 11 notice required submission of requests for exclusion from the \$34 billion action no later than October 9, 2018, and noted that the U.S. Trade Representative would periodically announce decisions. In December 2018, the U.S. Trade Representative granted an initial set of exclusion requests. *See* 83 FR 67463. The U.S. Trade Representative granted a second, third, fourth, fifth and sixth set of exclusions in March 2019, April 2019, May 2019, June 2019 and July 2019. *See* 84 FR 11152, 84 FR 16310, 84 FR 21389, 84 FR 25895, and 84 FR 32821. The Office of the U.S. Trade Representative regularly updates the status of each pending request and posts

the status within the web pages for the respective tariff action they apply to at <https://ustr.gov/issue-areas/enforcement/section-301-investigations/tariff-actions>.

##### **B. Determination To Grant Certain Exclusions**

Based on the evaluation of the factors set out in the July 11 notice, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to grant the product exclusions set out in the Annex to this notice. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments on the pertinent exclusion requests.

As set out in the Annex, the exclusions are reflected in 310 specially prepared product descriptions, which cover 724 separate exclusion requests.

In accordance with the July 11 notice, the exclusions are available for any product that meets the description in the Annex, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the product descriptions in the Annex, and not by the product descriptions set out in any particular request for exclusion.

Paragraph A, subparagraphs (3)–(5) are conforming amendments to the HTSUS reflecting the modification made by the Annex to this notice.

Paragraph B of the Annex corrects a typographical error in U.S. note 20(n)(105) to subchapter III of chapter 99 of the HTSUS, as set out in the Annex to the notice published at 84 FR 32821 (July 9, 2019).

As stated in the July 11 notice, the exclusions will apply as of the July 6, 2018 effective date of the \$34 billion action, and extend for one year after the publication of this notice. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

The U.S. Trade Representative will continue to issue determinations on pending requests on a periodic basis.

**Joseph Barloon,**

*General Counsel, Office of the U.S. Trade Representative.*

**BILLING CODE 3290-F9-P**

## ANNEX

- A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:
1. by inserting the following new heading 9903.88.14 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.14	Articles the product of China, as provided for in U.S. note 20(q) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative . . . . .	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. note 20(q) to subchapter III of chapter 99 in numerical sequence:

“(q) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.01 and provided for in U.S. notes 20(a) and 20(b) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.01. *See* 83 Fed. Reg. 28710 (June 20, 2018) and 83 Fed. Reg. 32181 (July 11, 2018). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.01 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- (1) Heat exchangers, the foregoing comprising parts of goods of heading 8402 and each fitted for heat recovery generator (described in statistical reporting number 8402.90.0010)
- (2) Hydraulic powered swing, winch and travel drives, axial piston type, with attached gearboxes, each valued over \$2,000 but not over \$7,000 (described in statistical reporting number 8412.29.8045)



- 
- (3) Lubricating oil transfer pumps, fitted or designed to be fitted with a measuring device, each with a 1.5 kW motor (described in statistical reporting number 8413.19.0000)
  - (4) Oil well and oil field reciprocating positive displacement plunger pumps (described in statistical reporting number 8413.50.0010)
  - (5) Positive displacement piston liquid pumps designed for use with gas or electric powered pressure washers, rated for an output of 7 liters or more but not exceeding 16 liters per minute at a pressure of 17 MPa or more but not exceeding 28 MPa (described in statistical reporting number 8413.50.0090)
  - (6) Non-hydraulic rotary positive displacement pumps, not configured as roller pumps, each weighing less than 5.5 kg and valued not over \$25 (described in statistical reporting number 8413.60.0090)
  - (7) Submersible centrifugal pumps (other than fuel, lubricating or cooling medium pumps for internal combustion piston engines other than stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard), not fitted or designed to be fitted with a measuring device; each of the foregoing incorporating a magnetic drive motor (described in statistical reporting number 8413.70.2004)
  - (8) Submersible centrifugal pumps (other than fuel, lubricating or cooling medium pumps for internal combustion piston engines), not fitted or designed to be fitted with a measuring device, the foregoing for table-top decorative use incorporating a cascading water feature (described in statistical reporting number 8413.70.2004)
  - (9) Submersible centrifugal pumps (other than fuel, lubricating or cooling medium pumps for internal combustion piston engines; other than stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard), not fitted or designed to be fitted with a measuring device, the foregoing capable of operating at 3,700 liters or more but not exceeding 41,000 liters per hour (described in statistical reporting number 8413.70.2004)
  - (10) Submersible centrifugal pumps, not fitted or designed to be fitted with a measuring device; other than fuel, lubricating or cooling medium pumps for internal combustion piston engines; other than stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard; the foregoing rated not over 1.5 kW (described in statistical reporting number 8413.70.2004)
  - (11) Tabletop water fountains designed for indoor use, the essential character of which is imparted by submersible centrifugal pumps (described in statistical reporting number 8413.70.2004)

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- (12) Non-submersible centrifugal pumps for liquids (other than fuel, lubricating or cooling medium pumps for internal combustion piston engines), not fitted or designed to be fitted with a measuring device, the foregoing comprising single-stage, single-suction, close-coupled, with a discharge outlet under 5.08 cm in diameter, valued over \$4 but not over \$6.50 each (described in statistical reporting number 8413.70.2005)
  - (13) Non-submersible centrifugal pumps for liquids (other than fuel, lubricating or cooling medium pumps for internal combustion piston engines), not fitted or designed to be fitted with a measuring device, the foregoing comprising single-stage, single-suction, close-coupled centrifugal motor pumps with a discharge outlet 5.08 cm or over in diameter, rated at 37 W or more but not exceeding 80 W and with a flow rate of 17 liters per minute or more (described in statistical reporting number 8413.70.2015)
  - (14) Non-submersible centrifugal pumps for liquids (other than fuel, lubricating or cooling medium pumps for internal combustion piston engines), not fitted or designed to be fitted with a measuring device, the foregoing operating at a voltage of 120 V and a frequency of 60 Hz, valued over \$4 but not over \$9 each (described in statistical reporting number 8413.70.2022)
  - (15) Non-submersible centrifugal pumps for liquids (other than fuel, lubricating or cooling medium pumps for internal combustion piston engines), not fitted or designed to be fitted with a measuring device, the foregoing comprising single-stage, single-suction, close-coupled, with discharge outlet under 5.08 cm in diameter each valued over \$150,000 (described in statistical reporting number 8413.70.2025)
  - (16) Pet water drinking fountains, not incorporating centrifugal pumps (described in statistical reporting number 8413.81.0040)
  - (17) Pumps (other than fuel, lubricating or cooling medium pumps for internal combustion piston engines, other than centrifugal pumps), not fitted or designed to be fitted with a measuring device, the foregoing rated at 37 W or more but not exceeding 80 W, with a flow rate of 17 liters or more per minute (described in statistical reporting number 8413.81.0040)
  - (18) Tubes of copper alloy for use in solenoid fuel pumps, each valued not over \$1 (described in statistical reporting number 8413.91.9010)
  - (19) Parts of pumps, other than fuel-injection pumps for compression-ignition engines or stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard, the foregoing of plastics (described in statistical reporting number 8413.91.9095)

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- (20) Rods and couplings designed for use with oil and gas field pumps, the foregoing of American Petroleum Institute grade (described in statistical reporting number 8413.91.9095)
  - (21) Volutes of a kind designed for use with centrifugal sump pumps (described in statistical reporting number 8413.91.9095)
  - (22) Air conditioner compressors of a kind used in motor vehicles (described in statistical reporting number 8414.30.4000)
  - (23) Compressors designed for use in household refrigerators, not exceeding 187 W (1/4 horsepower), each valued not over \$30 (described in statistical reporting number 8414.30.4000)
  - (24) Single phase, rotating piston type rotary compressors with split capacitor motors and refrigerant pumps, valued not over \$70 (described in statistical reporting number 8414.30.4000)
  - (25) Rotary compressors, each exceeding 746 W (1 horsepower) but not exceeding 2,984 W (4 horsepower), with a cooling capacity ranging from 2,300 W (7,960 BTU) to 5,500 W (18,766 BTU) (described in statistical reporting number 8414.30.8060)
  - (26) Rotary compressors, each exceeding 746 W (1 horsepower) but not exceeding 2,984 W (4 horsepower), with a cooling capacity ranging from 750 to 1400 W (described in statistical reporting number 8414.30.8060)
  - (27) Scroll compressors, each exceeding 2,238 W (3 horsepower) but not exceeding 7,460 W (10 horsepower), valued over \$250 but not over \$500 each (described in statistical reporting number 8414.30.8070)
  - (28) Scroll-type compressors, each exceeding 7,460 W (10 horsepower), valued over \$500 but not over \$900 (described in statistical reporting number 8414.30.8080)
  - (29) Compressor housings designed for turbochargers (described in statistical reporting number 8414.90.4165)
  - (30) Mineral slab production equipment including exhaust gas treatment apparatus therefor (described in statistical reporting number 8417.80.0000)
  - (31) Twin reactor pyrolysis waste processing equipment consisting of two twin primary and one secondary processing units (described in statistical reporting number 8417.80.0000)
  - (32) Parts of dry hearth melting furnaces (described in statistical reporting number 8417.90.0000)

- (33) Portable domestic ice cube makers of stainless steel, valued not over \$70 each (described in statistical reporting number 8418.69.0110)
- (34) Absorption liquid chilling units valued over \$130,000 each (described in statistical reporting number 8418.69.0160)
- (35) Chest-type coolers, compression type, with an interior volume exceeding 440 liters but not exceeding 600 liters (described in statistical reporting number 8418.69.0180)
- (36) Upright freezers, compression type, with an interior volume exceeding 1,300 liters but not exceeding 2,100 liters (described in statistical reporting number 8418.69.0180)
- (37) Brazed aluminum plate-fin heat exchangers, each valued not over \$250 (described in statistical reporting number 8419.50.1000)
- (38) Heat exchanger units, designed for use as part of a heat exchange system weighing more than 27 metric tons but not more than 32 metric tons and incorporating shell-and-tube type heat exchangers (described in statistical reporting number 8419.50.5000)
- (39) Heat exchanger units, designed for use as part of a heat exchange system weighing more than 40 but not more than 44 metric tons and designed to incorporate an ethylene dichloride vent eductor liquid cooler (described in statistical reporting number 8419.50.5000)
- (40) Heat exchanger units, designed for use as part of a heat exchange system weighing more than 63.5 metric tons and not designed to operate with chilled MCB Coolers using propylene refrigerant (described in statistical reporting number 8419.50.5000)
- (41) Heat exchanger units, designed for use individually or as part of a system weighing more than 63.5 metric tons and not designed to operate with chilled MCB coolers using propylene refrigerant (described in statistical reporting number 8419.50.5000)
- (42) Heat exchangers, each valued not over \$17,000 (described in statistical reporting number 8419.50.5000)
- (43) Industrial tubular heat exchange units (described in statistical reporting number 8419.50.5000)
- (44) Heat exchanger plates, cores, finned tubes, cones, shells, bonnets, flanges and baffles (described in statistical reporting number 8419.90.3000)
- (45) Calendering machines other than for metals or glass, such machines each weighing more than 12,000 kg (described in statistical reporting number 8420.10.9040)

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- (46) Thermal roll laminators, each valued not over \$450 (described in statistical reporting number 8420.10.9040)
  - (47) Cutting pads, platforms, base plates, pads, shims, trays, which function as guides for hand-operated table-top calendering machines of a width not exceeding 51 cm (described in statistical reporting number 8420.99.9000)
  - (48) Glass water filtration pitchers and filters (described in statistical reporting number 8421.21.0000)
  - (49) Household alkaline water ionizer and filtration apparatus (described in statistical reporting number 8421.21.0000)
  - (50) Household water filter cartridges (described in statistical reporting number 8421.21.0000)
  - (51) Ionization filters valued over \$35 but not over \$45 each (described in statistical reporting number 8421.21.0000)
  - (52) Water filters for pet water fountains (described in statistical reporting number 8421.21.0000)
  - (53) Accumulators for heat pumps and air conditioners, valued over \$8 but not over \$12 each (described in statistical reporting number 8421.29.0065)
  - (54) Basket, Y-type or duplex strainers, each having a threaded or flanged-style end (described in statistical reporting number 8421.29.0065)
  - (55) Cage-type cartridges, designed to remove water directly from fuel tanks, valued not over \$2 each (described in statistical reporting number 8421.29.0065)
  - (56) Filtering or purifying machinery valued over \$2,500,000 (described in statistical reporting number 8421.29.0065)
  - (57) Hydraulic fluid filters, rated at less than 100 kPa, measuring no more than 10 cm in diameter and 12 cm in length, each valued not more than \$2 (described in statistical reporting number 8421.29.0065)
  - (58) Polymer filtration systems of a kind used to separate solid contaminants from liquid polymers, each valued over \$30,000 but not over \$40,000 (described in statistical reporting number 8421.29.0065)
  - (59) Receiver-driers for air conditioning units used in commercial vehicles (described in statistical reporting number 8421.29.0065)
  - (60) Stainless steel mesh filters with plastic cores, of a kind used for preventing clogs in paint sprayers, each valued not over \$1.50 (described in statistical reporting number 8421.29.0065)

- (61) Disposable plastic filters of a kind suitable for filtering and dehumidifying a patient's breath in a medical device such as a gas analyzer (described in statistical reporting number 8421.39.8090)
- (62) Fiberglass-reinforced polyethylene pressure vessels (described in statistical reporting number 8421.99.0040)
- (63) Parts of filters, each valued not over \$8 (described in statistical reporting number 8421.99.0040)
- (64) Parts of swimming pool vacuum cleaners (described in statistical reporting number 8421.99.0040)
- (65) Self-cleaning filters, of stainless steel, of a kind suitable for use in filtering municipal, agricultural or industrial water supplies, valued over \$700 but not over \$800 each (described in statistical reporting number 8421.99.0040)
- (66) Swimming pool filter cartridges (described in statistical reporting number 8421.99.0040)
- (67) Paint sprayer filters of paper, with steel mesh casings and plastic end caps, valued not over \$1 each (described in statistical reporting number 8421.99.0080)
- (68) Parts of vortex gas separators (described in statistical reporting number 8421.99.0080)
- (69) Vacuum sealing machines, each valued over \$30 but not over \$40 (described in statistical reporting number 8422.30.9191)
- (70) 3-member slides with ball bearings, of stainless steel, for use in household dishwashers (described in statistical reporting number 8422.90.0640)
- (71) Stamped outer door panels of stainless steel for household dishwashing machines (described in statistical reporting number 8422.90.0640)
- (72) Electronic scales for continuous weighing of quartz, powder and resin on conveyors, capable of measuring 2 kg or more but not exceeding 100 kg of materials per minute (described in statistical reporting number 8423.20.1000)
- (73) Winches, each having a steel frame with a ratchet and pawl mechanism, operated manually (described in statistical reporting number 8425.39.0100)
- (74) Electric operator-riding pallet trucks, each with a load capacity not exceeding 3,700 kg (described in statistical reporting number 8427.10.8010, prior to July 1, 2019 or described in 8427.10.8030, post July 1, 2019)
- (75) Electric operator-riding reach-type fork-lift trucks, each with a load capacity exceeding 1,300 kg but not exceeding 2,100 kg (described in statistical

reporting number 8427.10.8010, prior to July 1, 2019 or described in statistical reporting number 8427.10.8030, post July 1, 2019)

- (76) Rider-type, counterbalanced fork-lift trucks, each powered by an internal combustion engine, with pneumatic tires, having a load capacity of 900 kg or more but not exceeding 18,000 kg (described in statistical reporting number 8427.20.4000)
- (77) Rider-type, counterbalanced fork-lift trucks, each powered by an internal combustion engine, with solid tires, having a load capacity of 1,300 kg or more but not exceeding 3,000 kg (described in statistical reporting number 8427.20.4000)
- (78) Baggage carriers, of polyethylene, suitable for use solely or principally with conveyers of subheading 8428.39 (described in statistical reporting number 8431.39.0010)
- (79) Continuous action elevators and conveyors of the kind designed for use in airports for handling baggage (described in statistical reporting number 8428.39.0000)
- (80) Roller conveyors with pallet rotators or pallet corner rotators (described in statistical reporting number 8428.39.0000)
- (81) Rotary positioning machines for use with machine tools (described in statistical reporting number 8428.90.0290)
- (82) Shovel loaders, each with a bucket capacity of 11.4 m<sup>3</sup> to 12 m<sup>3</sup>, and an operating weight of 30,000 kg or more but not exceeding 36,000 kg (described in statistical reporting number 8429.51.1055)
- (83) Winch handles (described in statistical reporting number 8431.10.0090)
- (84) Parts suitable for use solely or principally with self-propelled works trucks powered by an electric motor and fitted with lifting or handling equipment of subheading 8427.10 (described in statistical reporting number 8431.20.0000)
- (85) Drive frames weighing over 3.6 metric tons and parts thereof (described in statistical reporting number 8431.39.0010)
- (86) Grappler attachments, other than buckets, each valued over \$250 but not over \$350 (described in statistical reporting number 8431.41.0040)
- (87) Grappler buckets, each valued over \$800 but not over \$900 (described in statistical reporting number 8431.41.0040)
- (88) Bridge plug assemblies for oil and gas boring or sinking machinery, other than for offshore oil and natural gas drilling and production platforms (described in statistical reporting number 8431.43.8060)



- (89) Metal frames or assemblies of a kind suitable for use as attachments to agricultural tractors (described in statistical reporting number 8431.49.9020)
- (90) Counterweight castings of iron or steel designed for use on excavators and wheel loaders (described in statistical reporting number 8431.49.9095)
- (91) Counterweight castings of iron or steel, designed for use on skid loaders (described in statistical reporting number 8431.20.0000)
- (92) Dredge cutter teeth, comprising parts suitable for use solely or principally with the machinery of heading 8429 or 8430 (described in statistical reporting number 8431.49.9095)
- (93) Parts of harrows or cultivators incorporating bearings (described in statistical reporting number 8432.90.0050)
- (94) Ductile iron casting, weighing more than 0.75 kg but not more than 18.25 kg, with a maximum dimension exceeding 190 mm but not exceeding 695 mm (described in statistical reporting number 8432.90.0060)
- (95) Electrically powered granulator machine (described in statistical reporting number 8436.10.0000)
- (96) Animal feeding machinery (described in statistical reporting number 8436.80.0090)
- (97) Parts of animal feeding machinery (described in statistical reporting number 8436.99.0090)
- (98) Machines, of a kind used to produce cylindrical paper drinking straws (described in statistical reporting number 8441.40.0000)
- (99) Ink cartridges, each weighing more than 1 kg (described in statistical reporting number 8443.99.2010 )
- (100) Paper handling assemblies as described in Additional U.S. note 2(g) to chapter 84 (described in statistical reporting number 8443.99.2050)
- (101) Printer maintenance kits consisting of two or more replacement parts for printer units of subheading 8443.32.10 specified in additional U.S. note 2 to chapter 84 (described in statistical reporting number 8443.99.2050)
- (102) Cold-chamber die casting machines having a maximum casting volume of 52.78 m<sup>3</sup>, a die height of 0.4 m or more but not exceeding 1 m, and a maximum die locking force of 8,400 kN (described in statistical reporting number 8454.30.0010)
- (103) Cylindrical side guides, the foregoing comprising parts of metal-rolling mills (described in statistical reporting number 8455.90.8000)

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- (104) Horizontal lathes for removing metal, electrically powered, not numerically controlled, each with mill head attachment mounted above the lathe headstock (described in statistical reporting number 8458.19.0020)
  - (105) Way-type unit head machine tools, each valued over \$1,800 but not over \$2,200 (described in statistical reporting number 8459.10.0000)
  - (106) New numerically-controlled milling machines capable of end beveling pipe of an outside diameter of 60 cm or more but not exceeding 305 cm (described in statistical reporting number 8459.61.0080)
  - (107) Benchtop milling machines, not numerically controlled, valued over \$400 but not over \$700 each (described in statistical reporting number 8459.69.0020)
  - (108) Press brakes, not numerically controlled, having a drive capacity rating of 3kW (described in statistical reporting number 8462.29.0030)
  - (109) New hydraulic shearing machines, not numerically controlled, with a power of 7.5 kW, valued at \$3,025 or more each (described in statistical reporting number 8462.39.0050)
  - (110) Hydraulic presses, not numerically controlled, each valued over \$85,000 but not over \$110,000 (described in statistical reporting number 8462.91.8090)
  - (111) Machines for end-forming metal pipes, such pipes ranging in outside diameter from 60 cm or more but not exceeding 305 cm (described in statistical reporting number 8462.91.8090)
  - (112) Woodworking routers, each with a 1,306 W (1-3/4 horsepower) motor and valued not over \$60 (described in statistical reporting number 8465.92.0051)
  - (113) Woodworking lathes, each with a motor of 224 watts (0.3 horsepower) or more but not exceeding 896 W (1.2 horsepower), the foregoing which operate at speeds of 600 to 3,500 rpm, valued not over \$130 each (described in statistical reporting number 8465.99.0220)
  - (114) Tool holders of a kind used to hold various types of metal working tools for use on milling machine spindles (described in statistical reporting number 8466.10.0175)
  - (115) Machine tool stands having leveling, stabilizing, attachment or other special features (described in statistical reporting number 8466.30.8000)
  - (116) Work stands designed for use with miter saws, whether or not wheeled (described in statistical reporting number 8466.92.5010)
  - (117) Rotary grinders for working in the hand, suitable for metal working, each valued under \$10 (described in statistical reporting number 8467.11.1040)

- (118) Rotary sanders for working in the hand, suitable for metal working, each valued under \$20 (described in statistical reporting number 8467.11.1040)
- (119) Pneumatic rotary cutters, suitable for metal working, each with a maximum blade diameter of 11 cm and a maximum speed of 20,000 rpm, valued under \$10 each (described in statistical reporting number 8467.11.1080)
- (120) External optical disk drive storage units enclosed in cases, each valued under \$60 (described in statistical reporting number 8471.70.9000)
- (121) Parts of automatic teller machines (described in statistical reporting number 8473.40.8600)
- (122) Stationary sand screening equipment having more than 90 but less than 182 metric ton per hour capacity (described in statistical reporting number 8474.10.0090)
- (123) Portable concrete or mortar mixers, electrically powered, with a capacity not exceeding 0.15 m<sup>3</sup> (described in statistical reporting number 8474.31.0000)
- (124) Mineral pressing machine equipped with vibration motors (described in statistical reporting number 8474.80.0015)
- (125) Electrically powered cutting machines for working supple plastics, valued not over \$300 per unit (described in statistical reporting number 8477.80.0000)
- (126) Injection mold inserts (described in statistical reporting number 8477.90.8501)
- (127) Mold base parts, each with a length of more than 19 cm but not more than 91 cm, a width of more than 3 cm but not more than 61 cm and a thickness of more than 2 cm but not more than 16 cm; the foregoing preconfigured with standard mill features such as drilled holes, slots and bushings to accommodate the various pins and tube dowels necessary for the functioning of the plastic injection mold (described in statistical reporting number 8477.90.8501)
- (128) Sidewall plates, top bead rings, bottom bead rings and upper bag clamp rings, of steel, all the foregoing being parts of tire molds (described in statistical reporting number 8477.90.8540)
- (129) Machines of a kind suitable for mixing granules of rock or similar hard materials with plastic resin to form a homogenous mixture (described in statistical reporting number 8479.82.0040)
- (130) Modularized plants for the manufacture of lithium hydroxide by functions involving mixing, kneading or stirring (described in statistical reporting number 8479.82.0040)

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- (131) Machines for crushing/grinding pills, each valued over \$20 but not over \$35 (described in statistical reporting number 8479.82.0080)
  - (132) Granulating machines not specifically designated for use with specific particulate materials, each valued more than \$25,000 (described in statistical reporting number 8479.89.9499)
  - (133) Vertical or single shaft shredding machines of a kind suitable for use in the recycling industry, weighing over 10,000 kg but not over 15,000 kg each (described in statistical reporting number 8479.89.9499)
  - (134) Parts of drain and sewer cleaning machines (described in statistical reporting number 8479.90.9496)
  - (135) Parts of suspension arms of a kind used in dental lighting or delivery systems (described in statistical reporting number 8479.90.9496)
  - (136) Mold bases, of steel, measuring 27.9 cm by 38.1 cm by 45.7 cm, each weighing 409.1 kg (described in statistical reporting number 8480.20.0000)
  - (137) Plastic injection molding patterns each valued over \$50,000 (described in statistical reporting number 8480.30.0000)
  - (138) Compression type tire molds (described in statistical reporting number 8480.71.8060)
  - (139) Hydraulic solenoid timing valve each valued not over \$20 (described in statistical reporting number 8481.20.0020)
  - (140) Check valves, of plastics or rubber (described in statistical reporting number 8481.30.9000)
  - (141) Ball type angle cock valve bodies, of cast iron, for oleohydraulic or pneumatic transmissions (described in statistical reporting number 8481.90.9020)
  - (142) Valve bodies, of aluminum, of valves for oleohydraulic or pneumatic transmissions (described in statistical reporting number 8481.90.9020)
  - (143) Hydraulic valve parts, other than valve bodies, of valves for oleohydraulic or pneumatic transmissions, each valued not over \$5 (described in statistical reporting number 8481.90.9040)
  - (144) Valve pressure relief components, including body covers, and diaphragms (described in statistical reporting number 8481.90.9085)
  - (145) Unground ball bearings each valued not over \$4 (described in statistical reporting number 8482.10.5004)
  - (146) Thrust bearings each valued not over \$2 (described in statistical reporting number 8482.10.5008)

- (147) Wheel hub bearing units, of steel, of a kind used on motor vehicles, trailers and lawn equipment, each having one flange for the wheel and brake attachment and a second flange for attaching to the vehicle suspension, and having a sealed and lubricated double row of bearings (described in statistical reporting number 8482.10.5016)
- (148) Angular contact ball bearings, not for use with wheel hub bearing units, having an inner diameter of 25 mm or greater but not exceeding 55 mm, an outer diameter of 50 mm or greater but not exceeding 95 mm, a width of 20 mm or greater but not exceeding 35 mm, with single or double row of steel balls and a cage of steel or plastics (described in statistical reporting number 8482.10.5028)
- (149) Angular contact ball bearings, not over 40 mm in width, other than wheel hub bearing units (described in statistical reporting number 8482.10.5028)
- (150) Single row angular contact ball bearings, other than wheel hub bearing units, valued over \$5.50 but not over \$6.25 each (described in statistical reporting number 8482.10.5028)
- (151) Single row radial bearings, with an outside diameter less than 9 mm, each valued not over \$1 (described in statistical reporting number 8482.10.5036)
- (152) Single row radial bearings, with an outside diameter over 100 mm, each valued not over \$9 (described in statistical reporting number 8482.10.5056)
- (153) Radial double row ball bearings, having an inner diameter of 10 mm or greater but not exceeding 90 mm, an outside diameter of 30 mm or greater but not exceeding 170 mm, and a width of 14.3 mm or greater but not exceeding 68.3 mm, with a cage of steel or plastics (described in statistical reporting number 8482.10.5060)
- (154) Tapered roller bearings, with cups having an outside diameter exceeding 102 mm but not exceeding 203 mm, each valued not over \$9 (described in statistical reporting number 8482.20.0061)
- (155) Single row tapered roller bearing cone assemblies for cups having an outside diameter not exceeding 102 mm (described in statistical reporting number 8482.20.0070)
- (156) Steel tapered roller bearing cone assemblies, entered without cups, with an inner race that extends beyond the width of the roller cage, for cups having an outside diameter exceeding 102 mm but not exceeding 203 mm (described in statistical reporting number 8482.20.0081)
- (157) Tapered roller bearing cone assemblies, each valued not over \$9, for cups having an outside diameter exceeding 102 mm but not exceeding 203 mm (described in statistical reporting number 8482.20.0081)

- (158) Single row tapered roller bearing cone assemblies for cups having an outside diameter exceeding 203 mm (described in statistical reporting number 8482.20.0090)
- (159) Spherical roller bearings, other than single row, with an inside diameter of 20 mm or greater but not exceeding 300 mm, an outside diameter of 50 or greater but not exceeding 300 mm, and a width of 15 mm or greater but not exceeding 100 mm (described in statistical reporting number 8482.30.0080)
- (160) Cylindrical roller thrust bearings, each having an inside diameter of 77.2 mm, an outer diameter of 95.6 mm, and a width of 3.445 mm, comprising 64 cylindrical rollers measuring 2.24 mm in diameter and 5 mm in length, a steel cage and a steel axial washer (described in statistical reporting number 8482.50.0000)
- (161) Adapter sleeve assemblies for spherical roller bearings consisting of a tapered sleeve adapter, a locknut and lock washer (described in statistical reporting number 8482.99.6510 )
- (162) Flywheels of a kind used in manual automotive transmission (described in statistical reporting number 8483.50.6000)
- (163) Universal joints, each weighing not more than 5 kg (described in statistical reporting number 8483.60.4080)
- (164) Chain sprockets with forged hubs, the foregoing with outer diameter of 59.4 mm or greater but not exceeding 999.4 mm and width of 22.4 mm or greater but not exceeding 114.3 mm (described in statistical reporting number 8483.90.1010)
- (165) Chain sprockets, each not more than 55 mm in diameter (described in statistical reporting number 8483.90.1050)
- (166) Gaskets of metal sheeting combined with other material or of two or more layers of metal, each of the foregoing valued not over \$3 (described in statistical reporting number 8484.10.0000)
- (167) Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, and not specified or included elsewhere in chapter 84, each valued not over \$20 (described in statistical reporting number 8487.90.0080)
- (168) AC motors, C-frame single-phase induction-type, without external housing, of an output not exceeding 18.65 W, not synchronous, each valued not over \$20 (described in statistical reporting number 8501.10.4020)
- (169) Electric motors, AC, permanent split capacitor type, not exceeding 16 W (described in statistical reporting number 8501.10.4020)

- (170) Electric motors, AC, permanent split capacitor type, with a height of 97.5 mm or more but not exceeding 127.0 mm and a length of 82.8 mm or more but not exceeding 226.0 mm, with an output of 8.9 kW or more but not exceeding 12 kW, 60 hertz (described in statistical reporting number 8501.10.4020)
- (171) Shaded-pole AC motors, of an output not exceeding 18.65 W, each valued not over \$5 (described in statistical reporting number 8501.10.4020 )
- (172) Brushless motors, of an output not exceeding 18.65 W, not synchronous, each valued not over \$0.50 (described in statistical reporting number 8501.10.4040)
- (173) DC servo motors or actuators, of an output of under 18.65 W, valued over \$2 but not over \$2.50 each (described in statistical reporting number 8501.10.4060)
- (174) Universal AC/DC motors, each rated at more than 37.5 W but not more than 65 W and valued at less than \$20 (described in statistical reporting number 8501.20.2000)
- (175) Quarter-turn actuator motors, of an output exceeding 746 W, each valued not over \$140 (described in statistical reporting number 8501.20.6000)
- (176) DC motors, brushless, of an output rated at 48 W or greater but not exceeding 60 W, each valued not over \$14 (described in statistical reporting number 8501.31.2000)
- (177) DC motors, brushless, rated at 32 V, designed to operate in saltwater environment, each valued over \$35 (described in statistical reporting number 8501.31.2000)
- (178) DC motors, of an output exceeding 37.5 W but not exceeding 74.6 W, each incorporating a thermal switch, the foregoing valued not over \$22 (described in statistical reporting number 8501.31.2000)
- (179) DC motors, of an output exceeding 37.5 W but not exceeding 74.6 W, valued over \$2 but not over \$30 each (described in statistical reporting number 8501.31.2000)
- (180) AC motors, multiphase, of a kind used with paint sprayers to regulate the flow of paint, of an output exceeding 74.6 W but not exceeding 735 W, valued not over \$200 each (described in statistical reporting number 8501.51.4040)
- (181) Brushless, variable speed, DC motors, of an output of 750 W (described in statistical reporting number 8501.31.6000)
- (182) DC motor and gear box assemblies, of an output of 746 W or more but not exceeding 750W, of a kind used to open and close a swing door, the foregoing valued not over \$300 each (described in statistical reporting number 8501.31.6000)



- (183) AC motors, multi-phase, of an output exceeding 37.5 W but not exceeding 74.6 W, other than gear motors, each weighing less than 600 grams and valued less than \$15 (described in statistical reporting number 8501.51.2040)
- (184) AC motors, multi-phase, of an output exceeding 37.5 W but not exceeding 74.6 W, each fitted with a timing belt (described in statistical reporting number 8501.51.4040)
- (185) AC motors, multi-phase, of rolled steel frame construction (described in statistical reporting number 8501.51.4040)
- (186) AC motors, multiphase, of an output exceeding 74 kW but not exceeding 75 kW, other than for use in civil aircraft (described in statistical reporting number 8501.52.8040)
- (187) AC motors, multi-phase, of an output exceeding 93 kW but not exceeding 112 kW (described in statistical reporting number 8501.53.4080)
- (188) AC motors, multi-phase, of an output of 186.5 kW or more but not exceeding 373 kW, having a cast iron frame construction (described in statistical reporting number 8501.53.8040)
- (189) AC generators, each having copper windings and weighing more than 900 kg but not more than 1700 kg (described in statistical reporting number 8501.63.0000)
- (190) AC generators, of an output exceeding 750 kVA but not exceeding 10,000 kVA, each having copper windings and weighing more than 1650 kg but not more than 4100 kg, other than for wind-powered generating sets classified within 8502.31.00 (described in statistical reporting number 8501.64.0025)
- (191) Generator sets each weighing more than 650 kg but not over 830 kg (described in statistical reporting number 8502.11.0000)
- (192) Armatures, other than for motors of under 18.65 W, other than for generators for civil aircraft, each valued not over \$5 (described in statistical reporting number 8503.00.6500)
- (193) Motor field cores, other than for motors of under 18.65 W, other than for generators for civil aircraft, of steel stamping, each valued not over \$5 (described in statistical reporting number 8503.00.6500)
- (194) Stators and rotors designed for use with household laundry washing machines or tabletop household appliances, each valued not over \$10 (described in statistical reporting number 8503.00.6500)
- (195) Stators and rotors, 2 or 4 pole type, valued over \$4,700 but not over \$4,900 each (described in statistical reporting number 8503.00.6500)

- (196) Electrical transformers, each weighing not over 500 grams (described in statistical reporting number 8504.32.0000)
- (197) Printed circuit boards, each measuring no more than 2.3 cm by 13.1 cm, presented with two black plastic pin connectors on opposite ends and/or sides, designed for use in transformers used to provide power to telecommunications networks (described in statistical reporting number 8504.90.6500)
- (198) Dual layer printed circuit board assemblies, each valued over \$30 but not over \$35 (described in statistical reporting number 8504.90.7500)
- (199) Coils for cast epoxy resin transformers, each of the foregoing valued over \$6,500 but not over \$7,000 (described in statistical reporting number 8504.90.9646)
- (200) Conductors of aluminum for electric transformers, static converters and inductors (described in statistical reporting number 8504.90.9690)
- (201) Heat sinks of aluminum for electric transformers, static converters and inductors (described in statistical reporting number 8504.90.9690)
- (202) Inductor parts, of plastics (described in statistical reporting number 8504.90.9690)
- (203) Toroids of silicon steel (described in statistical reporting number 8504.90.9690)
- (204) Lithium primary batteries valued over \$0.50 but not over \$0.75 each (described in statistical reporting number 8506.50.0000)
- (205) Resistance-heated annealing ovens (described in statistical reporting number 8514.10.0000)
- (206) Resistance-heated glass furnaces, each with continuous conveyance articulating roller and positive press (described in statistical reporting number 8514.10.0000)
- (207) Resistance-heated strip casting furnaces (described in statistical reporting number 8514.40.0000)
- (208) Manually operated soldering irons and guns, with or without their power supplies but without work stands or other accessory devices (described in statistical reporting number 8515.11.0000)
- (209) Tungsten electrodes for tungsten inert gas arc welding torches (described in statistical reporting number 8515.90.2000)
- (210) Transceivers, 10-meter, not hand-held, for operation in infrequencies of 28.000 to 29.700 MHz (described in statistical reporting number 8525.60.1050)

- (211) GPS apparatus measuring not over 118 mm in height, 120 mm in width and 20 mm in thickness, presented with or without attached antenna or other accessories (described in statistical reporting number 8526.91.0040)
- (212) GPS apparatus suitable for use with dog or other animal collars (described in statistical reporting number 8526.91.0040)
- (213) Kits each consisting of GPS apparatus suitable for use with dog or animal collars, a hand-held GPS transmitter and accessories therefor (described in statistical reporting number 8526.91.0040)
- (214) Radio remote control apparatus of a kind suitable for controlling gas burning fireplaces (described in statistical reporting number 8526.92.5000)
- (215) 27 MHz radio remote control antennas each of a kind designed to transmit a signal to a dog collar receiver (described in statistical reporting number 8529.10.4040)
- (216) CB radio antennas (described in statistical reporting number 8529.10.9100)
- (217) Aluminum electrolytic capacitors each valued not over \$1.50 (described in statistical reporting number 8532.22.0055)
- (218) Fixed ceramic dielectric multilayer chip capacitors, each valued not over \$0.12 per unit (described in statistical reporting number 8532.24.0020)
- (219) Dielectric capacitors of paper or plastics, for AC service, operating at less than 300 V each valued not over \$4.50 (described in statistical reporting number 8532.25.0010)
- (220) Dielectric capacitors of paper or plastics, for AC service, operating at 300 V or more but not exceeding 600 V, each valued not over \$3 (described in statistical reporting number 8532.25.0020)
- (221) Double-sided capacitor modules, each containing capacitors operating at 165 farad, 48 V, and 53 watt-hours (described in statistical reporting number 8532.25.0080)
- (222) Fixed capacitors (the foregoing other than tantalum, aluminum electrolytic, ceramic dielectric, dielectrics of paper or plastics or mica dielectric), each valued over \$200 but not over \$300 (described in statistical reporting number 8532.29.0040)
- (223) Variable capacitors (other than mica, ceramic or glass dielectric), each valued over \$500 but not over \$600 (described in statistical reporting number 8532.30.0090)
- (224) Metal oxide varistors of ceramic metal oxide materials (described in statistical reporting number 8533.40.4000)

- (225) Potentiometers (other than cermet or metal glaze), each valued not over \$70 (described in statistical reporting number 8533.40.8070)
- (226) Thermistors (other than cermet or metal glaze), each valued not over \$1 (described in statistical reporting number 8533.40.8070)
- (227) Motor overload protectors for a voltage exceeding 60 V but not exceeding 1,000 V, each valued over \$5 but not over \$7 (described in statistical reporting number 8536.30.4000)
- (228) Contactors for a voltage not exceeding 1,000 V, each valued not over \$18 (described in statistical reporting number 8536.49.0065)
- (229) Motor starters for a voltage exceeding 60 V but not exceeding 1,000 V, valued over \$9 but not over \$10 each (described in statistical reporting number 8536.50.4000)
- (230) Rotary switch assemblies, for a voltage not exceeding 1,000 V, rated at not over 5 A, each valued over \$2 but not over \$3 (described in statistical reporting number 8536.50.9020)
- (231) Snap-action switches, for a voltage not exceeding 250 V, rated not over 8 A (described in statistical reporting number 8536.50.9040)
- (232) Limit switches, for a voltage not exceeding 1,000 V, each valued over \$19 but not over \$32 (described in statistical reporting number 8536.50.9055)
- (233) Broken belt switches, for a voltage not exceeding 1,000 V, designed for use in clothes dryers (described in statistical reporting number 8536.50.9065)
- (234) Modular light switches, for a voltage not exceeding 1,000 V, presented in polyethylene terephthalate (PET) housings, designed for use with a backplate (described in statistical reporting number 8536.50.9065)
- (235) Single-pole, double-throw switches, for a voltage not exceeding 100 V, each with a movable contact arm permitting the opening and closing of contact points (described in statistical reporting number 8536.50.9065)
- (236) Switches designed for use in motor vehicles, driver or passenger activated (described in statistical reporting number 8536.50.9065)
- (237) Coaxial connectors, for a voltage not exceeding 1,000 V, valued over \$0.20 but not over \$0.30 each (described in statistical reporting number 8536.69.4010)
- (238) Cylindrical multicontact connectors, for a voltage not exceeding 1,000 V, each valued not over \$120 (described in statistical reporting number 8536.69.4020)

- (239) Printed circuit connectors each valued not over \$1 (described in statistical reporting number 8536.69.4040)
- (240) Printed circuit connectors, for a voltage not exceeding 1,000 V, measuring 142 mm long, 20.53 mm high and 6.5 mm wide (described in statistical reporting number 8536.69.4040)
- (241) Printed circuit connectors, for a voltage not exceeding 1,000 V, measuring 59.08 mm long, 25.91 mm high and 25.91 mm wide, each valued not over \$20 (described in statistical reporting number 8536.69.4040 )
- (242) Printed circuit connectors, for a voltage not exceeding 1,000 V, each valued over \$1 but not over \$5 (described in statistical reporting number 8536.69.4040 )
- (243) Printed circuit connectors, for a voltage not exceeding 1,000 V, stacked, each valued not over \$10 (described in statistical reporting number 8536.69.4040)
- (244) Butt splice connectors, for a voltage not exceeding 1,000 V, each valued not over \$3 (described in statistical reporting number 8536.90.4000)
- (245) Kits each containing 40 assorted terminals comprising 12 butt splices, 10 ring terminals, 8 spade terminals and 10 female disconnects, for a voltage not exceeding 1,000 V (described in statistical reporting number 8536.90.4000)
- (246) Kits each containing 80 assorted terminals, valued not over \$2, for a voltage not exceeding 1,000 V (described in statistical reporting number 8536.90.4000)
- (247) Ring terminals, for a voltage not exceeding 1,000 V (described in statistical reporting number 8536.90.4000)
- (248) Twist-on wire connectors, for a voltage not exceeding 1,000 V, each valued not over \$0.03 (described in statistical reporting number 8536.90.4000)
- (249) Junction boxes, each valued over \$1.40 but not over \$1.70 (described in statistical reporting number 8536.90.8530)
- (250) Transistors, with a dissipation rate of less than 1 W and an operating frequency of not less than 100 MHz, valued over \$0.04 but not over \$0.05 each (described in statistical reporting number 8541.21.0075)
- (251) Bipolar junction transistors, with a dissipation rate of less than 1 W and with an operating frequency of less than 100 MHz (described in statistical reporting number 8541.21.0095)
- (252) Metal-oxide transistors on a silicon-carbide substrate, with a dissipation rate of less than 1 W and an operating frequency of less than 100 MHz (described in statistical reporting number 8541.29.0095)

- (253) Mounted quartz piezoelectric crystals operating at a supply voltage of 1.5 V or greater but not exceeding 3.75 V and a frequency range not over 175 MHz (described in statistical reporting number 8541.60.0060)
- (254) S-band and X-band linear accelerators designed for use in radiation surgery or radiation therapy equipment (described in statistical reporting number 8543.10.0000 )
- (255) Copper panel or pattern electroplating machines of a kind used solely or principally for the manufacture of printed circuits (described in statistical reporting number 8543.30.2000)
- (256) Electrolysis copper etchback and desmear machines of a kind used solely or principally for the manufacture of printed circuits (described in statistical reporting number 8543.30.2000)
- (257) Coaxial antenna feeder cables designed for use in motor vehicles (described in statistical reporting number 8544.30.0000)
- (258) Ignition coil and wiring sets designed for use with motor vehicle engines, each valued not over \$7 (described in statistical reporting number 8544.30.0000)
- (259) Power supply cables designed for use in aircraft (described in statistical reporting number 8544.30.0000)
- (260) Wiring sets designed for use with motor vehicle gear shifters, each valued not over \$7 (described in statistical reporting number 8544.30.0000)
- (261) Insulated aluminum cables, not fitted with connectors, for a voltage exceeding 80 V but not exceeding 600 V (described in statistical reporting number 8544.49.9000)
- (262) Four-wheel off-road vehicles, with only spark-ignition internal combustion reciprocating piston engines, of a cylinder capacity not exceeding 1,000 cc, with straddle seat and handlebar control, each with label indicating that vehicle is for operation only by persons at least 16 years of age, each valued not over \$5000 (described in statistical reporting number 8703.21.0110)
- (263) Works trucks, electrical, operator riding, each of a curb weight exceeding 8,500 kg but not exceeding 9,500 kg (described in statistical reporting number 8709.11.0030)
- (264) Gearhead assemblies, and parts thereof, for use in civil aircraft, each valued not over \$40 (described in statistical reporting number 8803.30.0030 )
- (265) Wing, tail, fuselage and other body sections, including structural components and parts of the foregoing, designed for use on drone aircraft not capable of transporting persons (described in statistical reporting number 8803.90.9060)

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- (266) Motor vehicle lens cover assemblies (described in statistical reporting number 9002.90.9500)
  - (267) Accessories designed for compound optical microscope stages (described in statistical reporting number 9011.90.0000)
  - (268) Camera adapter mounts designed for compound optical microscopes (described in statistical reporting number 9011.90.0000)
  - (269) Episcopic fluorescence microscopy accessories designed for compound optical microscopes (described in statistical reporting number 9011.90.0000)
  - (270) Lasers, other than laser diodes, each valued over \$200 but not over \$300 (described in statistical reporting number 9013.20.0000)
  - (271) Liquid-crystal displays, each measuring not over 85 cm in diagonal measurement (described in statistical reporting number 9013.80.7000)
  - (272) Depth-sounding apparatus, each valued not over \$50 (described in statistical reporting number 9014.80.2000)
  - (273) Parts, of plastics, of fish finders of subheading 9014.80.20 (described in statistical reporting number 9014.90.6000)
  - (274) Disposable electrocardiograph (ECG) electrodes (described in statistical reporting number 9018.11.9000)
  - (275) Portable ultrasonic scanner consoles, each weighing less than 4 kg, presented with or without transducer (described in statistical reporting number 9018.12.0000)
  - (276) Digital peak flow meters suitable for use by medical professionals (described in statistical reporting number 9018.19.9550)
  - (277) Fingertip pulse oximeters suitable for use by medical professionals (described in statistical reporting number 9018.19.9550)
  - (278) Bismuth germanate crystals with set dimensional and surface finish requirements and used as a detection element in Positron Emission Tomography (PET) detectors (described in statistical reporting number 9018.19.9560)
  - (279) Magnetic resonance imaging ("MRI") patient enclosure devices, each incorporating radio frequency and gradient coils (described in statistical reporting number 9018.19.9560)
  - (280) Parts and accessories of capnography monitors (described in statistical reporting number 9018.19.9560)
  - (281) Otoscopes (described in statistical reporting number 9018.90.2000)

- (282) Anesthesia masks (described in statistical reporting number 9018.90.3000)
- (283) Electrosurgical cautery pencils with electrical connectors (described in statistical reporting number 9018.90.6000)
- (284) Printed circuit board assemblies designed for use in displaying operational performance of medical infusion equipment (described in statistical reporting number 9018.90.7580)
- (285) X-ray tables (described in statistical reporting number 9022.90.2500)
- (286) X-ray tube housings and parts thereof (described in statistical reporting number 9022.90.4000)
- (287) Parts and accessories, of metal, for mobile X-ray apparatus (described in statistical reporting number 9022.90.6000)
- (288) Printed circuit board assemblies, of a kind designed for use in X-ray apparatus (described in statistical reporting number 9022.90.6000)
- (289) Tungsten shielding, containing 90% or more of tungsten, of a kind designed to be attached to the walls of the multileaf collimator of the specific radiotherapy apparatus based on the use of X-rays (described in statistical reporting number 9022.90.6000)
- (290) Vertical stands specially designed to support, contain or adjust the movement of X-ray digital detectors, or the X-ray tube and collimator in complete X-ray diagnostic systems (described in statistical reporting number 9022.90.6000)
- (291) Thermoplastic masks for radiation therapy, affixed to the treatment table when used, each valued over \$18 but not over \$23 (described in statistical reporting number 9022.90.9500)
- (292) Electromagnetic flow meter systems for pipes with outside diameters larger than 183 cm (described in statistical reporting number 9026.10.2040)
- (293) Digital tire pressure gauges, each valued not over \$2 (described in statistical reporting number 9026.20.4000)
- (294) Carbon monoxide sensors, each having a value exceeding \$14 but not exceeding \$19 (described in statistical reporting number 9027.90.5910)
- (295) Hydrogen sulfide sensors, each having a value exceeding \$9 but not exceeding \$13 (described in statistical reporting number 9027.90.5910)
- (296) Nitrogen dioxide sensors, each having a value exceeding \$12 but not exceeding \$17 (described in statistical reporting number 9027.90.5910)
- (297) Sulfur dioxide sensors, each having a value exceeding \$24 but not exceeding \$29 (described in statistical reporting number 9027.90.5910)



- (298) Microtome universal cassette clamps (described in statistical reporting number 9027.90.5995)
- (299) Utility meter bases, of plastics, each 17 cm or greater but not exceeding 18 in diameter, incorporating a latching relay, the foregoing valued over \$8 but not over \$10 (described in statistical reporting number 9028.90.0040)
- (300) Waveform monitors, each valued over \$4,000 but not over \$5,000 (described in statistical reporting number 9030.40.0000)
- (301) Printed circuit board assemblies designed for use with X-ray detectors (described in statistical reporting number 9030.90.2500)
- (302) Oscilloscope probes (described in statistical reporting number 9030.90.8911)
- (303) Automatic thermostats for heating, ventilation and air conditioning systems, containing temperature and humidity sensors, designed for wall mounting (described in statistical reporting number 9032.10.0030)
- (304) Thermostats for air conditioning, refrigeration or heating systems, designed for use in motor vehicles (described in statistical reporting number 9032.10.0060)
- (305) Thermostats for air conditioning, refrigeration or heating systems, other than for wall mounting, each measuring not more than 15 cm in length, 11 cm in width, and 3 cm in height (described in statistical reporting number 9032.10.0060)
- (306) Battery balancers designed for regulating voltage across batteries, other than for 6, 12 or 24 volt systems (described in statistical reporting number 9032.89.4000)
- (307) Water level and temperature control devices of a kind used in household appliances (described in statistical reporting number 9032.89.6040)
- (308) Flow and liquid level control instruments, each valued not over \$10 (described in statistical reporting number 9032.89.6060)
- (309) Printed circuit board assemblies designed to control the flow of paint in paint sprayers (described in statistical reporting number 9032.89.6085)
- (310) Thermostat covers (described in statistical reporting number 9032.90.6120)”

3. by amending the last sentence of the first paragraph of U.S. note 20(a) to subchapter III of chapter 99 by:

- a. deleting the word “or” where it appears after the phrase “U.S. note 20(m) to subchapter III of chapter 99;” and
  - b. inserting “; or (7) heading 9903.88.14 and U.S. note 20(q) to subchapter III of chapter 99” after the phrase “U.S. note 20(n) to subchapter III of chapter 99”, where it appears at the end of the sentence.
- 4. by amending the first sentence of U.S. note 20(b) to subchapter III of chapter 99 by:
  - a. deleting the word “or” where it appears after the phrase “U.S. note 20(m) to subchapter III of chapter 99;” and
  - b. inserting “; or (7) heading 9903.88.14 and U.S. note 20(q) to subchapter III of chapter 99” after the phrase “U.S. note 20(n) to subchapter III of chapter 99”, where it appears at the end of the sentence.
- 5. by amending the Article Description of heading 9903.88.01:
  - a. by deleting “9903.88.10 or”;
  - b. by inserting in lieu thereof “9903.88.10, ”; and
  - c. by inserting “or 9903.88.14,” after “9903.88.11,”.
- B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, U.S. note 20(n)(105) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by deleting "Dental X-ray alignment and positioning apparatus, each valued over \$5,000 (described in statistical reporting number 9022.90.6000)" and inserting "Dental X-ray alignment and positioning apparatus, each valued not over \$5 (described in statistical reporting number 9022.90.6000)" in lieu thereof.

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Product Exclusions, Amendment to the Exclusion Process, and Technical Amendments: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of product exclusions and technical amendments.

**SUMMARY:** In September of 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$200 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated a product exclusion process in June 2019, and interested persons have submitted requests for the exclusion of specific products. This notice amends the exclusion process by establishing August 7, 2020 as a uniform expiration date for all exclusions granted under the \$200 billion action. This notice also announces the U.S. Trade Representative's determination to grant certain exclusion requests, as specified in Annex A. As specified in Annex B, this notice also makes technical amendments to the \$200 billion action and to the \$300 billion action announced in August 2019.

**DATES:** The product exclusions announced in this notice will apply as of the September 24, 2018, effective date of the \$200 billion action, to August 7, 2020. The technical amendments in Annex B to the \$200 billion and \$300 billion actions are effective as of the respective effective date of those actions. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

**FOR FURTHER INFORMATION CONTACT:** For general questions about this notice, contact Assistant General Counsels Philip Butler or Megan Grimbail, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex A to this notice, contact [traderemedy@cbp.dhs.gov](mailto:traderemedy@cbp.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

For background on the proceedings in this investigation, please see the prior

notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 47974 (September 21, 2018), 83 FR 49153 (September 28, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 29576 (June 24, 2019), 84 FRN 38717 (August 7, 2019), and 84 FR 46212 (September 3, 2019).

Effective September 24, 2018, the U.S. Trade Representative imposed additional 10 percent duties on goods of China classified in 5,757 full and partial subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$200 billion. *See* 83 FR 47974, as modified by 83 FR 49153. In May 2019, the U.S. Trade Representative increased the additional duty to 25 percent. *See* 84 FR 20459. On June 24, 2019, the Trade Representative established a process by which U.S. stakeholders may request exclusion of particular products classified within an 8-digit HTSUS subheading covered by the \$200 billion action from the additional duties. *See* 84 FR 29576 (the June 24 notice).

Under the June 24 notice, requests for exclusion had to identify the product subject to the request in terms of the physical characteristics that distinguish the product from other products within the relevant 8-digit subheading covered by the \$200 billion action. Requestors also had to provide the 10-digit subheading of the HTSUS most applicable to the particular product requested for exclusion, and could submit information on the ability of U.S. Customs and Border Protection to administer the requested exclusion. Requestors were asked to provide the quantity and value of the Chinese-origin product that the requestor purchased in the last three years. With regard to the rationale for the requested exclusion, requestors had to address the following factors:

- Whether the particular product is available only from China and specifically whether the particular product and/or a comparable product is available from sources in the United States and/or third countries.
- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.
- Whether the particular product is strategically important or related to "Made in China 2025" or other Chinese industrial programs.

The June 24 notice stated that the U.S. Trade Representative would take into account whether an exclusion would undermine the objective of the Section 301 investigation.

The June 24 notice required submission of requests for exclusion from the \$200 billion action no later than September 30, 2019, and noted that the U.S. Trade Representative would periodically announce decisions. In August 2019, the U.S. Trade Representative granted an initial set of exclusion requests. *See* 84 FR 38717. This set of exclusions is set to expire on August 7, 2020, one year following the publication of the exclusion determination in the **Federal Register**. The Office of the United States Trade Representative regularly updates the status of each pending request and posts the status within the web pages for the respective tariff action they apply to at <https://ustr.gov/issue-areas/enforcement/section-301-investigations/tariff-actions>.

On August 20, 2019, the U.S. Trade Representative determined to impose additional 10 percent duties on two lists of goods of China classified under 8-digit subheadings in the HTSUS, with an approximate annual trade value of \$300 billion. *See* 84 FR 43304. The U.S. Trade Representative subsequently increased the rate of the additional duty to 15 percent. *See* 84 FR 45821. The additional duties became effective on September 1, 2019, for goods on list 1 and will become effective on December 15, 2019, for goods on list 2.

##### B. Amendment to the Exclusion Process

The June 24 notice announced that the exclusions granted for the \$200 billion trade action would be effective starting from September 24, 2018, and extend for one year after the publication of the exclusion determination in the **Federal Register**. This policy, however, would have resulted in disparities in the effective periods between exclusions granted early in the exclusion process and those granted later. Accordingly, the Trade Representative is amending the exclusion process so as to adopt a uniform expiration date for exclusions granted for the \$200 billion trade action, subject to special circumstances. In particular, all exclusions from the \$200 billion action will be effective from September 24, 2018, to August 7, 2020.

##### C. Determination To Grant Certain Exclusions

Based on the evaluation of the factors set out in the June 24 notice, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in

accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to grant the product exclusions set out in Annex A. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments on the pertinent exclusion requests.

As set out in Annex A, the exclusions are reflected in 38 specially prepared product descriptions, which cover 46 separate exclusion requests.

In accordance with the June 24 notice, the exclusions are available for any product that meets the description in Annex A, regardless of whether the importer filed an exclusion request.

Further, the scope of each exclusion is governed by the scope of the product descriptions in Annex A, and not by the product descriptions set out in any particular request for exclusion.

Paragraph A, subparagraphs (3)–(5) are conforming amendments to the HTSUS reflecting the modification made by Annex A.

As stated in Section B above, the exclusions will apply from September 24, 2018, to August 7, 2020. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

The U.S. Trade Representative will continue to issue determinations on pending requests on a periodic basis.

#### **D. Technical Amendments to \$200 Billion and \$300 Billion Actions**

Annex B make technical amendments to the \$200 billion and \$300 billion trade actions. These amendments provide that the additional duties do not apply to entries under certain subheadings if the applied rate of duty for an entry is derived from another subheading, and if the entry for this reason already is subject to the additional duties.

**Joseph Barloon,**

*General Counsel, Office of the U.S. Trade Representative.*

**BILLING CODE 3290-F9-P**

## ANNEX A

- A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 24, 2018, and before 11:59 p.m. eastern daylight time on August 7, 2020, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:
1. by inserting the following new heading 9903.88.18 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.18	Articles the product of China, as provided for in U.S. note 20(w) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative . . . . .	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. note 20(w) to subchapter III of chapter 99 in numerical sequence:

“(w) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.03 and provided for in U.S. notes 20(e) and (f) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.03. See 83 Fed. Reg. 47974 (September 21, 2018) and 84 Fed. Reg. 29576 (June 24, 2019). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.03 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- (1) Chabazite zeolites having a silica-alumina ratio of 20:1 to 24:1, valued at \$31 to \$39 per kg (described in statistical reporting number 3824.99.3900)
- (2) Cups of polypropylene, with a fluted wood paper filter fitted and affixed to the inside, measuring 44.1 mm in height, of a kind used to produce capsules for single-cup coffee brewing systems (described in statistical reporting number 3923.90.0080)

- (3) Anti-electrostatic discharge mats, comprising a conductive rubber mat measuring 40 cm or more but not exceeding 60 cm in width, 80 or more but not exceeding 125 cm in length, and 2 mm in thickness, with integrated discharge points for a grounding wire clip or an anti-static wrist strap, such mats printed on the surface with measuring rules and technical reference data (described in statistical reporting number 4016.91.0000)
- (4) O-rings, of nitrile rubber, ethylene propylene diene monomer (EPDM) rubber or fluoroelastomers (described in statistical reporting number 4016.93.1010)
- (5) Dog harnesses and retractable dog leashes (described in statistical reporting number 4201.00.3000)
- (6) Portable, single-use grills for heating food, each comprising bamboo charcoal fuel, expanded perlite insulation, bamboo rods for suspending foods over the charcoal flame, and cut paper or paperboard in shapes specially designed for assembly of a grill body (described in statistical reporting number 4402.10.0000)
- (7) Laminated wood flooring panels having a hardwood veneer finished surface and a backing of pine strips or blocks, the panels having tongue-and-groove outer edges and being in thickness greater than 1.4 cm but not greater than 1.5 cm. (described in statistical reporting number 4412.99.5105)
- (8) Rattan webbing, woven into decorative patterns (described in statistical reporting number 4601.93.0100)
- (9) Paper pulp sponge blocks, measuring 38 cm by 38 cm by 102 cm (15 inches by 15 inches by 40 inches) (described in statistical reporting number 4823.70.0040)
- (10) Woven microfiber fabric of 100 percent polyester, not exceeding 150/75 or 104/72 threads per inch, weighing 83 gram/m<sup>2</sup> (described in statistical reporting number 5407.10.0010)
- (11) Woven fabric sheeting of 65 percent polyester and 35 percent cotton, weighing less than 170g/ m<sup>2</sup>, not exceeding 45/45 or 110/76 threads per inch (described in statistical reporting number 5513.11.0040)
- (12) Polyester or viscose fabric coated with polyurethane, the foregoing measuring 137 cm (54 inches) in width, and weighing 187 grams/m<sup>2</sup> (described in statistical reporting number 5903.20.2500)
- (13) Stainless steel mesh filters (described in statistical reporting number 7314.14.1000)
- (14) Grills composed of steel wire, each measuring 49 cm by 47 cm (19.25 inches by 18.5 inches), weighing 0.36 kg (0.80 lbs.), designed as cooking surface of barbecue grill (described in statistical reporting number 7321.90.6090)
- (15) Mounting boards of aluminum for guitar sound modifying (“effect”) devices, each consisting of an aluminum frame with above ground slots for the placement of devices and floor level slots for the on/off foot-operated pedal switches which control the modifying devices (described in statistical reporting number 7616.99.5190)

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- (16) Hand rails of tubular stainless steel, with wall connectors, of a length exceeding 300 mm but not exceeding 1.3 m (described in statistical reporting number 8302.41.6080)
  - (17) Stamped and formed latches of steel (described in statistical reporting number 8302.49.6085)
  - (18) Stamped and formed brackets of steel (described in statistical reporting number 8302.50.0000)
  - (19) Spark ignition reciprocating piston engines of a cylinder capacity exceeding 100 cc but not exceeding 250 cc, not exceeding 10.0 kW (described in statistical reporting number 8407.32.9040)
  - (20) Fuel pumps for internal combustion, spark ignition piston engines (described in statistical reporting number 8413.30.9030)
  - (21) Parts, of aluminum, iron or steel, for blowers other than fans of 8414.51 (described in statistical reporting number 8414.90.1080)
  - (22) Mouse input devices for automatic data processing (ADP) machines, each valued over \$70 (described in statistical reporting number 8471.60.9050)
  - (23) Trackpad input units for automatic data processing (ADP) machines, each valued over \$100 (described in statistical reporting number 8471.60.9050)
  - (24) Printed circuit assemblies to enhance the graphics performance of automatic data processing (ADP) machines (“accelerator modules”) (described in statistical reporting number 8473.30.1180)
  - (25) Printed circuit assemblies for rendering images onto computer screens (“graphics processing modules”) (described in statistical reporting number 8473.30.1180)
  - (26) Printed circuit assemblies, constituting unfinished logic boards (described in statistical reporting number 8473.30.1180)
  - (27) Parts and accessories of machines of heading 8471 not incorporating goods of headings 8541 or 8542 (described in statistical reporting number 8473.30.5100)
  - (28) Refrigerated and heated vending machines for dispensing live bait and fishing tackle, each machine weighing more than 350 kg (described in statistical reporting number 8476.81.0000)
  - (29) Power supplies suitable for physical incorporation into automatic data processing (ADP) machines or units thereof of heading 8471, each with a power output exceeding 500 W, measuring 148mm in length, 43 mm in width and 335 mm in height (described in statistical reporting number 8504.40.6018)
  - (30) Cold cathode electric neon discharge lamps, measuring 6.5 mm (1/4 inch) or less in diameter and 16 mm (5/8 inch) or less in length (described in statistical reporting number 8539.39.9000)
  - (31) Guide pins and guide bolts designed for use in brakes and servo-brakes of subheading 8708.30 (described in statistical reporting number 8708.30.5090)

- (32) Aluminum radiators for motor vehicles of headings 8701 to 8705 (other than for tractors suitable for agricultural use), measuring 50 cm or more but not exceeding 77 cm (20 inches to 30 inches) in width, 50 cm or more but not exceeding 77 cm (20 inches to 30 inches) in height, and 5 cm or more but not exceeding 11 cm (2 inches to 4 inches) in thickness, consisting of upper and lower tanks or side tanks welded to a center core (described in statistical reporting number 8708.91.5000)
- (33) Single-speed bicycles having both wheels exceeding 63.5 cm in diameter, weighing less than 16.3 kg without accessories and not designed for use with tires having a cross-sectional diameter exceeding 4.13 cm (described in statistical reporting number 8712.00.2500)
- (34) Tractor trailer skirts, consisting of panels designed to be attached to each side of a trailer, each with an upper section having a polyethylene core, steel layer and polyester finish coat and each lower section composed of thermoplastic vulcanite compound (described in statistical reporting number 8716.90.5060)
- (35) Miniature lighting sets of a kind used for Christmas trees (described in statistical reporting number 9405.30.0010)
- (36) LED light fixtures, of a kind used in horticulture, containing over 5,000 LEDs spread across 6 light bars (described in statistical reporting number 9405.40.8440)
- (37) Garden, patio and table top wick burning torches for outdoor use (described in statistical reporting number 9405.50.4000)
- (38) Lamp shades of fabric over metal frame (described in statistical reporting number 9405.99.4090)”

3. by amending the last sentence of the first paragraph of U.S. note 20(e) to subchapter III of chapter 99:

- a. by deleting “provided for in heading 9903.88.13” and inserting “provided for in: (1) heading 9903.88.13” in lieu thereof; and
- b. by inserting “; or (2) heading 9903.88.18 and U.S. note 20(w) to subchapter III of chapter 99” after “U.S. note 20(p) to subchapter III of chapter 99”.

4. by amending U.S. note 20(f) to subchapter III of chapter 99:

- a. by deleting “provided for in heading 9903.88.13” and inserting “provided for in: (1) heading 9903.88.13” in lieu thereof; and
- b. by inserting “; or (2) heading 9903.88.18 and U.S. note 20(w) to subchapter III of chapter 99” after “U.S. note 20(p) to subchapter III of chapter 99”.



5. by amending the Article Description of heading 9903.88.03:

- a. by deleting “heading 9903.88.13,”; and
- b. by inserting in lieu thereof: “headings 9903.88.13 or 9903.88.18,”.

### ANNEX B

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 24, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new headings in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.21	Articles the product of China, as provided for in U.S. note 20(z) to this subchapter . . . .	The duty provided in the applicable subheading		
9903.88.22	Articles the product of China, as provided for in U.S. note 20(aa) to this subchapter . . . .	The duty provided in the applicable subheading		
9903.88.23	Articles the product of China, as provided for in U.S. note 20(bb) to this subchapter . . . .	The duty provided in the applicable subheading		
9903.88.24	Articles the product of China, as provided for in U.S. note 20(cc) to this subchapter . . . .	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. notes 20(z), 20(aa), 20(bb) and 20(cc) to subchapter III of chapter 99 in numerical sequence:

“(z) For purposes of heading 9903.88.21, the additional duties imposed by heading 9903.88.03 or 9903.88.09 shall not apply to entries under subheadings 2202.99.36, 2202.99.37, 5810.91.00, 5810.92.10, 5810.92.90, 5810.99.10, 5810.99.90, 8205.90.60, 8206.00.00, 8215.20.00, 9017.90.01, 9620.00.15, and 9620.00.30, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.01.

(aa) For purposes of heading 9903.88.22, the additional duties imposed by heading 9903.88.03 or 9903.88.09 shall not apply to entries under subheadings 2202.99.36, 2202.99.37, 5810.91.00, 5810.92.10, 5810.92.90, 5810.99.10, 5810.99.90, 8205.90.60, 8206.00.00, 8215.20.00, 9017.90.01, 9620.00.15, and 9620.00.30, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.02.

(bb) For purposes of heading 9903.88.23, the additional duties imposed by heading 9903.88.03 or 9903.88.09 shall not apply to entries under subheadings 2202.99.36, 2202.99.37, 5810.91.00, 5810.92.10, 5810.92.90, 5810.99.10, 5810.99.90, 8205.90.60, 8206.00.00, 8215.20.00, 9017.90.01, 9620.00.15, and 9620.00.30, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.03 or 9903.88.09.

(cc) For purposes of heading 9903.88.24, the additional duties imposed by heading 9903.88.03 or 9903.88.09 shall not apply to entries under subheadings 2202.99.36, 2202.99.37, 5810.91.00, 5810.92.10, 5810.92.90, 5810.99.10, 5810.99.90, 8205.90.60, 8206.00.00, 8215.20.00, 9017.90.01, 9620.00.15, and 9620.00.30, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.15.”

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 1, 2019, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new headings in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.25	Articles the product of China, as provided for in U.S. note 20(dd) to this subchapter . . . .	The duty provided in the applicable subheading		
9903.88.26	Articles the product of China, as provided for in U.S. note 20(ee) to this subchapter . . . .	The duty provided in the applicable subheading		
9903.88.27	Articles the product of China, as provided for in U.S. note 20(ff) to this subchapter . . . .	The duty provided in the applicable subheading		
9903.88.28	Articles the product of China, as provided for in U.S. note 20(gg) to this subchapter . . . .	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. notes 20(dd), 20(ee), 20(ff) and 20(gg) to subchapter III of chapter 99 in numerical sequence:

“(dd) For purposes of heading 9903.88.25, the additional duties imposed by heading 9903.88.15 shall not apply to entries under subheadings 2106.90.52, 2106.90.54, 6103.22.00, 6103.23.00, 6103.29.05, 6103.29.10, 6103.29.20, 6104.22.00, 6104.23.00, 6104.29.05, 6104.29.10, 6203.22.30, 6203.29.10, 6203.29.15, 6203.29.20, 6203.29.30, 6204.21.00, 6204.22.30, 6204.23.00, 6204.29.20, 8215.10.00, 9005.90.40, 9005.90.80, 9110.11.00, 9110.90.20, and 9608.50.00, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.01.

(ee) For purposes of heading 9903.88.26, the additional duties imposed by heading 9903.88.15 shall not apply to entries under subheadings 2106.90.52, 2106.90.54, 6103.22.00, 6103.23.00, 6103.29.05, 6103.29.10, 6103.29.20, 6104.22.00, 6104.23.00, 6104.29.05, 6104.29.10, 6203.22.30, 6203.29.10, 6203.29.15, 6203.29.20, 6203.29.30, 6204.21.00, 6204.22.30, 6204.23.00, 6204.29.20, 8215.10.00, 9005.90.40, 9005.90.80,

9110.11.00, 9110.90.20, and 9608.50.00, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.02.

(ff) For purposes of heading 9903.88.27, the additional duties imposed by heading 9903.88.15 shall not apply to entries under subheadings 2106.90.52, 2106.90.54, 6103.22.00, 6103.23.00, 6103.29.05, 6103.29.10, 6103.29.20, 6104.22.00, 6104.23.00, 6104.29.05, 6104.29.10, 6203.22.30, 6203.29.10, 6203.29.15, 6203.29.20, 6203.29.30, 6204.21.00, 6204.22.30, 6204.23.00, 6204.29.20, 8215.10.00, 9005.90.40, 9005.90.80, 9110.11.00, 9110.90.20, and 9608.50.00, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.03 or 9903.88.09.

(gg) For purposes of heading 9903.88.28, the additional duties imposed by heading 9903.88.15 shall not apply to entries under subheadings 2106.90.52, 2106.90.54, 6103.22.00, 6103.23.00, 6103.29.05, 6103.29.10, 6103.29.20, 6104.22.00, 6104.23.00, 6104.29.05, 6104.29.10, 6203.22.30, 6203.29.10, 6203.29.15, 6203.29.20, 6203.29.30, 6204.21.00, 6204.22.30, 6204.23.00, 6204.29.20, 8215.10.00, 9005.90.40, 9005.90.80, 9110.11.00, 9110.90.20, and 9608.50.00, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.15.”

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

**AGENCY:** Office of the United States  
Trade Representative.

**ACTION:** Notice of product exclusions.

**SUMMARY:** Effective August 23, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$16 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative's determination included a decision to establish a product exclusion process. The U.S. Trade Representative initiated the exclusion process in September 2018, and stakeholders have submitted requests for the exclusion of specific products. In July 2019, the U.S. Trade Representative granted exclusion requests. This notice announces the U.S. Trade Representative's determination to grant certain exclusion requests, as specified in the Annex to this notice.

The U.S. Trade Representative will continue to issue decisions on pending requests on a periodic basis.

**DATES:** The product exclusions announced in this notice will apply as of the August 23, 2018 effective date of the \$16 billion action, and will extend for one year after the publication of this notice. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

**FOR FURTHER INFORMATION CONTACT:** For general questions about this notice, contact Assistant General Counsels Philip Butler or Megan Grimboll, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact [traderemedy@cbp.dhs.gov](mailto:traderemedy@cbp.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47236 (September 18, 2018), 83 FR 47974 (September 21, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9,

2019), 84 FR 29576 (June 24, 2019), and 84 FR 37381 (July 31, 2019).

Effective August 23, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 279 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$16 billion. *See* 83 FR 40823. The U.S. Trade Representative's determination included a decision to establish a process by which U.S. stakeholders may request exclusion of particular products classified within an 8-digit HTSUS subheading covered by the \$16 billion action from the additional duties. The U.S. Trade Representative issued a notice setting out the process for the product exclusions, and opened a public docket. *See* 83 FR 47236 (the September 18 notice).

Under the September 18 notice, requests for exclusion had to identify the product subject to the request in terms of the physical characteristics that distinguish the product from other products within the relevant 8-digit subheading covered by the \$16 billion action. Requestors also had to provide the 10-digit subheading of the HTSUS most applicable to the particular product requested for exclusion, and could submit information on the ability of U.S. Customs and Border Protection to administer the requested exclusion. Requestors were asked to provide the

quantity and value of the Chinese-origin product that the requestor purchased in the last three years. With regard to the rationale for the requested exclusion, requests had to address the following factors:

- Whether the particular product is available only from China and specifically whether the particular product and/or a comparable product is available from sources in the United States and/or third countries.
- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.
- Whether the particular product is strategically important or related to “Made in China 2025” or other Chinese industrial programs.

The September 18 notice stated that the U.S. Trade Representative would take into account whether an exclusion would undermine the objective of the Section 301 investigation.

The September 18 notice required submission of requests for exclusion from the \$16 billion action no later than December 18, 2018, and noted that the U.S. Trade Representative periodically would announce decisions. In July

2019, the U.S. Trade Representative granted an initial set of exclusion requests. *See* 84 FR 37381. The Office of the United States Trade Representative regularly updates the status of each pending request and posts the status within the web pages for the respective tariff action they apply to at <https://ustr.gov/issue-areas/enforcement/section-301-investigations/tariff-actions>.

#### **B. Determination To Grant Certain Exclusions**

Based on the evaluation of the factors set out in the September 18 notice, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to grant the product exclusions set out in the Annex to this notice. The U.S. Trade Representative’s determination also takes into account advice from advisory committees and any public comments on the pertinent exclusion requests.

As set out in the Annex, the exclusions are reflected in 89 specially prepared product descriptions, which cover 400 separate exclusion requests.

In accordance with the September 18 notice, the exclusions are available for any product that meets the description in the Annex, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the product descriptions in the Annex, and not by the product descriptions set out in any particular request for exclusion.

Paragraph A, subparagraphs (3)–(5) are conforming amendments to the HTSUS reflecting the modification made by the Annex.

As stated in the September 18 notice, the exclusions will apply as of the August 23, 2018 effective date of the \$16 billion action, and extend for one year after the publication of this notice. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

The U.S. Trade Representative will continue to issue determinations on pending requests on a periodic basis.

**Joseph Barloon,**

*General Counsel, Office of the U.S. Trade Representative.*

**BILLING CODE 3290–F9–P**

## ANNEX

- A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 23, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:
1. by inserting the following new heading 9903.88.17 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.17	Articles the product of China, as provided for in U.S. note 20(v) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative . . . . .	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. note 20(v) to subchapter III of chapter 99 in numerical sequence:

“(v) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.02 and provided for in U.S. notes 20(c) and 20(d) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.02. See 83 Fed. Reg. 40823 (August 16, 2018) and 83 Fed. Reg. 47236 (September 18, 2018). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.02 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- (1) Acrylic acid-2-acrylamido-2-methylpropanesulfonic acid-acrylic ester (AA/AMPS/HPA) terpolymers, presented in dry form (described in statistical reporting number 3906.90.5000)
- (2) Copolymers of acrylic acid and 2-acrylamide-2-methylpropanesulfonic acid, valued at \$5.40 to \$5.60 per kg (described in statistical reporting number 3906.90.5000)
- (3) Granular hydrocarbon resins, each pellet not larger than 1 cm in any dimension and having a melting point greater than 95 degrees C but not

- greater than 105 degrees C, presented in immediate packings of paper, paperboard or kraft paper weighing with their contents greater than 23 kg but not greater than 27 kg (described in statistical reporting number 3911.10.0000)
- (4) Profile shapes, of a kind used in producing door jambs, composed of a composite of polyvinyl chloride, calcium carbonate and sawdust (described in statistical reporting number 3916.20.0020)
  - (5) Hose of braided polyvinyl chloride, having crimped fittings, designed to carry water, valued not over \$2.00 per kg (described in statistical reporting number 3917.23.0000)
  - (6) Molded acrylonitrile-butadiene-styrene (ABS) tubes, of a kind used to effect the sterile transfer of fluid from a bag or vial to another container, each tube measuring 7.5 cm or more but not exceeding 23 cm in length, with an inner diameter of less than 0.65 cm and an outer diameter of less than 9 cm, one end having been angle-cut to form a spike, and having an integrated flange, less than 3 cm in diameter (splash guard) near the spike end and removable polyethylene caps on each end, put up in sterile packing (described in statistical reporting number 3917.29.0090)
  - (7) Polymer strips curled in helical fashion to form a flexible tube having a constant circular cross-section with a diameter not exceeding 2 cm (described in statistical reporting number 3917.29.0090)
  - (8) Drinking straws, of plastics, each straw 8 mm or more in outside diameter and 20 cm or more in length (described in statistical reporting number 3917.32.0050)
  - (9) Bulkhead fittings, each comprising a hollow, threaded cylindrical body with a hexagonal or octagonal head on one end, of a length 9.53 cm or more but not exceeding 23.5 cm and having an inside diameter of 1.27 or more but not exceeding 15.24 cm, a polymer gasket and a hexagonal or octagonal tightening nut (described in statistical reporting number 3917.40.0090)
  - (10) Polyacetal brackets for connectors, of a length measuring 3.84 cm or more but not exceeding 4.57 cm, a width of 0.838 cm and a height of 2.15 cm (described in statistical reporting number 3917.40.0090)
  - (11) Polyacetal filters measuring 3.76 cm x 3.76 cm x 0.31 cm (described in statistical reporting number 3917.40.0090)
  - (12) Polyacetal hose barb fittings, with a length of 2.27 cm, width of 0.99 cm and height of 2.29 cm (described in statistical reporting number 3917.40.0090)

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- (13) Tube, pipe and hose couplings and connectors of plastics, with maximum outside dimensions of 6.5 cm by 6.35 cm by 6.35 cm (described in statistical reporting number 3917.40.0090)
  - (14) Y-shaped fittings of plastics, each measuring 6.99 cm in length and 3.18 cm or more but not exceeding 3.81 cm in width and height, incorporating a valve stem of plastics and brass in its center (described in statistical reporting number 3917.40.0090)
  - (15) Electrical tape of polyvinyl chloride, in rolls, measuring not more than 2 cm in width, not more than 20.2 m in length, and not more than 0.18 mm in thickness (described in statistical reporting number 3919.10.2020)
  - (16) Transparent tape of plastics with an acrylic emulsion adhesive, in rolls measuring not over 4.8 cm in width, valued not over \$.25 per square meter (described in statistical reporting number 3919.10.2030)
  - (17) Rolls of polyethylene film coated with a solvent acrylic adhesive (described in statistical reporting number 3919.10.2055)
  - (18) Heat-sealable printed films, of plastics, having a thickness of more than 20 microns but not more than 30 microns, in rolls wider than 15 cm but not more than 20 cm (described in statistical reporting number 3920.20.0055)
  - (19) Rolls of polyvinyl chloride, measuring 2.5 cm or more but not exceeding 5.1 cm in width and 182.9 m in length (described in statistical reporting number 3920.43.5000)
  - (20) Sheets of polyvinyl chloride, in rolls measuring 1.5 m or more in width, printed in various colors, valued at \$1.60 to \$1.90 per kg (described in statistical reporting number 3920.43.5000)
  - (21) Sheets of polyvinyl chloride, measuring 2.44 mm or more but not exceeding 3.66 m in width, 3.05 or more but not exceeding 5.18 m in length and 0.5 cm in thickness (described in statistical reporting number 3920.43.5000)
  - (22) Sheets of polyvinyl chloride, measuring 47.5 cm in width, 61.0 cm in length and 24 mm in thickness, coated on both sides with a printable primer (described in statistical reporting number 3920.43.5000)
  - (23) Sheets of transparent (double polished or super double polished) polyvinyl chloride, whether or not with an integrated pattern, in rolls, measuring 1.37 m or more but not exceeding 1.83 m in width, not more than 54.9 m in length, and 0.075 mm or more but not exceeding 0.51 mm in thickness, valued at \$2.35 or more but not exceeding \$3.35 per square meter (described in statistical reporting number 3920.43.5000)



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- (24) Uncoated polyvinyl chloride (PVC) film, containing by weight less than 6% of plasticizers, less than 0.07 mm in thickness, in rolls weighing 1 t or more (described in statistical reporting number 3920.49.0000)
  - (25) Films coated on one or both sides with polyvinylidene chloride (PVdC) or polyvinyl alcohol (PVOH), whether or not having a primer layer between the base and coating; any of the foregoing having a total thickness greater than 0.01 mm but not greater than 0.03 mm (described in statistical reporting number 3920.62.0090)
  - (26) Sheets of transparent polyurethane, measuring 112 cm in width and 112 cm or more but not exceeding 168 cm in length, whether or not put up in sterile packaging (described in statistical reporting number 3920.99.2000)
  - (27) Printed film of polyvinyl chloride, laminated with foamed-polyvinyl chloride-coated polyester scrim, in rolls, of a kind used for lining shelves or drawers (described in statistical reporting number 3921.12.1100)
  - (28) Three-ply polyvinyl chloride film laminated with nonwoven polyester scrim, in rolls, measuring not more than 5 m in width and not more than 91.5 m in length, valued at \$2.10 or more but not exceeding \$2.40 per square meter (described in statistical reporting number 3921.12.1100)
  - (29) Sheets of foamed polyvinyl chloride combined with a non-textile moisture barrier, in rolls, measuring 45.7 cm in width and 1.83 m in length, each roll weighing not more than 0.39 kg (described in statistical reporting number 3921.12.5000)
  - (30) Synthetic leather sheeting, comprising three layers of polycarbonate-type polyurethane, the outer layer surface treated, the middle layer of foamed polyurethane, and the bottom adhesive layer combined with a support layer of polyester knit fabric, weighing 441 g or more but not exceeding 539 g per square meter, in rolls, measuring 1.4 m or more but not exceeding 1.5 m in width and 20 m or more in length (described in statistical reporting number 3921.13.1500)
  - (31) Cellular regenerated cellulose plates (blocks), measuring 99.1 cm by 99.1 cm by 35.6 cm (described in statistical reporting number 3921.14.0000)
  - (32) Non-adhesive translucent ethylene-vinyl acetate, in sheets or rolls, of a kind used for shelf liners (described in statistical reporting number 3921.19.0000)
  - (33) Plates composed of layers of closed-cell ethylene-vinyl acetate and polyethylene foam, in rectangular shapes, each having a surface area of 2 m<sup>2</sup> or more but not greater than 2.25 m<sup>2</sup> (described in statistical reporting number 3921.19.0000)

- (34) Sheets and strips consisting of both cross-linked polyethylene and ethylene vinyl acetate, of a width greater than 1 m but not greater than 1.5 m, and a length greater than 1.75 m but not greater than 2.6 m (described in statistical reporting number 3921.19.0000)
- (35) Sheets of noncellular polyvinyl chloride combined with man-made textile fabric, valued at \$6.15 or more but not exceeding \$6.30 per square meter (described in statistical reporting number 3921.90.1100)
- (36) Polyethylene sheet and film laminated with spunbond-spunbond-spunbond nonwoven polypropylene fabric, measuring 1.12 cm or more but not exceeding 1.52 cm in width and 1.93 cm or more but not exceeding 2.29 cm in length, and weighing 55 g/m<sup>2</sup> or more but not exceeding 88 g/m<sup>2</sup> (described in statistical reporting number 3921.90.1500)
- (37) Plastics sheeting made up of plain-woven, high-density polyethylene fabric coated on both sides with low-density polyethylene, in rolls measuring 5 m in width (described in statistical reporting number 3921.90.1950)
- (38) Sheets of transparent (double polished or super double polished) laminated polyvinyl chloride, whether or not with an integrated pattern, in rolls, measuring 1.37 m or more but not exceeding 1.83 m in width, not more than 54.9 m in length, and 0.075 mm or more but not exceeding 0.51 mm in thickness, valued at \$2.35 or more but not exceeding \$3.35 per square meter (described in statistical reporting number 3921.90.4090)
- (39) Sheets of transparent (double polished or super double polished) polyvinyl chloride, whether or not with an integrated pattern, in rolls, measuring 1.37 m but not exceeding 1.83 m in width, not more than 54.9 m in length, and 0.075 mm but not exceeding 0.51 mm in thickness, valued at \$2.35 or more but not exceeding \$3.35 per square meter (described in statistical reporting number 3921.90.4090)
- (40) Girders of iron or steel, meeting ASTM standard A572, Grades 50, 65 or 70 (described in statistical reporting number 7308.90.3000)
- (41) Pipes of iron or steel, with connectors, meeting ASTM standard A572, Grade 50 (described in statistical reporting number 7308.90.3000)
- (42) Posts of steel pipe and tube, with ball knobs attached (described in statistical reporting number 7308.90.3000)
- (43) Posts of steel pipe and tube, with sill plates and ball studs attached (described in statistical reporting number 7308.90.3000)
- (44) Rib nodes of iron or steel, meeting ASTM standard A572, Grades 50, 65 or 70 (described in statistical reporting number 7308.90.3000)

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- (45) Steel upstand support members (described in statistical reporting number 7308.90.3000)
  - (46) Angle feed racks of galvanized steel, designed for use in the feeding of livestock (described in statistical reporting number 7308.90.9590)
  - (47) Animal kennels of iron or steel (described in statistical reporting number 7308.90.9590)
  - (48) Balusters or spindles, of iron or steel, designed for use in handrails (described in statistical reporting number 7308.90.9590)
  - (49) Chain link fence panels, and fence panel stands and bases, of iron or steel (described in statistical reporting number 7308.90.9590)
  - (50) Elongated half loops of galvanized steel (described in statistical reporting number 7308.90.9590)
  - (51) Gazebos, pergolas and trellises of iron or steel (described in statistical reporting number 7308.90.9590)
  - (52) Lockup frames of galvanized steel, of a length exceeding 3.0 m, designed for use in controlling the movement of livestock (described in statistical reporting number 7308.90.9590)
  - (53) Steel plate assemblies conforming to ASTM A709 Grade 50 (described in statistical reporting number 7308.90.9590)
  - (54) Tubes of galvanized steel, coped (notched) on one end, of a length not exceeding 1.0 m (described in statistical reporting number 7308.90.9590)
  - (55) Structural angles of aluminum, in a V shape with a 90 degree angle, for sliding or rolling driveway gates, in packages containing 2 or 3 angles, with each piece of a length exceeding 1.5 m but not exceeding 2.0 m and a width exceeding 4 cm but not exceeding 8 cm (described in statistical reporting number 7610.90.0080)
  - (56) Spark-ignition reciprocating or rotary internal combustion piston engines, to be installed in agricultural or horticultural machinery or equipment, each rated at less than 4,200 W (described in statistical reporting number 8407.90.1010)
  - (57) Spark-ignition reciprocating or rotary internal combustion piston engines, not elsewhere specified or included, each rated at 4,476 W or more but not exceeding 18.65 kW, with an engine displacement of not more than 690 cc (described in statistical reporting number 8407.90.9060)
  - (58) Cold plates for preparing tissue samples (described in statistical reporting number 8419.89.9540)

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- (59) Quenching devices designed to lower the temperature of steel plate using water, each consisting of top cooling headers, bottom cooling headers, a side sweep header, a common control manifold that feeds all the headers, a main supporting frame to support all bottom headers and bottom rolls, a top header supporting sub-frame to support the top headers and top rolls, five top and five bottom rolls, neck bearings, drives and on board piping (described in statistical reporting number 8419.89.9540)
  - (60) Cold plate machines, each incorporating a flat heat-absorbing metal plate capable of lowering the temperature of paraffin from a liquid to a solid phase, designed for use with microtomes (described in statistical reporting number 8419.89.9585)
  - (61) Walk behind rotary tillers, electrically powered, each weighing less than 16 kg (described in statistical reporting number 8432.29.0060)
  - (62) Scarifiers (described in statistical reporting number 8432.29.0090)
  - (63) Tile saws (described in statistical reporting number 8464.10.0100)
  - (64) Band saw guards (described in statistical reporting number 8466.30.8000)
  - (65) Grinder stands, pedestal rollers and other tool and workpiece stands, supports and platforms (described in statistical reporting number 8466.30.8000)
  - (66) Power tool mounts (described in statistical reporting number 8466.30.8000)
  - (67) Machines for manufacturing laminated or insulated glass, each machine valued over \$100,000 (described in statistical reporting number 8475.29.0000)
  - (68) Plain shaft bearings and bushings, without housings, each valued not over \$3 (described in statistical reporting number 8483.30.8090)
  - (69) Parts and accessories, not elsewhere specified or included, each valued not over \$2800 (described in statistical reporting number 8486.90.0000)
  - (70) Brushless DC motors, rated at 24V, designed for use in saltwater aquariums (described in statistical reporting number 8501.10.6040)
  - (71) DC motors, each of an output exceeding 25 W but not exceeding 2.0 kW (described in statistical reporting number 8501.32.2000)
  - (72) DC motors, each of an output not exceeding 25 W (described in statistical reporting number 8501.32.2000)
  - (73) DC motors, of an output exceeding 750 W but not exceeding 14.92 kW, each with attached actuators, crankshafts or gears (described in statistical reporting number 8501.32.2000)

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- (74) Parts of generators (other than parts of general use as defined in note 2 to section XV), each valued not over \$10 (described in statistical reporting number 8503.00.9550)
  - (75) Electronic AC lighting control switches, for dimming and turning lights on and off, packaged for retail sale (described in statistical reporting number 8536.50.7000)
  - (76) Surface-mount glass passivated rectifiers with a rectified output current not exceeding 1.25 A (described in statistical reporting number 8541.10.0080)
  - (77) Surface-mount transient voltage suppressors having a peak pulse power capacity not exceeding 5 A (described in statistical reporting number 8541.10.0080)
  - (78) Zener diodes having an admissible zener current of not more than 0.15 A at 25 degrees C (described in statistical reporting number 8541.10.0080)
  - (79) Crystalline silicon photovoltaic cells of a kind described in statistical note 11 to chapter 85, made up into panels with a surface area not exceeding 3,061 cm<sup>2</sup> (described in statistical reporting number 8541.40.6015)
  - (80) Solar panels, each of a surface area not exceeding 3,100 cm<sup>2</sup> (described in statistical reporting number 8541.40.6015 and 8541.40.6035)
  - (81) 16-gauge 2-conductor wire, not fitted with connectors, for a voltage not exceeding 80 V (described in statistical reporting number 8544.49.2000)
  - (82) Electric conductors, not fitted with connectors, for a voltage not exceeding 80 V, each overmolded with polypropylene (described in statistical reporting number 8544.49.2000)
  - (83) Monopolar conductors for a voltage exceeding 1,000 V, other than of copper and not fitted with connectors (described in statistical reporting number 8544.60.6000)
  - (84) Truck bolsters for railway cars, each weighing more than 650 kg (described in statistical reporting number 8607.19.3010)
  - (85) Truck side frames for railway cars, each weighing more than 400 kg (described in statistical reporting number 8607.19.3020)
  - (86) Motorcycles with electric power for propulsion, each of a power not exceeding 1,000 W (described in statistical reporting numbers 8711.60.0050 or 8711.60.0090)
  - (87) Skateboards with electric power for propulsion, of a power not exceeding 250 W (described in statistical reporting number 8711.60.0050)

- (88) Three-wheeled carriages for disabled persons, with electric power for propulsion, each carriage having a second passenger seat capable of being stowed and a foot-operated brake (described in statistical reporting number 8713.90.0030)
  - (89) Thermometers comprising cable assemblies with sensors, suitable for use in swimming pools, not combined with other instruments, valued not over \$10 each (described in statistical reporting number 9025.19.8080)”
3. by amending the last sentence of the first paragraph of U.S. note 20(c) to subchapter III of chapter 99 by inserting after the phrase “imposed by heading 9903.88.02” the following phrase:
- “, except products of China granted an exclusion by the U.S. Trade Representative and provided for in: (1) heading 9903.88.12 and U.S. note 20(o) to subchapter III of chapter 99; or (2) heading 9903.88.17 and U.S. note 20(v) to subchapter III of chapter 99”;
4. by amending the first sentence of U.S. note 20(d) to subchapter III of chapter 99 by:
- a. deleting the phrase “provided for in heading 9903.88.12 and U.S. note 20(o) to subchapter III of chapter 99”; and
  - b. inserting in lieu thereof the phrase “provided for in: (1) heading 9903.88.12 and U.S. note 20(o) to subchapter III of chapter 99; or (2) heading 9903.88.17 and U.S. note 20(v) to subchapter III of chapter 99”
5. by amending the Article Description of heading 9903.88.02:
- a. by deleting “heading 9903.88.12,”; and
  - b. by inserting in lieu thereof “headings 9903.88.12 or 9903.88.17,”.

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****[Docket No. FRA-2019-0004-N-14]****Proposed Agency Information Collection Activities; Comment Request****AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On June 14, 2019, FRA published a notice providing a 60-day period for public comment on the ICR.

**DATES:** Interested persons are invited to submit comments on or before October 21, 2019.

**ADDRESSES:** Submit written comments on the ICR to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: [oir-submissions@omb.eop.gov](mailto:oir-submissions@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Hodan Wells, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493-6292); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493-6132).

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On June 14, 2019, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. See 84 FR 27832. FRA received 191 comments in response to

this 60-day notice which it reviewed and summarized below.

FRA received numerous comments on the 60-day notice from individuals, representatives of private companies, cities, community hospitals, police departments, and State agencies, including the Washington Utilities and Transportation Commission (UTC), the Illinois Commerce Commission (ICC), and the Public Utilities Commission of Ohio. Commenters across several states, including Indiana, Illinois, Texas, Oklahoma, Nebraska, Utah and Washington, alluded to the severity of the problem of blocked crossings in their communities. Many commenters provided FRA with feedback regarding ongoing problems with blocked highway-rail grade crossings in their communities. FRA thanks these commenters for their input. However, for purposes of this information collection request, FRA is only responding to comments that relate to the proposed blocked crossing data collection's burden estimates and not on blocked crossings generally.

FRA reviewed numerous comments in support of the blocked crossing data collection from individuals who expressed their frustrations with the current reporting process. These comments discussed the need for greater reporting accuracy and for the public to have a mechanism for reporting slow-moving or stopped trains at railroad crossings. One commenter questioned the low number of blocked crossing complaints (669 complaints over a two-year period) cited in the 60-day notice of the proposed data collection and asserted that the number of responses will be significantly higher if the proposed data collection is properly promoted. The Chicago Metropolitan Agency for Planning shared with FRA potential alternative techniques for data collection to evaluate the impacts of blocked crossings on local communities, and the UTC urged FRA to gather information about the location, duration, and nature of the crossing blockages and recommended that FRA develop a national educational campaign providing information on how to report blocked crossings.

The Association of American Railroads (AAR) commented on what it believes to be several issues with the method and quality of the proposed data collection. The AAR notes that the 60-day notice did not "define what constitutes either a 'blocked crossing' or a 'slow moving' train." Further, the AAR asserts that FRA has not established any mechanism that would enable it—or the railroads—to verify or investigate public reports of blocked

crossings and therefore questions the reliability and usefulness of the data. Instead, the AAR recommends that FRA direct the public to the railroad for any "blocked crossing" or "slow moving train" concerns.

FRA believes the number of comments submitted illustrates both the need and the urgency to carry out the proposed data collection. The proposed data collection will collect information on the impacts of blocked crossings, while also gathering data on the location, time, and duration of reported blocked crossing incidents. FRA does not believe the proposed data collection will create the expectation that FRA and the railroads involved will investigate and take action in response to reported blocked crossing incidents. As noted, the form will state that there are no federal laws or regulations that specifically address the length of time trains are permitted to occupy a crossing. The form will also state that the information collected is only being used to determine the locations, times, and impacts of blocked crossing incidents. However, FRA will consider modifying language on the form to clarify that no investigation or action should be expected by submitting the survey and that there may be legitimate safety and operations-related reasons for a crossing to be occupied by a slow-moving or idling train.

Some commenters, such as the ICC, observed that FRA's estimates for the proposed data collection in the 60-day notice were much too low and that FRA's simple survey could take less than two minutes to complete. In response to those comments, FRA has taken a second look at its estimates proposed in the 60-day notice and revised them. FRA estimated the number of responses based on the existing rate of complaints received about blocked crossings. However, this estimate did not include the anticipated impact of future public promotion of this proposed data collection. FRA agrees with the comment that it should promote the proposed data collection and educate the public on how to report blocked crossings. FRA believes this could result in a tenfold increase in the response rate. Therefore, the estimated number of responses has been increased by doubling the previous estimate. FRA reevaluated its estimated time to complete the survey and estimates that it will take a responder approximately 3 minutes to complete.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove

paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.10(b); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

*Comments are invited on the following ICR regarding:* (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

*Title:* Inquiry into Blocked Highway-Rail Grade Crossings throughout the United States.

*OMB Control Number:* 2130–NEW.

*Abstract:* FRA is interested in obtaining more information regarding the frequency, location, and impacts of highway-rail crossings blocked by slow-moving or idling trains. Currently, there are no federal laws or regulations that specifically address how long a train may occupy a crossing, whether idling or at slow speeds. Some States and local

municipalities have laws that vary in how long trains are permitted to occupy crossings.

There are potential safety concerns with crossings that are blocked by trains. For instance, pedestrians may crawl under or through idling trains. Also, emergency response vehicles and first responders may be significantly delayed from responding to an incident or transporting patients to a hospital. In addition, drivers may take more risks, such as driving around lowered gates at a crossing or attempting to beat a train through a crossing without gates, in order to avoid a lengthy delay if they are aware that trains routinely block a crossing for extended periods of time. There are also potential economic impacts that affect businesses, such as stores or restaurants not being accessible to a customer base for an extended period of time. Finally, highway-rail grade crossings that are blocked for extended periods of time may create societal nuisances, such as roadway congestion, late mail service and deliveries, disrupted school and work arrival and dismissal, or missed appointments.

Over a recent two-year period, from April 1, 2017, to March 31, 2019, FRA's Office of Railroad Safety received 669 email complaints about blocked crossings through FRA's "Contact Us" website. This web page is used by the general public to submit any type of comment/question to FRA's Office of Safety, not just reports of blocked crossings. FRA proposes to add new dedicated links to its existing website and an existing phone application (app) for a user to report blocked crossings. This would simplify the reporting of blocked crossing information and standardize the data received about blocked crossings.

The proposed data collection would be gathered using three methods:

1. A link would be added to FRA's existing website directing a user to a web-based form to submit information about a blocked crossing to FRA. Access to this web-based form would be unrestricted and available to the general public.

2. A link would be added to the existing FRA phone app, "FRA Crossing Locator App," that will direct users to an app-based form to submit information about a blocked crossing to FRA. Access to the form on the phone app would be unrestricted and available to the general public.

3. A link would be added to FRA's existing website directing law enforcement personnel to submit information about a blocked crossing to FRA. Access for law enforcement personnel to use the form would be restricted to users with a username and password, managed by FRA.

Upon accessing the form, a user would be notified that there are no federal laws or regulations that specifically address the length of time a train may occupy a highway-rail grade crossing. The user would be notified that the information submitted will not be forwarded to a railroad, State, or local agency, and is only being used for data collection purposes to determine the locations, times, and impacts of blocked crossings. The questions asked on each form will be identical for all three methods of collection.

*Type of Request:* Approval of a new collection of information.

*Affected Public:* Public individuals and law enforcement personnel.

*Form(s):* FRA F 6180.175.

*Respondent Universe:* General public and national law enforcement personnel.

*Frequency of Submission:* On occasion; one-time.

*Reporting Burden:*

CFR section	Total annual responses	Average time per responses (minutes)	Total annual burden hours	Total cost equivalent <sup>1</sup>
General Public via the unrestricted form on the FRA website .....	3,500	3	175	\$4,725
General Public via the FRA Crossing Locator Phone Application .....	500	3	25	675
Law Enforcement Personnel via the limited access form on the FRA website .....	1,000	3	50	1,350
<b>Total .....</b>	<b>5,000</b>	<b>N/A</b>	<b>250</b>	<b>6,750</b>

<sup>1</sup> FRA used an hourly rate of \$27 per hour for the value of the public's time. FRA obtained this data from the Department of Labor, Bureau of Labor Statistics.

*Total Estimated Annual Responses:* 5,000.

*Total Estimated Annual Burden:* 250 hours.

*Total Estimated Dollar Equivalent Burden Cost:* \$6,750.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may

not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



**Authority:** 44 U.S.C. 3501–3520.

**Brett A. Jortland,**  
*Acting Chief Counsel.*

[FR Doc. 2019–20356 Filed 9–19–19; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD–2019–0150]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MINIMAL RISK (Motor Vessel); Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD–2019–0150 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD–2019–0150 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0150, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Note:* If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

*Instructions:* All submissions received must include the agency name and specific docket number. All comments received will be posted without change

to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

#### FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel MINIMAL RISK is:

—*Intended Commercial Use of Vessel:* “Pleasure Charters within the Miami Beach area”

—*Geographic Region Including Base of Operations:* “Florida” (Base of Operations: Miami Beach, FL)

—*Vessel Length and Type:* 75’ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2019–0150 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

#### Public Participation

##### *How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search

MARAD–2019–0150 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

#### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL–14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*

Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019–20432 Filed 9–19–19; 8:45 am]

**BILLING CODE 4910–81–P**

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket No. MARAD–2019–0143]****Requested Administrative Waiver of the Coastwise Trade Laws: Vessel AMA (Catamaran); Invitation for Public Comments****AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD–2019–0143 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD–2019–0143 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0143, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Note:* If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

*Instructions:* All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

**FOR FURTHER INFORMATION CONTACT:** Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey

Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel AMA is:

- Intended Commercial Use of Vessel:* Commercial Charters, with a maximum of 8 passengers, performed in the states listed in #9 of this form.
- Geographic Region Including Base of Operations:* “Pennsylvania, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas” (Base of Operations: Fort Lauderdale, FL)
- Vessel Length and Type:* 39’ catamaran

The complete application is available for review identified in the DOT docket as MARAD–2019–0143 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

**Public Participation***How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2019–0143 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL–14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*

Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019–20434 Filed 9–19–19; 8:45 am]

**BILLING CODE 4910–81–P**

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket No. MARAD–2019–0149]****Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ALL IN (Motor Vessel); Invitation for Public Comments****AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2019-0149 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2019-0149 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2019-0149, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Note:* If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

*Instructions:* All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

**FOR FURTHER INFORMATION CONTACT:** Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel ALL IN is:

—*Intended Commercial Use of Vessel:* “Recreational Charter”

—*Geographic Region Including Base of Operations:* “Florida” (Base of Operations: Jensen Beach, FL)

—*Vessel Length and Type:* 74’ motor vessel

The complete application is available for review identified in the DOT docket as MARAD-2019-0149 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

**Public Participation***How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2019-0149 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220,

1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*

Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019-20433 Filed 9-19-19; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION****Maritime Administration**

[Docket No. MARAD-2019-0144]

**Requested Administrative Waiver of the Coastwise Trade Laws: Vessel WILD THING (Catamaran); Invitation for Public Comments**

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number

MARAD–2019–0144 by any one of the following methods:

- *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Search MARAD–2019–0144 and follow the instructions for submitting comments.
- *Mail or Hand Delivery*: Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0144, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Note*: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

*Instructions*: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel WILD THING is:

- Intended Commercial Use of Vessel*: “This vessel is intended to replace an existing six passenger monohull operating under a state issued commercial tour permit.”
- Geographic Region Including Base of Operations*: “Hawaii” (Base of Operations: Lahaina, HI)
- Vessel Length and Type*: 47’ catamaran

The complete application is available for review identified in the DOT docket as MARAD–2019–0144 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses

U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

**Public Participation**

*How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2019–0144 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL–14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To

facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*

Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019–20439 Filed 9–19–19; 8:45 am]

**BILLING CODE 4910–81–P**

**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

[Docket No. MARAD–2019–0145]

**Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PERFECT SUMMER (Sailing Sloop); Invitation for Public Comments**

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD–2019–0145 by any one of the following methods:

- *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Search MARAD–2019–0145 and follow the instructions for submitting comments.

- *Mail or Hand Delivery*: Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0145, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m.,

Monday through Friday, except on Federal holidays.

*Note:* If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

*Instructions:* All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel PERFECT SUMMER is:

—*Intended Commercial Use of Vessel:*

We provide full service private dinner charters for 7–12 guests. We currently provide services that no other charter companies in NY Harbor provide on a Sailing Sloop.

—*Geographic Region Including Base of Operations:* “New York and New Jersey” (Base of Operations: Jersey City, NJ)

—*Vessel Length and Type:* 49’ sailing sloop

The complete application is available for review identified in the DOT docket as MARAD-2019-0145 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

**Public Participation**

*How do I submit comments?*

Please submit your comments, including the attachments, following the

instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2019-0145 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*

Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019-20435 Filed 9-19-19; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

[Docket No. MARAD-2019-0142]

**Request for Comments of a New Information Collection**

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on June 12, 2019.

**DATES:** Comments must be submitted on or before October 21, 2019.

**ADDRESSES:** Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lalit Raina, (202) 366-2314, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; [Lalit.Raina@DOT.gov](mailto:Lalit.Raina@DOT.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Ocean Shipments Moving Under the Cargo Preference Act of 1954. *OMB Control Number:* 2133-NEW.

*Type of Request:* Approval of a new Information Collection.

*Background:* FAR clause 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels, as prescribed at 47.507(a), is used in solicitations and contracts that may involve ocean transportation of supplies subject to the Cargo Preference Act of 1954. The contractor must submit one legible copy of a rated on-board bill of lading for each shipment to both the contracting officer and the Maritime Administration (MARAD). The contractor must flow

this requirement down to all subcontracts and purchase orders under the contract.

The information collection procedure requires that the designated reporting party send already prepared bills of lading as presented by the U.S.-flag and foreign-flag carriers. The bills of lading should be sent to MARAD within 20 days of loading in the United States or 30 days if originating outside the United States.

**Respondents:** Shippers of ocean borne equipment, materials, or commodities financed in any way by federal funds (government impelled cargo).

**Affected Public:** Business or other for profit.

**Total Estimated Number of**

**Responses:** 8,040.

**Frequency of Collection:** Annually.

**Estimated time per Respondent:** 5 minutes.

**Total Estimated Number of Annual Burden Hours:** 402.

**Public Comments Invited:** Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

\* \* \* \* \*

Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019-20431 Filed 9-19-19; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2019-0148]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SEAWIG (Motor Vessel); Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the

Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2019-0148 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search MARAD-2019-0148 and follow the instructions for submitting comments.

- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2019-0148, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**Note:** If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

#### FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel SEAWIG is:

—**Intended Commercial Use of Vessel:**

“The intended use must be to carry passengers only.”

—**Geographic Region Including Base of Operations:** “Florida” (Base of Operations: Miami, FL)

—**Vessel Length and Type:** 51’ motor vessel

The complete application is available for review identified in the DOT docket as MARAD-2019-0148 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

### Public Participation

#### How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

#### Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2019-0148 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

#### Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

#### May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the

basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*

Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019-20436 Filed 9-19-19; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2019-0152]

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel STEPH-ER-LAUR (Sailboat); Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2019-0152 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search MARAD-2019-0152 and follow the instructions for submitting comments.

- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2019-0152, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**Note:** If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

### FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel STEPH-ER-LAUR is:

—*Intended Commercial Use of Vessel:* “2½ hour sailboat cruise”

—*Geographic Region Including Base of Operations:* “New Jersey” (Base of Operations: Mt. Laurel, NJ)

—*Vessel Length and Type:* 31’ sailboat

The complete application is available for review identified in the DOT docket as MARAD-2019-0152 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver

criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

### Public Participation

#### *How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

#### *Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2019-0152 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

#### *Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

#### *May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether



or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*

Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019-20437 Filed 9-19-19; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2019-0151]

#### **Requested Administrative Waiver of the Coastwise Trade Laws: Vessel VANGUARD (Motor Vessel); Invitation for Public Comments**

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before October 21, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2019-0151 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2019-0151 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2019-0151, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Note:* If you mail or hand-deliver your comments, we recommend that you include your name and a mailing

address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

*Instructions:* All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

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

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel VANGUARD is:

—*Intended Commercial Use of Vessel:* “Carrying passengers for hire”

—*Geographic Region Including Base of Operations:* “Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York (excluding New York Harbor), Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine” (Base of Operations: Tampa, FL)

—*Vessel Length and Type:* 76’ motor vessel

The complete application is available for review identified in the DOT docket as MARAD-2019-0151 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

#### **Public Participation**

##### *How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised

that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

##### *Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2019-0151 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

##### *Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

##### *May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

#### **Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*



Dated: September 17, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019-20438 Filed 9-19-19; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2019-0080; Notice 1]

#### ElectraMeccanica Vehicles Corp., Receipt of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Receipt of petition.

**SUMMARY:** ElectraMeccanica Vehicles Corp., (EMV) has determined that certain model year (MY) 2018 ElectraMeccanica SOLO motorcycles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of More Than 4,536 Kilograms (10,000 Pounds)*. EMV filed a noncompliance report dated July 30, 2019. EMV subsequently petitioned NHTSA on August 12, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of EMV's petition.

**DATES:** The closing date for comments on the petition is October 21, 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, 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:** EMV has determined that certain MY 2018 ElectraMeccanica SOLO motorcycles do not fully comply with paragraph S5.2(d) of FMVSS No. 120, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of More Than 4,536 Kilograms (10,000 Pounds)* (49 CFR 571.120). EMV filed a noncompliance report dated July 30, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. EMV subsequently petitioned NHTSA on August 12, 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 EMV'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 20 MY 2018 ElectraMeccanica SOLO motorcycles, manufactured between March 1, 2018, and June 28, 2019, are potentially involved.

**III. Noncompliance:** EMV explains that the noncompliance is that the subject vehicles are equipped with rims that are missing the manufacturer's name, trademark, or symbol marking as required by paragraph S5.2(d) of FMVSS No. 120.

**IV. Rule Requirements:** Paragraph S5.2(d) of FMVSS No. 120 includes the requirements relevant to this petition. Each rim or, at the option of the manufacturer in the case of a single-piece wheel, wheel disc shall be marked with the information listed in paragraphs (a) through (e) of this paragraph, in lettering not less than 3 millimeters high, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters. The information listed in paragraphs (a) through (c) of this paragraph shall appear on the weather side. In the case of rims of multi-piece construction, the information listed in paragraphs (a) through (e) of this paragraph shall appear on the rim base and the information listed in paragraphs (b) and (d) of this paragraph shall also appear on each other part of the rim. (d) A designation that identifies the manufacturer of the rim by name, trademark, or symbol.

**V. Summary of EMV's Petition:** The following views and arguments presented in this section, V. Summary of EMV's Petition, are the views and arguments provided by EMV. They have not been evaluated by the Agency and do not reflect the views of the Agency.

EMV described the subject noncompliance and stated that the noncompliance is inconsequential as it relates to motor vehicle safety.

EMV submitted the following views and arguments in support of the petition:

1. The absence of the manufacturer name, trademark, or symbol does not have any effect on the operation, performance, or safety of the affected

vehicles. For example, the manufacturer name, trademark, or symbol is not required to be marked on rims for use on passenger cars in accordance with FMVSS No. 110. The marking is helpful for traceability in the event that a future wheel defect was to be discovered. However, as EMV has only the single source for supply of the pertinent rim style, the absence of the marking does not inhibit traceability of the affected rims. It is noted that the other markings present such as the date of manufacture, heat treatment lot, and all other markings required as per FMVSS No. 120, paragraph S5.2, are present and provide for sufficient traceability of any given rim.

EMV is not aware of any crashes, injuries, or customer complaints associated with the absence of the rim manufacturer name, trademark, or symbol marking.

2. EMV states that granting their petition for inconsequential noncompliance would be consistent with the NHTSA's past decisions pertaining to rim markings required by FMVSS No. 120 and FMVSS No. 110 (for vehicles other than passenger cars). For example, EMV says NHTSA has granted petitions for inconsequential noncompliance related to the incorrect marking of the rim size and absence of required rim markings.

3. All affected MY 2018 and MY 2019 vehicles that are under EMV's control in, or destined for, the United States have been or are in the process of being brought into compliance with the FMVSS No. 120 manufacturer marking requirements. EMV has additionally ensured that all required markings will be present on rims used for future production.

EMV 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.

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 EMV 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 EMV 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. 2019-20374 Filed 9-19-19; 8:45 am]  
**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2019-0069; Notice 1]

#### TAP Worldwide, 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:** TAP Worldwide, LLC, (TAP) has determined that certain model year (MY) 2017-2019 Smittybilt SCOUT Trailer Kits do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less*. TAP filed a noncompliance report dated June 26, 2019. Tap also petitioned NHTSA on July 8, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of TAP's petition.

**DATES:** The closing date for comments on the petition is October 21, 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:** TAP has determined that certain MY 2017-2019 Smittybilt SCOUT Trailer Kits do not fully comply with paragraph S4.3.5 and Figure 1 of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a*

*GVWR of 4,536 kilograms (10,000 pounds) or Less* (49 CFR 571.110). TAP filed a noncompliance report dated June 26, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. TAP also petitioned NHTSA on July 8, 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 TAP'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. Trailers Involved:* Approximately 176 MY 2017–2019 Smittybilt SCOUT Trailer Kits, manufactured between March 31, 2017, and April 28, 2019, are potentially involved.

*III. Noncompliance:* TAP explains that the noncompliance is that the vehicle placards on the subject trailer kits, do not fully comply with the formatting and color requirements as required by paragraph S4.3.5 and Figure 1 of FMVSS No. 110.

*IV. Rule Requirements:* S4.3.5 and Figure 1 of FMVSS No. 110 includes the requirements relevant to this petition. Each trailer, except for incomplete vehicle, must show the information specified in S4.3(c) through (g) and may show the information specified in S4.3(h) and (j), on a placard permanently affixed proximate to the certification label specified in 49 CFR part 567. The information specified in S4.3(e) shall be shown on both the vehicle placard and on the tire inflation pressure label (if such a label is affixed to provide the information specified in S4.3(c), (d), (h), and (i)) in the format and color scheme set forth in Figures 1 and 2.

*V. Summary of TAP's Petition:* TAP 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, TAP submitted the following reasoning:

1. *The subject tire pressure information labels provide all required and correct technical information, and because such information is found in three other locations, there is no safety risk or risk of tire overloading.*

a. TAP states that the SCOUT Trailers are equipped with tires that can handle their load carrying capacity, and there is, accordingly, no risk of overloading.

The SCOUT Trailer's tires are safe and comply with all applicable standards. The sole noncompliance at issue in this petition relates to formatting, namely the tire information label, not conforming to the formatting and color requirements provided in Figure 1 of FMVSS No. 110. TAP says that because the tire pressure information labels contain all the information required by FMVSS No. 110 and because such information is accurate, the subject noncompliance will not create a safety risk to any person towing or using a SCOUT Trailer.

b. Additionally, the correct tire pressure information can be found in three other locations: (1) On the SCOUT Trailer's certification label, as required under 49 CFR part 565; (2) in the SCOUT Trailer owner's manual; and (3) on the SCOUT Trailer's tire sidewall markings. Accordingly, including the tire pressure information label, there are four separate places where a SCOUT Trailer owner can view the tire size, pressure, and load-carrying capacity information of his/her SCOUT Trailer.

c. TAP also stated that because the label provides correct information regarding tire size and inflation pressure, TAP's failure to utilize the formatting, provided in Figure 1 of FMVSS No. 110, will not present a motor vehicle safety risk or cause consumers to misunderstand the label.

2. *NHTSA has previously granted petitions with inconsequential noncompliances where the noncompliance relates solely to the labeling that does not conform with formatting requirements and where the manufacturer can show that the noncompliance is unlikely to cause consumer misunderstanding.*

a. TAP believes that granting this petition would be consistent with NHTSA's prior decisions on petitions involving label formatting requirements. For example, in connection with a prior petition for inconsequential noncompliance, NHTSA found that deviations in the wording on the label required by FMVSS No. 303 were inconsequential because the rationale and intent of the labeling requirement was nonetheless met, even though the exact, prescribed wording was not used, *See* IMPCO Technologies; Grant of Petition, 65 FR 14009 (March 15, 2000). Similarly, in another matter, NHTSA concluded that the noncompliance with the seat belt assembly label requirements was inconsequential because although the subject assemblies had the wrong label, the likelihood that a seatbelt would be incorrectly installed as a result was low, *See* TRW, Inc.,

Grant of Petition, 55 FR 7171, 7172 (February 4, 1993).

Finally, in connection with a petition similar to this one, NHTSA recently found that a tire pressure information label that was not completely legible but provided all of the correct information was an inconsequential noncompliance, *See* Mercedes-Benz USA, LLC, Grant of Petition, 84 FR 25118 (May 30, 2019). With respect to that petition, NHTSA reasoned that the noncompliance was inconsequential because the owners could still find the relevant information in other locations, such as in the owner's manual and on the tire sidewall.

Here, TAP's petition for inconsequential noncompliance meets the criteria that NHTSA has previously held such petitions must meet in order to be granted.

3. *NHTSA has also granted petitions for inconsequential noncompliances where tire pressure information labels contained incorrect or missing information.*

a. TAP says that NHTSA has also granted petitions for inconsequential noncompliance relating to the tire pressure information labels when the label contained incorrect information or was missing tire pressure information altogether, *See* General Motors, LLC, Grant of Petition, 84 FR 25117 (May 30, 2019). In so holding, NHTSA reasoned that owners can determine the correct tire pressure information through the owner's manual or other locations. Also, NHTSA recently granted a petition for inconsequential noncompliance where the tire pressure information label provided tire inflation information for 18-inch tires, even though the vehicle was equipped with 17-inch tires, *See* BMW of North America, LLC, Grant of Petition, 84 FR 26505 (June 6, 2019). NHTSA concluded that there was no risk of underinflating or overloading the tires, and consumers could find the correct tire pressure information in the owner's manual or on the tire sidewall.

Here, not only can the correct tire pressure information for the SCOUT Trailer be found in various other places, but unlike the petitions referenced above, it can also be found on the tire pressure information label itself, as TAP has confirmed that the information listed on the label is accurate.

4. *TAP will correct the formatting and color noncompliance on all SCOUT Trailers subsequently sold.*

a. To address the noncompliance referenced in the part 573 Report, TAP has reformatted the SCOUT Trailer tire pressure information label and will utilize the properly formatted label on all SCOUT Trailers sold subsequent to

the filing of its June 26, 2019, part 573 Report.

TAP 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 trailers that TAP 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 trailers under their control after TAP 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. 2019–20377 Filed 9–19–19; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0042; Notice 1]

#### Gillig, 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:** Gillig LLC, has determined that certain model year (MY) 2013–2019 Gillig Low Floor buses do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect*. Gillig filed a noncompliance report dated April 1, 2019, and later amended their report on

April 23, 2019. Gillig subsequently petitioned NHTSA on May 8, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Gillig's petition.

**DATES:** Send comments on or before October 21, 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](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:** Gillig has determined that certain MY 2013–2019 Low Floor buses do not fully comply with paragraph S3.1.3 of FMVSS No. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect* (49 CFR 571.102). Gillig filed a noncompliance report dated April 1, 2019, and later amended their report on April 23, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. and subsequently petitioned NHTSA on May 8, 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 Gillig'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. Buses Involved:** Approximately 925 MY 2013–2019 Gillig Low Floor buses, manufactured between December 23, 2013, and February 25, 2019, are potentially involved.

**III. Noncompliance:** Gillig explains that the noncompliance is that the subject buses are equipped with a starter interlock that is operational while the transmission shift position is in a forward or reverse drive position and therefore, does not meet the requirements in paragraph S3.1.3 of FMVSS No. 102.

**IV. Rule Requirements:** Paragraph S3.1.3 of FMVSS No. 102 provides the requirements relevant to this petition. Except as provided in paragraphs S3.1.3.1 through S3.1.3.3, the engine starter shall be inoperative when the transmission shift position is in a forward or reverse drive position.

*V. Summary of Petition:* Gillig 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, Gillig submitted the following reasoning:

1. The potentially non-compliant condition occurs as follows: When the ignition switch is in the ON position, the engine is stopped, the shift selector is in the "Forward" or "Reverse" position, and the start button is depressed, the starter cranks the engine, but the transmission does not engage because, according to ATI, the shifter is in an inhibited state. With the engine running, the vehicle operator must perform four separate actions in a specific sequence to engage the transmission and move the vehicle under power, specifically: (a) place foot on brake (b) select neutral (c) select a gear, and (d) remove foot from foot brake. Fortunately, because the transmission controller defaults the transmission to neutral after an engine start, there is no risk of unintentional vehicle movement, and thus, no safety risk arises as a result of the non-compliant condition.

Gillig 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.

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 buses that Gillig 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 buses under their control after Gillig 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. 2019-20378 Filed 9-19-19; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Public Meeting of the Commission on Social Impact Partnerships

**AGENCY:** Department of the Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** The Commission on Social Impact Partnerships ("Commission") will convene for a public meeting on Wednesday, October 9, 2019, at the U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, in Room 5432, from 9:00 a.m.–12:00 p.m. Eastern Time. The meeting will be open to the public, and the site is accessible to individuals with disabilities.

**DATES:** The meeting will be held on Wednesday, October 9, 2019, from 9:00 a.m.–12:00 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held at the U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC, 20020, Room 5432.

The meeting will be open to the public. Because the meeting will be held in a secured facility, members of the public who would like to attend the meeting must send an email to Elizabeth Sawyer ([elizabeth.sawyer@treasury.gov](mailto:elizabeth.sawyer@treasury.gov)) by 5:00 p.m. Eastern Time on Wednesday, October 2, 2019 containing each proposed attendee's email address and full name (first, middle, and last). Ms. Sawyer will send the secure online registration form to each attendee via email. A valid email address will be required to complete the online registration. Because of space constraints in Room 5432, Treasury expects to limit attendance to the first 20 members of the public to submit their request to Ms. Sawyer and successfully complete the online registration.

Requests for reasonable accommodations under Section 504 of the Rehabilitation Act should be directed to Marcia Small Bowman, Office of Civil Rights and Diversity, Department of the Treasury, at 202-622-8177 or [marcia.smallbowman@treasury.gov](mailto:marcia.smallbowman@treasury.gov).

**Submission of Written Statements:** The public is invited to submit written statements to the Commission. Written statements should be sent by any one of the following methods:

**Electronic Statements:** Email: [SIPPPRA@treasury.gov](mailto:SIPPPRA@treasury.gov), Attn: Holly Posin, Docket ID No. 03282019.

**Paper Statements:** Send paper statements to SIPPPRA Commission, Attn: Holly Posin, Docket ID No. 03282019, U.S. Department of the Treasury, Main Treasury Building, Room 3127, 1500 Pennsylvania Avenue

NW, Washington, DC 20220. In general, Treasury will make all statements available in their original format, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers, for public inspection and photocopying in Treasury's library located at Treasury Department Annex, 1500 Pennsylvania Avenue NW, Washington, DC 20220. The library is open on official business days between the hours of 10:00 a.m. and 4:30 p.m. You can make an appointment to inspect statements by calling (202) 622-0990. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Holly Posin, the Designated Federal Officer ("DFO") for the Commission, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20020; via phone/voice mail at: (202) 622-3282; via fax at: (202) 622-2633; or via email at: [holly.posin2@treasury.gov](mailto:holly.posin2@treasury.gov). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** On February 9, 2018, the President signed the Bipartisan Budget Act of 2018, establishing the Commission under the Social Impact Partnerships to Pay for Results Act ("SIPPPRA"). The Commission's duties include making recommendations to Treasury on whether to fund social impact partnership grant applications. The Commission consists of nine members. Eight members are appointed by congressional leadership, and the ninth member is appointed by the President. The President's appointee serves as the Chair of the Commission. In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the regulations thereunder, Holly Posin, DFO of the Commission, has ordered publication of this notice that the Commission will convene a meeting on October 9, 2019, at the U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC, 9:00 a.m.–12:00 p.m. Eastern Time. During this meeting, the Commission will discuss applications submitted to Treasury in response to the SIPPPRA Notice of Funding Availability that Treasury published in the **Federal Register** on February 21, 2019. Treasury expects to make all documents discussed by the Commission available for public inspection and photocopying

in Treasury's library in advance of the meeting. Treasury does not expect the Commission to make funding

recommendations to Treasury at this meeting.

Dated: September 13, 2019.

**Michael Faulkender,**

*Assistant Secretary for Economic Policy.*

[FR Doc. 2019-20379 Filed 9-19-19; 8:45 am]

**BILLING CODE 4810-25-P**



# FEDERAL REGISTER

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## Part II

### The President

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Proclamation 9929—Constitution Day, Citizenship Day, and Constitution Week, 2019





# Presidential Documents

Title 3—

Proclamation 9929 of September 16, 2019

The President

**Constitution Day, Citizenship Day, and Constitution Week, 2019**

**By the President of the United States of America**

## A Proclamation

Two hundred thirty-two years ago, the Framers of the Constitution met in Philadelphia and set our country on a bold course toward forming a more perfect Union. John Adams called the drafting of the Constitution “the greatest single effort of national deliberation that the world has ever seen,” and since its ratification, this exceptional document has remained the bedrock of the rule of law for our Nation. On this day and during this week, we celebrate the signing of the Constitution and the American citizens who have devoted their lives to implementing the Framers’ vision for the world’s grandest and most successful experiment in self-government.

The Founders understood that a self-governing republic requires a free and empowered citizenry. We are therefore grateful that our Constitution is designed, first and foremost, to secure liberty. Through a system of limited Government and checks and balances, the Constitution limits the ability of the State to become an obstacle to human flourishing, while simultaneously enabling the State to serve order, protect rights, and provide public goods.

Since taking office, I have nominated two Justices to the Supreme Court of the United States who have exhibited a proven commitment to the Constitution. I have also nominated and the Senate has confirmed 150 other Federal lower court judges who will faithfully interpret the Constitution and the laws of our Nation. With appropriate respect for the genius of the Framers and in accordance with the rule of law, our Nation’s Federal judges should always strive to interpret our laws, including our Constitution as written, regardless of any political or policy preferences they may hold in their capacity as citizens.

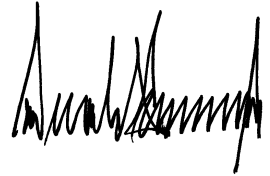
The drafters of our Constitution were committed not to a king or Government but to a belief in the promise of America as a free and prosperous society. To fulfill that promise, they designed a Government and a Constitution that could withstand the inevitable demagoguery, passions, and exigencies that would seek to unmake us as a people. And though the durability of our Constitution has been tested through crises and wars, it has endured. Today and throughout this week, we recognize the magnitude of the Constitution and the unparalleled success of the system of Government it helped create.

The Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as “Constitution Day and Citizenship Day,” and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as “Constitution Week.”

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 17, 2019, as Constitution Day and Citizenship Day, and September 17, 2019, through September 23, 2019, as Constitution Week. On this day and during this week, we celebrate the citizens and the Constitution that have made America

the greatest Nation this world has ever known. In doing so, we recommit ourselves to the enduring principles of the Constitution and thereby “secure the Blessings of Liberty to ourselves and our posterity.”

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth 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.





# FEDERAL REGISTER

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## Part III

### The President

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Notice of September 19, 2019—Continuation of the National Emergency With Respect to Persons Who Commit, Threaten to Commit, or Support Terrorism



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# Presidential Documents

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Title 3—

Notice of September 19, 2019

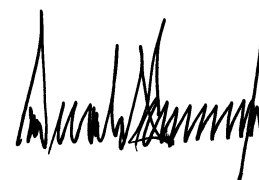
The President

## Continuation of the National Emergency With Respect to Persons Who Commit, Threaten to Commit, or Support Terrorism

On September 23, 2001, by Executive Order 13224, the President declared a national emergency with respect to persons who commit, threaten to commit, or support terrorism, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks against United States nationals or the United States.

The actions of persons who commit, threaten to commit, or support terrorism continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 13224 of September 23, 2001, and the measures adopted on that date to deal with that emergency, must continue in effect beyond September 23, 2019. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism declared in Executive Order 13224.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,  
*September 19, 2019.*

# Reader Aids

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