

conservation and recovery of giant manta rays, both on a domestic and global level, including with our international partners and within regional fisheries management organizations and other international bodies to promote the adoption of conservation and management measures for the threatened giant manta ray.

#### References

A complete list of all references cited herein is available upon request (see **FOR FURTHER INFORMATION CONTACT**).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 2, 2019.

**Samuel D. Rauch III,**

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

[FR Doc. 2019-26265 Filed 12-4-19; 8:45 am]

**BILLING CODE 3510-22-P**

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Occupational Safety and Health Programs for Federal Employees

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice; request for comments.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) Safety and Health Requirements Manual (EM 385-1-1) is the gold standard for Safety and Occupational Health regulations. The manual holds a long history dating back to 1941 and is designed to facilitate the standardization of all safety programs. The EM 385-1-1 prescribes the safety and health requirements for all Corps of Engineers activities and operations. The USACE is soliciting comments on the proposed revisions to EM 385-1-1.

**DATES:** Consideration will be given to all comments received by January 30, 2020.

#### ADDRESSES:

*Electronic:* You may submit comments concerning the EM 385-1-1 electronically by accessing the USACE Safety and Occupational Office website at the following location: <https://www.usace.army.mil/missions/safety-and-occupational-health/next-gen-em385-1-1/>. Follow the instructions at the listed website where comments will be collected and reviewed.

*Mail/Hand Delivery/Courier:* Due to security requirements and tracking, we will not accept or receive comments by

hand delivery or courier. Comments for considerations will only be accepted by electronic submission.

#### FOR FURTHER INFORMATION CONTACT:

Steven Washington, Headquarters, U.S. Army Corps of Engineers, Safety and Occupational Health Office, in Washington, DC at 202-761-7678.

**SUPPLEMENTARY INFORMATION:** Executive Order (E.O.) 12196, Occupational Safety and Health Programs for Federal Employees, was issued in 1980 and directed agencies heads to (1) Furnish to employees places and conditions of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm; (2) Operate an occupational safety and health program in accordance with the requirements of this order and basic program elements promulgated by the Secretary. DoDI 6055.1 was issued in 2014 (incorporated changes in 2018) and the DoD policy. Following issuance of DoD Safety and Occupational Health (SOH) Program DODI 6055.01; the AR-385-10, Army Safety Program implements the requirements of the Occupational Safety and Health Act of 1970 as implemented in E.O. 12196; 29 CFR 1960; DODI 6055.1; DoDI 6055.4; and DoDI 6055.7. Following the issuance of the AR-385-10; the EM 385-1-1 U.S. Army Corps of Engineers Safety and Health Requirements Manual prescribes the safety and health requirements for all Corps of Engineers activities and operations. The manual applies to Headquarters, US Army Corps of Engineers (HQUSACE) elements, major subordinate commands, districts, centers, laboratories, and field operating activities (FOA), as well as USACE contracts and those administered on behalf of USACE. Applicability extends to occupational exposure for missions under the command of the Chief of Engineers, whether accomplished by military, civilian, or contractor personnel. USACE intends to update the manual within two years, and periodically thereafter, to reflect such public input, experience, and innovation. The agency will address significant comments received in the next revision of this manual. All comments are welcomed and encouraged for any section of the EM 385-1-1, Safety and Health Requirements Manual. All suggestions such as additions, deletions, or revisions will be considered and reviewed by established EM 385-1-1 Rewrite PDT for adjudication. A process was created to clarify the information needed to make a suggestion and to minimize the burden of the information

collected. The goal of the collection notice is to notify all external stakeholders that the USACE Safety and Health Requirements Manual is under review. In addition, the Corps created an inclusive process that will allow stakeholders to provide comments and recommendations that will be considered in the updated version of the manual. All input and comments received will help improve the overall quality of the EM 385-1-1 which will prevent injuries and save lives.

#### Instructions for Providing Comments

USACE is requesting assistance in the form of data, comments, literature references, or field experiences, to help clarify the policy requirements for implementing Safety and Occupational Health activities for both Corps and contractor personnel. The current version of the Safety and Health Requirements Manual (EM 385-1-1, Nov 2014) is available for review on the USACE Publications website [https://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM\\_385-1-1.pdf](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM_385-1-1.pdf). Additionally, a series of questions has been provided for reviewers to consider as they evaluate the document. While USACE welcomes any and all feedback on this Engineering Manual, detailed responses to the questions provided will be particularly helpful to USACE in clarifying, revising, adding, or deleting information in a particular area/section/chapter. The most useful comments will be derived from on-the-job experiences that are covered within the topics of the manual. Commenters should use their knowledge of working with USACE on various types of federal actions as well as their understanding of consensus standards and other federal Safety and Health regulations.

Comments and responses based on the current version of the Safety and Health Requirements Manual (EM 385-1-1, Nov 2014) and the guiding questions are being accepted through the website only. Literature citations, experiential references, data, and other relevant reports may be uploaded on the website with all comments prior to submission. All comments will be compiled and sent to the EM 385-1-1 Rewrite PDT for their consideration.

#### Future Actions

Feedback and comments provided through this notice will be considered and the current version of the Safety and Health Requirements Manual (EM 385-1-1, Nov 2014) will be updated as appropriate. When the manual is finalized and published, a notice will be placed in the **Federal Register**, on the

USACE Safety and Occupational Health Office website, and the document itself will be made available through the typical publication process.

Dated: November 26, 2019.

**R.D. James,**

*Assistant Secretary of the Army (Civil Works).*

[FR Doc. 2019-26275 Filed 12-4-19; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2934-029]

#### **New York State Electric & Gas Corporation; Notice of Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application:* New Major License.
- b. *Project No.:* 2934-029.
- c. *Date Filed:* April 1, 2019.
- d. *Applicant:* New York State Electric & Gas Corporation (NYSEG).
- e. *Name of Project:* Upper Mechanicville Hydroelectric Project.
- f. *Location:* The existing project is located on the Hudson River, in Saratoga and Rensselaer Counties, New York. The project does not occupy any federal land.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact:* David W. Dick, Manager, NYSEG and RG&E Hydro Engineering, 1300 Scottsville Road, Rochester, NY 14624; (585) 724-8535; [david\\_dick@rge.com](mailto:david_dick@rge.com).
- i. *FERC Contact:* Jody Callihan, (202) 502-8278 or [jody.callihan@ferc.gov](mailto:jody.callihan@ferc.gov).
- j. Deadline for filing comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

All filings must (1) bear in all capital letters the title COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, PRELIMINARY TERMS AND CONDITIONS, or PRELIMINARY FISHWAY PRESCRIPTIONS; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person

submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, preliminary terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

The Commission strongly encourages electronic filing. Please file comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-2934-029.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

1. *The existing Upper Mechanicville Hydroelectric Project consists of:* (1) A 700-foot-long concrete gravity dam with a crest elevation of 66.6 feet National Geodetic Vertical Datum of 1929 (NGVD29); (2) 3 spillway bays each extending 222 feet across the length of the dam and separated by a 7.5-foot to 10.5-foot-wide concrete pier, with each spillway bay containing 12 pneumatic Obermeyer crest gates that are 6 feet high; (3) a 1.8-mile-long impoundment with a 380-acre surface area and gross storage capacity of 10,735 acre-feet at a normal pool elevation of 72.6 feet

NGVD29; (4) an intake channel with two reinforced guide walls and three 35-foot-diameter cofferdam walls constructed of sheet piling; (5) a 20-foot-wide and 7.5-foot-high intake bypass sluice gate; (6) a 105.5-foot-long by 122-foot-wide powerhouse containing two 12,780 horsepower Kaplan turbines and two Siemens-Allis generators each having a rated capacity of 8,265 kilowatts; (7) a tailrace approximately 1,200 feet long and 120 feet wide with a bi-level bottom designed to minimize cross-currents; (8) one 1.10-mile-long, 34.5-kilovolt transmission line; and (9) appurtenant facilities.

During the non-navigation season (typically from December 1 through April 30), NYSEG operates the project in a run-of-river (ROR) mode and maintains the impoundment at an elevation of 72.6 feet NGVD29. During the navigation season (typically May 1 through November 30), NYSEG periodically spills water to lower the impoundment up to 3 feet below full pool, as directed by the New York State Canal Corporation, to accommodate navigation at lock C-3, and uses all available remaining inflow (that is not used to support navigation) for generation purposes. NYSEG proposes to continue operating the project as it does currently, to support both generation and navigation. In addition, NYSEG proposes to enhance fish passage at the project by: (1) Installing upstream passage for American eel (4 years post-license); (2) developing an agreement with the New York State Canal Corporation to modify lock operations to accommodate the upstream passage of blueback herring and American shad (commencing 2 years post-license); and (3) modifying the project's intake bypass sluice gate to provide an additional route of downstream fish passage from April 1 through November 30. The project currently generates an annual average of 88,537 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the Mechanicville District Public Library located at 190 North Main Street, Mechanicville, NY 12118 and the A.E. Diver Memorial